

# Public Document Pack

**Mid Devon District Council**

## **Scrutiny Committee**

**Wednesday, 21 September 2022 at 2.15 pm**  
**Phoenix Chambers, Phoenix House, Tiverton**

**Next ordinary meeting**  
**Monday, 17 October 2022 at 2.15 pm**

**PLEASE NOTE:** - this meeting will take place at Phoenix House and members of the Public and Press are able to attend via Zoom. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

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## **Membership**

Councillor Simon Clist (Chairman)

Councillor Graeme Barnell

Councillor John Berry

Councillor Les Cruwys

Councillor Sue Griggs

Councillor Frank Letch MBE

Councillor Elizabeth Lloyd

Councillor Stephen Pugh

Councillor Ray Radford

Councillor Elizabeth Slade

Councillor Ashley Wilce

# AGENDA

*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      **Declarations of Interest under the Code of Conduct**  
To record any interests on agenda matters.
- 3      **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.

- 4      **Minutes of the previous meeting** (*Pages 5 - 8*)  
To consider whether to approve the minutes as a correct record of the meeting held on 25<sup>th</sup> July 2022
- 5      **Chairman's Announcements**  
To receive any announcements that the Chairman of Scrutiny Committee may wish to make.
- 6      **Decisions of the Cabinet** (*Pages 9 - 28*)  
To consider any decisions made by the Cabinet at its last meeting that have been called-in.
- 7      **Establishment 6 month update** (*Pages 29 - 36*)
- 8      **Collection of debt** (*Pages 37 - 42*)  
To receive an initial report from officers explaining the processes for debt collection, the amounts of debt involved and the numbers of debtors in long term or serious debt.
- 9      **Planning consultants** (*Pages 43 - 50*)  
To receive an initial report from officer explaining the uses, spending on and the processes for procurement. This includes the range of uses to which consultants are put including:-
  - Masterplans and Neighbourhood Plans
  - Technical work within the emerging Local Plan
  - Viability Assessments
  - Appeals
  - Expert opinion especially for Planning Committee and Development Control decisions
  - Staffing vacancy cover

- 10     **Planning enforcement working group recommendations - Update**  
          *(Pages 51 - 54)*  
          An update on Planning Enforcement Working Group Recommendations.
- 11     **Examine the service being provided by the Legal Department**  
          Committee to discuss the service being provided by the Legal Department as requested by Councillor A Wilce.
- 12     **Work Programme** *(Pages 55 - 72)*  
          To review the existing Work Plan and consider items for the committee's future consideration, taking account of:
- (a)       Any items within the Forward Plan for discussion at the next meeting;
- (b)       The update from the Policy Research Officer on existing projects and forthcoming matters;
- (c)       Suggestions of other work for the committee in 2022/23.

**Stephen Walford**  
Chief Executive  
Monday, 12 September 2022

### Meeting Information

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Zoom.

If you want to ask a question or speak, email your full name to [Committee@middevon.gov.uk](mailto: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. Notification in this way will ensure the meeting runs as smoothly as possible.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Carole Oliphant on:

Tel: 01884 234209

E-Mail: [coliphant@middevon.gov.uk](mailto:coliphant@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 25 July 2022 at 2.15 pm

### **Present**

#### **Councillors**

S J Clist (Chairman)  
G Barnell, E J Berry, L J Cruwys,  
Mrs S Griggs, F W Letch, Mrs E J Lloyd,  
S Pugh, R F Radford, Mrs E J Slade and  
A Wilce

### **Also Present**

#### **Councillor(s)**

J Buczkowski, R M Deed, R Evans and B G J Warren

### **Also Present**

#### **Officer(s):**

Jill May (Director of Business Improvement and Operations), Maria De Leburne (Operations Manager for Legal and Monitoring), Paul Deal (Corporate Manager for Finance), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Matthew Page (Corporate Manager for People, Governance and Waste), Clare Robathan (Policy and Research Officer) and Carole Oliphant (Member Services Officer)

## 12 **APOLOGIES AND SUBSTITUTE (0.03.55)**

There were no apologies or substitute Members.

## 13 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.04.09)**

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

## 14 **PUBLIC QUESTION TIME (0.04.18)**

There were no questions from members of the public present.

## 15 **MINUTES OF THE PREVIOUS MEETING (0.04.27)**

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

### Notes:

- i. Two proposals to amend the minutes of the last meeting were not supported
- ii. Cllrs G Barnell and A Wilce requested that their votes against the decision be recorded
- iii. Cllrs L J Cruwys, F W Letch and Mrs E J Lloyd requested that their abstention from voting be recorded

**16 DECISIONS OF THE CABINET (0.19.52)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 12<sup>th</sup> July 2022 had been called in.

**17 CHAIRMAN'S ANNOUNCEMENTS (0.20.05)**

The Chairman reminded the Committee of the next scheduled meeting on 22<sup>nd</sup> August 2022.

**18 WHISTLEBLOWING 6 MONTH UPDATE (0.20.27)**

The Committee **NOTED** that there had been no whistleblowing instances in the previous 6 months.

**19 LEADERS ANNUAL REPORT (0.21.23)**

The Committee had before it, and **NOTED**, the Leaders Annual Report for 2021-2022.

The Leader informed the Committee that he had not received any advance questions and that an updated report would be presented to the next Audit Committee.

Consideration was given to:

- There was currently no data available to confirm how many failures of the Homes for Ukraine's scheme had occurred in Mid Devon
- The Government had allowed Ukrainian refugees to move schemes if a breakdown in families occurred which enabled them to stay in the UK
- If any Ukrainian refugees became homeless in Mid Devon due to break down of relationships with their hosts that the Council had a statutory requirement to rehome them and officers remained committed to helping refugees
- Members request that data on affordable housing be updated and included in future reports
- Members gratitude to the Revenue and Benefits Service for the high collection rates of Business Rates and Council Tax

Note: \*report previously circulated and attached to the minutes

**20 PARTICIPATORY BUDGETING (0.35.49)**

The Committee had before it the Terms of Reference for a spotlight review into Participatory Budgeting.

Cllr Mrs E J Lloyd introduced the proposal and explained the review would look at how the Council could bring communities into the budget setting process.

The Corporate Manager for Finance explained that the review would need to be limited to smaller projects as the majority of the Council's budget was spent on mandatory services. He explained that some smaller projects were already open to public participation through the S106 Contributions process.

The Leader stated that the Members set the budget, not officers and that anything which brought the public into the process would be welcomed.

The Scrutiny Committee **AGREED** to the Terms of Reference for a spotlight review into Participatory Budgeting.

(Proposed by Cllr Mrs E J Lloyd and seconded by Cllr G Barnell)

It was therefore **AGREED** that the following Members of the Scrutiny Committee take part in the Spotlight Review:

- Cllrs Mrs E J Lloyd and S J Clist
- The Cabinet Member for Finance would also be invited to take part in the review

Note: \*Terms of Reference previously circulated and attached to the minutes

## 21 **WORK PROGRAMME**

The Committee reviewed the current \*Forward Plan and \*Scrutiny Work Plan and **NOTED** the following items:

- Forward Plan – no items were identified for pre Scrutiny
- An update from the Policy Research Officer who stated she would chase East Devon District Council for a commitment into a joint project to look into the Bio Energy Industry and would also extend an invitation to Somerset West and Taunton Council.
- There had been some suggestions for work highlighted at the informal meeting on 11<sup>th</sup> July 2022 which had been added to the Work Plan for the remainder of 2022-2023
- Members requested the voids report being prepared by the Cabinet Member for Housing and Property Services and the Cabinet Member for Continuous Improvement be presented to the Scrutiny Committee
- Members requested that a report on the Councils involvement in the Homes for Ukraine scheme be presented to the Scrutiny Committee

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

(The meeting ended at 3.22 pm)

**CHAIRMAN**

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## **Call in – 3RDL Funding Request**

At the Cabinet on 6 September 2022, Members considered the funding request that has been received from 3 Rivers Development Ltd.

Following discussion with various Officers, including a detailed conversation with the Monitoring Officer on Thursday 8 September, I am requesting that this item is called into the next Scrutiny meeting. I believe the Cabinet did not take the decision in accordance with the principles set out in Article 15 (Decision Making).

### ***Reason for call in***

Principles of Decision Making – Consideration of alternative options

- The report presented to Cabinet did not set out alternative options or the option not to proceed. Cabinet did not therefore consider all options or viable alternatives.
- The report presented to Cabinet did not fully consider the risks involved. There was no detailed analysis of financial risk or otherwise. The report was not presented to Scrutiny or Audit in advance of the decision.
- I am therefore asking that Cabinet reconsider the decision, taking into account alternative options and a full risk analysis.

Yours sincerely,

Cllr Simon Clist  
Chairman of Scrutiny Committee

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## **Request for Call-In from Cabinet 6 September 2022**

### **Advice from the Interim Monitoring Officer**

I have received a request for Call-In from Cllr Simon Clist as Chairman of Scrutiny Committee, thus meeting the threshold in rule 19(f) of the Scrutiny Committee etc. Procedure Rules.

The overarching rules of call-in must still be observed, namely:

1. Call-in by Scrutiny should only be used in exceptional circumstances. These are where members of Scrutiny Committee have evidence which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 15 (Decision-making) (rule 19 preamble);
2. Members who wish to call-in a decision are required to seek guidance from the Monitoring Officer on the veracity of their stated grounds for the call-in and demonstrate that they have been mindful of the advice they have received when deciding whether or not to proceed (rule 19 (f)); and
3. When the relevant Cabinet minutes are put before the Scrutiny Committee, together with the advice from the Monitoring Officer on the grounds for the call-in, the councillors who called in the decision shall have the right to attend and speak (rule 19 (h)).

### **The principles of decision of decision-making – Article 15**

Article 15.2 provides that all decisions of the Council will be made in accordance with the following principles:

- (a) Proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) Due consultation and the taking of professional advice from officers;
- (c) Respect for human rights;
- (d) A presumption in favour of openness;
- (e) Clarity of aims and desired outcomes;
- (f) Consideration of any alternative options; and
- (g) The giving of reasons for the decision and the proper recording of those reasons

### **Call-In – 3 Rivers Developments Limited – Funding Request**

The above rules and principles apply. In this instance, from the reasons advanced, I can see that the first and primary reason put forward is that alternative options should have been considered (Article 15.2 (f)) i.e. the alternative option of not proceeding with the recommendation or viable alternatives. That is a principle of decision-making. As to whether the concern about alternative options for funding is an exceptional circumstance, I will leave that to the Committee. I would confirm that there is sufficient reason in accordance with the constitution for this decision to be called in.

There are other areas of concerns raised in the call-in that I will leave to be discussed by the Scrutiny Committee.

Maria de Leiburne  
12 September 2022

**CABINET**  
**6 SEPTEMBER 2022**

**3 Rivers Developments Limited – Funding Request**

**Cabinet Members:** Councillor Bob Deed – Leader and Councillor Andrew Moore – Cabinet Member for Finance

**Responsible Officers:** Deputy Chief Executive (s151) – Andrew Jarrett

**Reason for Report:** To consider the recent funding request that has been received from 3 Rivers Development Ltd.

**RECOMMENDATION:** That Cabinet agrees to increase the current loan agreements by a total of £2,280,784 to cover; the identified project overspends on 2 projects included in the previously agreed Business Plan funding envelope agreed on the 30 November 2021 and increase the working capital loan agreement. In addition agree a transfer from a future projects budget of £0.58m in order for the business to work up new potential projects to replace the out of District ones that had to be removed from the company's business plan after changes to the Treasury's Public Works Loan Board loan arrangements.

**Relationship to Corporate Plan:** 3 Rivers Developments Limited's (3Rivers) key aims are 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, increase the level and quality of housing units within the District and look to help regenerate sites/areas in need of assistance.

**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 The Cabinet has been receiving regular project updates from 3Rivers which have identified additional funding pressures on 2 of its current live schemes. The attached, part 2 reports, received from 3 Rivers Development Ltd., look to clarify these additional cost pressures. Which have been worsened by a combination of; Brexit, Covid19, the conflict in Eastern Europe, and now the cost of living crisis. In addition to this the Company has also reflected on the recent Council instruction to desist from any outside of District developments and considered how changes to current lending processes may be adjusted in order to allow the company to operate more expediently.
- 1.2 The part 2 report titled “3RDL funding request 30 July 2022 to March 2023” explains how the additional circa £2.3m of gross project expenditure allows for completion of the 2 current sites and has factored in cost increases in labour, materials and sub-contractor price escalations, scheme scope and quality change, resource availability, some sense of hostage pricing, etc. Countering this is strengthened expected sales income of the properties which should allow for net profit and loan repayment profiles to be in line with previously declared expectations.
- 1.3 The current business plan agreed by Cabinet and Full Council included a total lending envelope of £19.66m for 2022/23 which was the summation of 6 individual, live and new projects and a sum for working capital and company overheads.
- 1.4 To date only £2.518m has been spent on developments during 2022/23. Some projects haven’t advanced as quickly as had been originally anticipated and some estimated projects, after some initial scoping work, have been deemed non-viable propositions. So in order for the company to have a sufficient volume of projects other schemes are required and a number are under review/consideration by the company.

## **2.0 Further request**

- 2.1 Reflecting on the comments included in paragraph 1.4, this overarching funding request also includes a sum of £0.58m in order to explore a number of potential new sites in order to make up for the lost potential due to the company being restricted from any out of District developments. This request is effectively reprioritising monies from the previously agreed 2022/23 available budgetary envelope and will ensure that the Company has a sufficient pipeline of work on its books.
- 2.2 This request has been necessitated after the company has reflected on the Council’s instruction to cease any project work outside of the District based on the changes announced by the Treasury in relation to Public Works Loan Board lending arrangements.

- 2.3 The additional paper titled “Business funding discussion paper” received from 3Rivers highlights some of their ongoing difficulties with the current funding arrangements/processes, looks to propose some solutions and welcomes the opportunity for a discussion on how these may be moved forward. Any potential new arrangements could be considered, or even introduced, when considering the company’s latest Business Plan in October 2022.
- 2.4 This funding request is required under the current terms of the shareholder agreement (and on previous cabinet decision) that funding approvals be at scheme level, rather than at ‘business plan’ level. As highlighted above, the total funding drawdown remains far below what was approved by full council, but these requests are necessary to ensure compliance with the agreed governance with respect to individual business cases.

### **3.0 Financial Summary – as at 31 July 2022**

- 3.1 It is important to draw a distinction between projected losses or cost inflation at scheme level and the net impact on the council. The company’s accounts rightly reflect the cost of doing business; however, some of the costs within the company are in fact receipts for the council.
- 3.2 Since the company’s inception in March 2017 the company has finished 3 profitable schemes (Burlescombe, Threwstones and The Orchard) and to date the summary inter Council/company transactions are as follows:

Total loan value outstanding	£15.648m (incl. working capital)
Total loan repayments made	£2.406m
Interest paid	£1.553m
Recharges paid	£0.387m
Impairment provision	£0.790m

Note – the impairment provision relates to St George’s Court £0.617m and working capital £0.173m. The St. George’s Court sum is being written down over a 5 year period which commenced in 2020/21 and the working capital was written off in 2020/21. This calculation has been audited by Grant Thornton as part of their annual audit process.

- 3.3 The above table shows that since the company’s inception the Council has received an overall net benefit of £1.520m to its General Fund (£1.553m + £0.387m - £0.420m) and has an outstanding loan value of £15.648m.

Current impairment note – £0.617m \* 2/5ths = £0.247m + £0.173m = £0.420m.

- 3.4 In addition to the above, the 2022/23 budget prudently includes a sum of £0.578m for the repayment of interest and recharges.

## **4.0 Conclusion**

- 4.1 The agreement of these loan increases will effectively give the company the financial ability to conclude these 2 important developments and enable it to secure a package of new schemes for delivery. In October, the Cabinet will receive the annual Business Plan from the company, which will reflect on current progress and then put forward its future development plans.

Contact for more information: Andrew Jarrett, Deputy Chief Executive (S151)  
([ajarrett@midddevon.gov.uk](mailto:ajarrett@midddevon.gov.uk))

Circulation of the Leadership Team and Cabinet  
report:



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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## SCRUTINY 19 SEPTEMBER 2022

### ESTABLISHMENT UPDATE

**Cabinet Member(s):** Clive Eginton, Deputy Leader and Cabinet Member for the Working Environment and Support Services

**Responsible Officers:** Matthew Page, Corporate Manager for People, Governance and Waste  
James Hamblin, Operations Manager for Human Resources

**Reason for Report:** This reports builds upon the data and information shared in February 2021, August 2021 and February 2022, reviewing the performance of the workforce but also how the workforce had been affected by the COVID-19 pandemic.

**RECOMMENDATION:** The Committee is asked to note the information below

**Financial Implications:** Financial implications occur where the structure of a service changes without adherence to allocated budgets.

**Budget and Policy Framework:** This report sits within the current budget and policy framework.

**Legal Implications:** In accordance with article 14 of the Constitution.

**Risk Assessment:** If the establishment is not appropriately managed and reviewed then service delivery will be put at risk.

**Equality Impact Assessment:** No equality issues highlighted in this report.

**Relationship to Corporate Plan:** This report highlights the Establishment figures and, as such, supports our aim to reduce costs without affecting service quality and continuity.

**Impact on Climate Change:** No climate change issues highlighted in this report.

#### 1.0 Introduction/Background

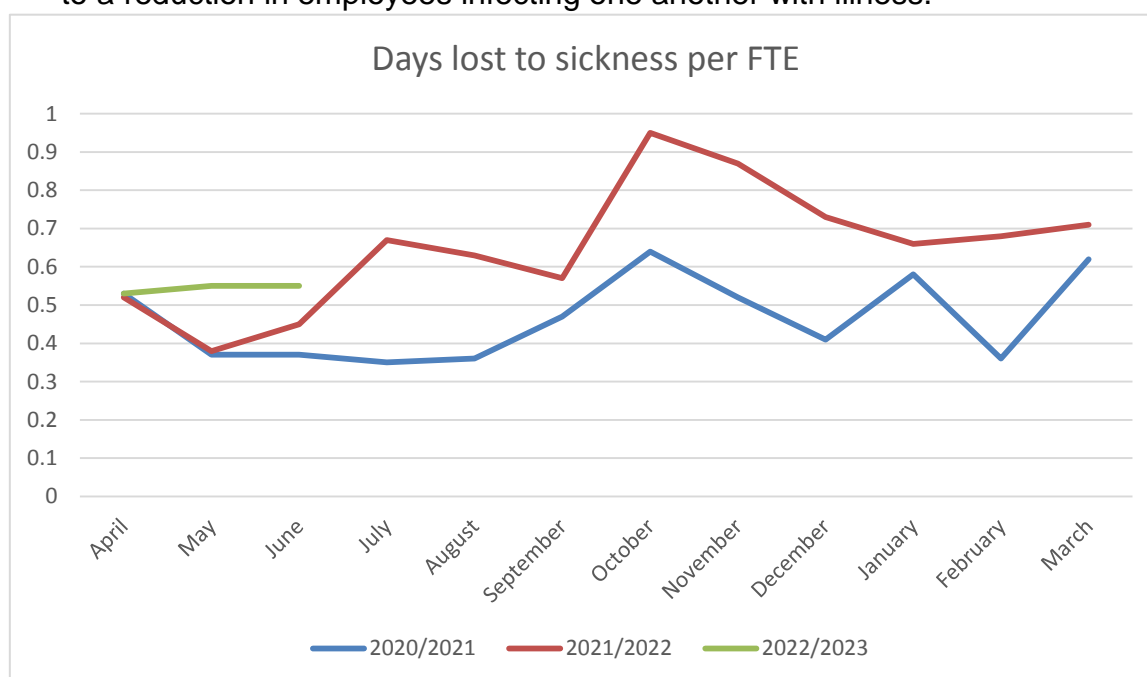
- 1.1 The purpose of this report is to provide an update on the performance of our workforce as the Council moves into the Autumn/Winter period of 2022/2023.
- 1.2 These items include updates on the key establishment indicators of sickness and agency expenditure, turnover and the impact of COVID-19 on our workforce.

#### 2.0 Sickness Absence, Agency Expenditure and Establishment

- 2.1 In 2020/2021, MDDC had an average of 5.57 sickness days per FTE. This moved in 2021/2022 to being 7.82 sickness days per FTE and in the first quarter of 2022/2023 stands at 1.63 sickness days per FTE. In the 2021/2022

financial year a target and subsequent action plan was in place to reduce the days lost to less than 7 days per FTE (in line with industry standards across other councils). Evidence has shown both the direct and indirect impact of COVID-19 on our sickness statistics. Going into the Autumn and Winter period of 2022/23 is it expected that we see an increase in absence as the workforce is exposed to illnesses which have been suppressed over the last two years. It is therefore of paramount importance that business continuity plans are reviewed (and continue to be reviewed) in the face of likely increases in employee absence. MDDC has agreed to complement the government's free flu vaccination policy for over 50's by offering all employees under 50 a free flu jab. This has already been highlighted to service leads and will continue to be so through regular and consistent corporate communication.

- 2.2 In 2020 a new sickness policy was introduced and brought many benefits (clarity on reporting, new management guidelines, clarity around type of intervention). This policy has supported the Council through the COVID-19 pandemic and following the pandemic we are now revisiting this policy. We continue to see a mixture of both long term and short term absence, however updates within the policy will be supplemented with management training that will be rolled out across the Council. This training will provide an in-depth review to managers of the updated policy and attempts to harness the advantages seen in our training on 'Managing Difficult Conversations' and 'Managing Poor Performance'.
- 2.3 In the first quarter of this year (April to June 2022) the Council has lost 1.63 days to absence per FTE, meaning we are could see absence of 6.52 days per FTE if sickness continues at this level for the rest of the year. However we typically see sickness absence increasing in the second half of the year and therefore absence figures which were seen last year are a very real possibility in 2022/2023. Through early and regular messaging on free flu jabs and the importance of using annual leave to support wellbeing, we hope to minimise absence. The formal launch of hybrid working at MDDC is likely to contribute to a reduction in employees infecting one another with illness.



Graph 1. Sickness at MDDC 2020 - 2023

- 2.4 Comprehensive measures continue to be developed to support employees with regards to health and wellbeing. For the leave year 2022/2023, the Council provided all employees with an additional days leave (pro rata for part time) for wellbeing. This 'Wellbeing Day' is aimed at allowing employees the opportunity to focus on their wellbeing, however they decide to spend this.

Alongside this, as of 1 September 2022, MDDC is reducing the monthly cost for employees to access our leisure facilities from a 10% discount to 50%. This has been communicated to all employees and alongside being a benefit for retention and recruitment, it is hoped it will have a positive impact upon absence levels as we encourage the workforce to look after their health and wellbeing. Further initiatives are being reviewed by the Council to support employee wellbeing through a full workforce online survey.

- 2.5 Last year saw the Council launched an all staff survey to gauge opinion and feedback on key organisation performance indicators including communication, leadership, development and wellbeing. This was run by an independent organisation to both ensure a greater level of trust and confidence in the survey and its impartiality amongst the workforce with results from the survey being shared with service leads across the Council. Following this, a corporate action plan was put in place to address areas of development such as that relating to; all staff communication, wellbeing, hybrid working and management development.
- 2.6 June 2022 saw the launch of our first 'online' all staff briefing. Spread over three sessions on the same day, this allowed employees to hear directly from the leadership team at the Council and put questions to the panel. Feedback from those that attended outlined that these sessions were both useful and informative. Future all staff briefings are planned.
- 2.7 One of the consequences of high sickness absence and other poor establishment performance (vacancies, turnover and unresolved conflict) is rising agency costs.
- 2.8 During the first quarter of 2022/2023 the organisation spent £222,441.95 on agency workers in comparison to £172,710.47 in the same reporting period in 2021/2022. The below table highlights the agency spend at the Council since 2019.

Year	Agency Spend	YOY Change (+/-)
2019/2020	£534,378.49	
2020/2021	£576,368.28	+7.56%
2021/2022	£823,288.55	+42.84%

Table 1. Agency Spend 2019 - 2022

Agency workers provide cover to vacant posts as well as cover to employees who are sick or absent from the workplace in critical services including waste and planning. Work will begin shortly in reviewing individual service establishment with a by-product of this allowing for greater detailed understanding of agency usage in the Council. It should be noted that the

increase in YOY between 2020/2021 to 2021/2022 will have been impacted by COVID absence and increases in demand for agency staff nationally to support services due to both high levels of absence and workforce shortages.

- 2.9 The below tables compare the establishment for the Council and their associated costs from 2019/20220 to 2021/2022. The number of employees paid has increased from last year, with the FTE increasing over the same period. It should be noted that the increase in gross pay includes a 1.75% cost of living award for each member of staff. The cost of living award for the current year (2022/2023) is still being finalised but initial indications show this is likely to be a flat rate payment rather than % increase.

	<b>2021/22</b>	<b>2020/21</b>	<b>2019/20</b>
Total number of employees/workers paid	728	697	718
Establishment FTE	426.43	422.79	422.11
Total Taxable Gross Pay	£12,197,334.88	£11,515,324.63	£11,170,336.78
Employers NI	£1,126,244.53	£1,038,135.28	£1,024,710.32
Employers Pension	£1,938,973.16	£1,832,713.73	£1,595,839.06

Table 2. Establishment 2019 - 2022

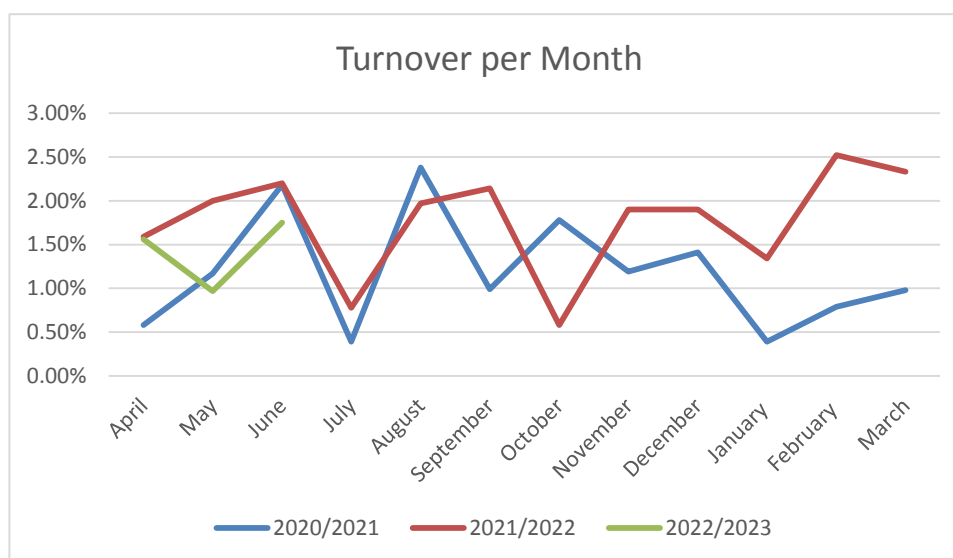
### 3.0 Turnover

- 3.1 Turnover for the first quarter (1 April to 30 June 2022) stands at 4.28% a reduction from 5.79% in the same period for 2021. During the first quarter of this financial year a total of 22 employees left the Council. A breakdown outlining reasons for leaving is provided in Appendix 1.
- 3.2 This compares with turnover standing at 6.19% in Q4 of the 2021/22 financial year and a cumulative turnover figure of 21.25%. This was higher than the cumulative turnover figure for 2020/21 which stood at 14.23%. This does reflect the challenges faced by many organisations in retaining employees during and following the pandemic.
- 3.3 A full breakdown of all leavers and data collected during exit interviews for the last financial year is shown in Appendix 1.
- 3.4 Mid Devon, like other local authorities, has faced increasing challenges over turnover due to a number of different external factors. In terms of manual work the lack of supply of European workers has hit different industries hard which has had the result of increased competition for drivers, loaders and other types of worker amongst different sectors. In other sectors a movement towards 'contractor' work rather than 'employed' work has been supported by record levels of vacancies across the UK as workers attempt to earn more in the current cost of living crisis.
- 3.5 These challenges have brought into sharp focus the need to consider our longer term employment offer for potential applicants. As a result, autumn 2022 will see the launch of a benefits survey at MDDC. This will focus on understanding what benefits we currently provide that our employees value



and those that they may value in the future. Additionally current employees have been given the option, where applicable, to work in a hybrid way and this has been supported by formal contractual changes. This year will also see great emphasis on skills and development in the Council as we launch a review to understand skills and knowledge gaps within our services.

- 3.6 Work continues to embed hybrid working at the Council where it is possible to do so and service delivery is not compromised. The Council will continue to monitor this new way of working to ensure service delivery is effective. The roll out of the new 3CX online soft phone system as well as the implementation of Office 365 are key deliverables in strengthening the effectiveness of hybrid working,
- 3.7 Our work around the Evolve learning and development project has developed. The second round of Appraisal/PDR has been completed with a 91% response rate achieved to date. This will inform a future skills analysis piece that has been captured by the Appraisal process which will assist future workforce planning as well as talent and leadership development programmes.
- 3.8 The Council continues to support the recruitment of apprentices across service areas. On programmes in August showed that we had a total of 13 (mixture of apprentice and upskilling of existing employees) and we advertised a total of 10 opportunities. This allows the Council to grow their own talent for the future as we acknowledge an ageing workforce.



## 4.0 COVID-19

- 4.1 The Council continued to enforce protective measures in line with the Government guidance. As these were phased out in 2022, employees returned to their 'normal' place of work. Feedback, as highlighted in the all staff survey, has been largely supportive of the communication and measures put in place to protect staff during the pandemic. As stated above we expect staff sickness levels to rise this autumn and winter as people work and interact with no restrictions in place.

## **5.0 Conclusion and Recommendations**

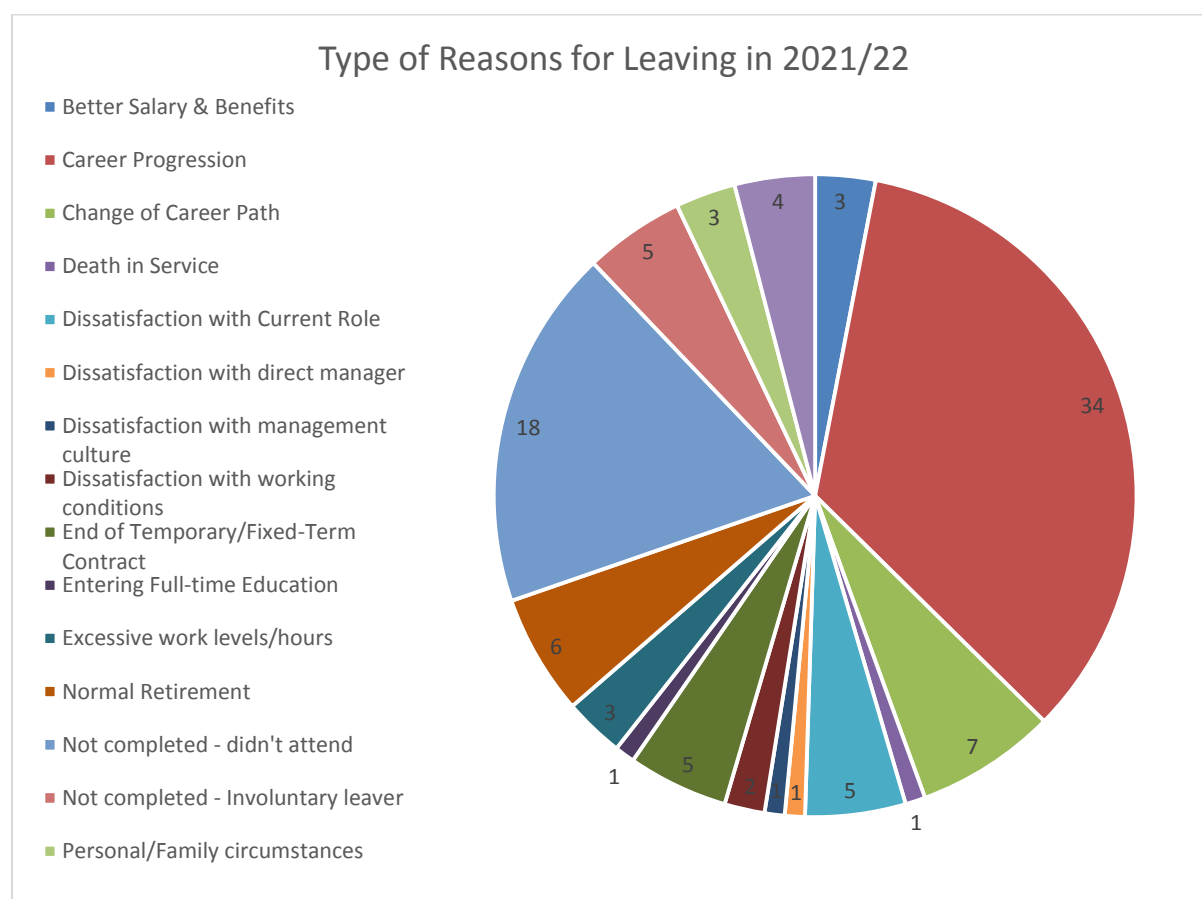
- 5.1 There are a number of priorities which the Corporate Manager for People, Governance and Waste wants to focus on in terms of our Establishment performance but he would like to draw attention to three key priorities.
- 5.2 It is vital in the face of increasing costs and the current cost of living crisis, a greater detailed understanding of our establishment need is understood (inclusive of agency usage across the Council). As previously mentioned there has been a transition from 'employee' to 'contractor' working within specific service areas and it will be through initiatives such as that regarding our benefits review which will help us understand if we can attract the required talent into the Council. Hybrid working, a way of working in place for many organisations, has helped shape the current picture,
- 5.3 Service areas are provided with specific metrics in order to support long term decision making (sickness, vacancy, turnover). The last year has seen the implementation of quarterly performance review meetings, with workforce data being reviewed. Coupled with support from colleagues within our Accounts department, this will allow for efficiency gains to be made where possible and explore synergies between turnover, vacancies and budget planning.
- 5.4 We will compile the skills analysis from the recent running of online Appraisals and use this to inform workforce planning as well as our plans around talent management and leadership development. This will be supported by a greater understanding of how we attract talent into the organisation but also how we retain it. With greater emphasis placed on growing our own talent, services will need to consider how this is best done (e.g. hire talent vs developing existing talent vs growing talent (e.g. apprenticeships)).

**Contact for more Information:** Matthew Page, Corporate Manager for People, Governance and Waste ([MPage@middevon.gov.uk](mailto:MPage@middevon.gov.uk))

**Circulation of the Report:** Cabinet Member seen and approved Yes – Cllr Clive Eginton, Leadership Team seen and approved Yes.

**List of Background Papers:** Previous Establishment Reports taken to Scrutiny in August 2020 and 2021.

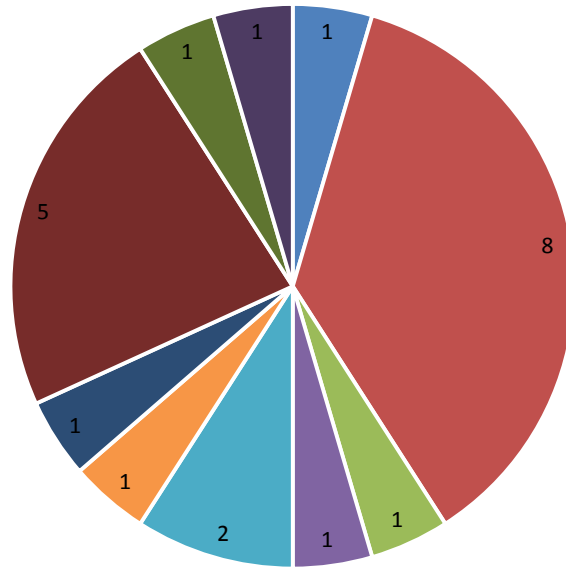
## Appendix 1



Type of Reasons for Leaving 2021/22	
Better Salary & Benefits	3
Career Progression	34
Change of Career Path	7
Death in Service	1
Dissatisfaction with Current Role	5
Dissatisfaction with direct manager	1
Dissatisfaction with management culture	1
Dissatisfaction with working conditions	2
End of Temporary/Fixed-Term Contract	5
Entering Full-time Education	1
Excessive work levels/hours	3
Normal Retirement	6
Not completed - didn't attend	18
Not completed - Involuntary leaver	5
Personal/Family circumstances	3
Travel	4

### Type of Reasons for Leaving in 2022/23 Q1

- Better Salary & Benefits
- Career Progression
- Change of Career Path
- Dissatisfaction with management culture
- Dissatisfaction with working conditions
- Excessive works levels/hours
- Normal Retirement
- Not completed - didn't attend
- Not completed - involuntary leaver
- Personal/Family circumstances



#### Type of Reasons for Leaving in 2022/23 Q1

Better Salary & Benefits	1
Career Progression	8
Change of Career Path	1
Dissatisfaction with management culture	1
Dissatisfaction with working conditions	2
Excessive works levels/hours	1
Normal Retirement	1
Not completed - didn't attend	5
Not completed - involuntary leaver	1
Personal/Family circumstances	1

## SCRUTINY COMMITTEE

19 September 2022

### Collection of Debt – briefing paper

#### 1.0 Introduction

- 1.1 Historically Mid Devon has always been upper quartile in collection of Council Tax and Business Rates. However since 2020 collection has proved to be hard (for obvious reasons) this is also seen on a national level. Enforcement of arrears was almost halted and the use of enforcement agents was legally prohibited.
- 1.2 When recovery of arrears returned to normal the approach to collection had to be different such as :
- Longer Arrangements (smaller arrears payments to allow current year to be paid)
  - Referrals to the Welfare Officer who would look at their wider issues and advise accordingly
  - More referrals to CHAT, CAB, NAVIGATE
  - Enforcement agents are trained to deal with 'vulnerability' when discovered cases will be returned to the Authority
  - Create schemes like, The Household Support Fund & Exceptional Hardship Write-Offs
  - Refer/advise on Debt Relief Orders, Bankruptcy, Breathing Space
  - Vulnerability Tool Kit - [Debt Management Vulnerability Toolkit \(HTML\) - GOV.UK \(www.gov.uk\)](#) - Dean Emery, Corporate Manager for MDDC is part of the Cabinet Office Team looking at 'vulnerability' and helped create the tool kit via the link
  - Officers are more aware of vulnerability and refer cases to the Welfare Officer

#### 2.0 Taxation (CTAX, NDR) – ways to collect

- 2.1 Where someone has failed to pay and has not brought their account up to date a summons could be issued and a liability order awarded at court. The order gives the following powers to collect:
- Special Arrangements
  - Enforcement Agents
  - Attachment of Earnings
  - Attachment to Benefits
  - Charging Orders
  - Committal
  - Bankruptcy

- 2.2 Enforcement agents are useful because debtors at times never make contact and having someone at the 'door' really helps to find out information and that's when a lot of vulnerable people are identified.

### **3.0 Corporate Debt**

- 3.1 Collection is required via invoices and failure to pay will see reminder/s being issued. Should arrears remain unpaid then the matter will be referred to Court, thereafter enforcement agents /high court bailiffs could be instructed.
- 3.2 During the COVID years collection reduced by c50%; this area has recovered very well. Active sign posting is given where financial management may be required. The Government's Breathing Space scheme allows business debts to be included.

### **4.0 Housing Rents**

- 4.1 Collection of rents is controlled via policy [Item 12 \(middevon.gov.uk\)](#); the use of enforcement agents is not considered 'good practice'. The Corporate Debt policy links with rents via the 'hierarchy of debt' and, as such, rent arrears come before taxation to stop 'eviction' or at least try to. Revenues and Housing would work together where debts are seen in both; the Welfare Officer tends to help broker solutions where possible.
- 4.2 This work is reflected in Mid Devon's approach; we use CAB, CHAT and NAVIGATE. The Welfare Officer works across the organisation i.e. Council Tax and Housing to broker arrangements. 100% of work is checked before sending to Enforcement Agents. Enforcement agents work to our requirements around 'vulnerability'; they are all trained to a very high standard. Companies also have staff who are trained in 'welfare'. Vulnerable cases in the main are referred back to the Council to deal with. Officers will refer cases to the Welfare Officer as they arise. Officers will advise on orders such as debt relief and these need to be worked on by staff in the CAB/Navigate.
- 4.3 MDDC has a 'Corporate Debt Policy' which looks at debt across departments via a 'hierarchy of debt'. MDDC runs an 'exceptional hardship' scheme.
- 4.3 The LGA report has been taken over by 'Breathing Space' debt advice and repayment is managed by bodies such as Shelter, CAB, Navigate, other debt advice agencies. Debts are reviewed by qualified people. Over a 60 day period all recovery must stop, after which a person/business may be offered a repayment plan, managed via Corporate Recovery directly into the Insolvency Service. [New scheme to give people in problem debt breathing space launched - GOV.UK \(www.gov.uk\)](#)  
[Statutory Debt Repayment Plan: Consultation - GOV.UK \(www.gov.uk\)](#)
- 4.4 Mid Devon DC is part of the advisory group. Up to 10 years to pay back debts is suggested.

4.5 MDDC have advised on both. Dean Emery sits on a 'fairness group' for the Cabinet Office to help advise on debt recovery from Local Government stance. He was also interviewed to explain the legal process and also helped create the [Debt Management Vulnerability Toolkit - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344442/Debt_Management_Vulnerability_Toolkit.pdf)

4.6 Dean Emery also wrote a paper/policy for Taunton which won a national award for the Local CAB which was shared around the country.

## **5.0 Using Enforcement Agents**

5.1 Successful visits aren't just about 'full payment' or 'special arrangements'. Other examples include:

- Returned as vulnerability has been found
- Confirmed gone away
- Returned Nula Bona – no goods to secure - could link to vulnerability
- Information around household make up - this could alter the charge
- Wilful Refusal is likely for non-payment or Culpable Neglect
- Generates contact to either the bailiff or back office
- An employer is found case returned for attachment
- Officer request the case back (case by case basis)

## **6.0 Text Messages (SMS)**

6.1 Currently have over 12,000 happy to receive messages. SMS are issued c 1 week before reminders are issued and summonses. This does generate payments and reduces the amount of notices being posted.

## **7.0 Enforcement Agent Fees**

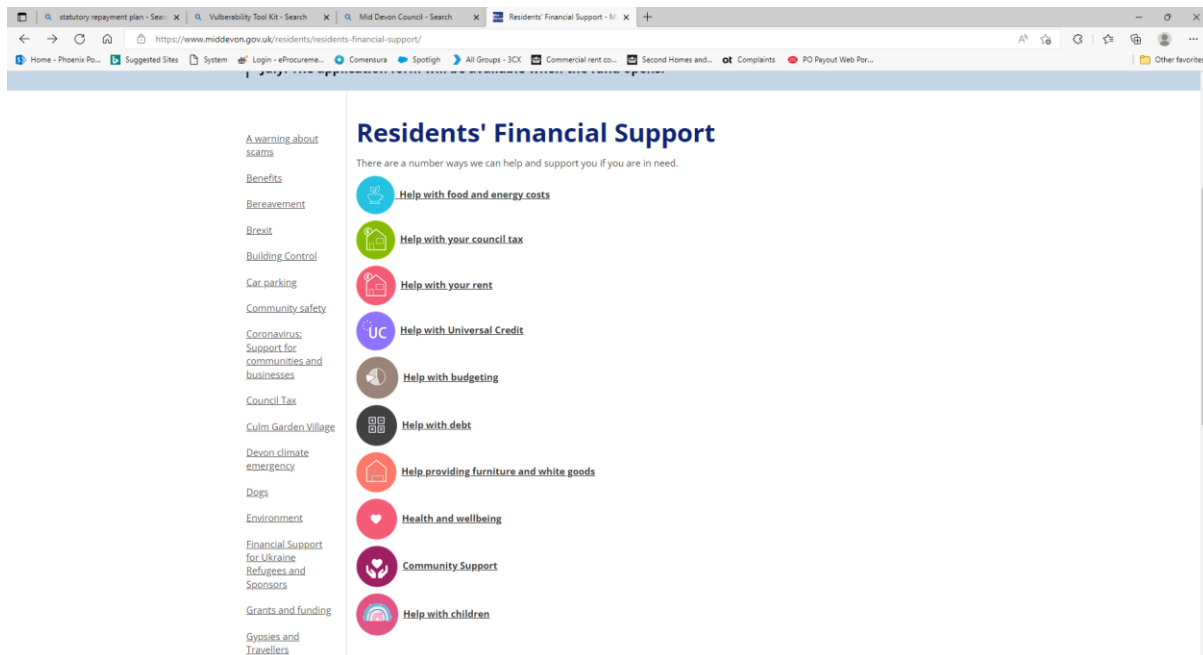
7.1 These are set in law after the extensive reshaping of rules.

7.2 Basic fees :

- £75 Compliance stage – letter issued by the Enforcement Agent – most matters are resolved at this stage rather than someone having to actually visit
- £235 – Agent is asked to visit with a view of discussing the debt
- £110 – Goods removed to be sold to cover all or part of the debt

7.3 Mid Devon – Support Page

[Residents' Financial Support - MIDDEVON.GOV.UK](http://www.middevon.gov.uk/residents-financial-support)



## Total debt subject to a Magistrates Liability Order at the following enforcement stages

Enforcement Stage	Number	Balance
Attachment to Benefit	58	£10,921.01
Due for Attachment to Benefit	139	44331.76
Attachment to Universal Credit	67	26783.77
Special Payment arrangement	233	256043.63
Defaulted Special Payment arrangement	301	252055.59
Attachment to Earnings	46	35838.54
Due for Attachment to Earnings	19	14619.67
Hold (waiting to be progressed)	740	£1,000,810.01
Pre and Committal	16	21910.15
Pending enquiry	447	129184.18
Absconded	155	£129,184.18
Charging Order	25	£128,988.86
Enforcement Agent	631	£1,062,641.34
Write off	223	£188,111.38
Totals	3100	£3,301,424.07



Below a summary of the last three years actions by our three Enforcement Agents:

Jacobs	2021/2022	2020/2021	2019/2020
No of Cases issued	50	19	309
Value of Cases issued	£69,561.67	£14,021.59	£280,438.58
Paid in Full No	15	4	160
Paid in Full Value	£23,081.79	£3,858.55	£154,110.27
Current Arrangements No	4	0	11
Current Arrangements Value£	£2,582.97	£0.00	£8,703.60
Gone Away No	3	1	32
Gone Away Value£	£5,046.51	£1,682.77	£25,988.61
Nulla Bona No	10	13	76
Nulla Bona Value£	£13,976.41	£7,935.51	£74,189.29
Arrangements Count	19	5	190

Britow and Suter	2021/2022	2020/2021	2019/2020
No of Cases issued	351	8	N/A
Value of Cases issued	£463,260.91	£5,769.92	N/A
Paid in Full No	70	6	N/A
Paid in Full Value	£90,866.79	£3,704.45	N/A
Current Arrangements No	68	1	N/A
Current Arrangements Value£	£75,321.57	£901.18	N/A
Gone Away No	7	1	N/A
Gone Away Value£	£11,672.75	£901.18	N/A
Nulla Bona No	16	0	N/A
Nulla Bona Value£	£17,882.06	£0.00	N/A
Arrangements Count	68	1	N/A

Dukes	2021/2022	2020/2021	2019/2020
No of Cases issued	227	16	759
Value of Cases issued	£305,829.82	£10,044.70	£743,768.50
Paid in Full No	55	6	326
Paid in Full Value	£78,741.15	£3,727.96	£315,578.44
Current Arrangements No	39	1	21
Current Arrangements Value£	£53,986.01	£496.91	£8,373.39
Gone Away No	18	1	85
Gone Away Value£	£14,342.18	£1,005.00	£75,473.18
Nulla Bona No	2	7	40

<b>Nulla Bona Value£</b>	£2,067.47	£581.00	£39,321.55
<b>Arrangements Count</b>	18	1	21

Dean Emery, Corporate Manager for Revenues, Benefits, Corporate Recovery, Planning (DM) and Corporate Fraud / Fiona Keyes, Operations Manager for Revenues, Benefits and Recovery

## SCRUTINY

19 SEPTEMBER 2022

### OFFICER REPORT ON THE USE OF PLANNING CONSULTANTS

**Cabinet Member(s):** Cllr Richard Chesterton, Cabinet Member for Planning and Economic Regeneration

**Responsible Officers:** Richard Marsh, Director of Place.

**Reason for report:** This report addresses the request, made through Scrutiny, for a report pertaining to the use of “Planning consultants.” The request sought “an initial report from officer explaining the uses, spending on and the processes for procurement. This includes the range of uses to which consultants are put” and included the following areas of focus:

- Masterplans and Neighbourhood Plans
- Technical work within the emerging Local Plan
- Viability Assessments
- Appeals
- Expert opinion especially for Planning Committee and Development Control decisions
- Staffing vacancy cover

This report covers each of these topics in turn.

**RECOMMENDATION:** The Committee is asked to note the information below.

**Financial Implications:** No financial implications arise from this report.

**Budget and Policy Framework:** This report sits within the current budget and policy framework.

**Legal Implications:** No legal implications arise from this report.

**Risk Assessment:** No risks accrue directly from this report – although the report does reference a current reliance upon agency staff in some professional roles owing to current market conditions and difficulty in recruiting and retaining appropriately skilled and qualified staff.

**Equality Impact Assessment:** No equality issues are highlighted in this report.

**Relationship to Corporate Plan:** This report does have a relationship to the realisation of key corporate objectives, the corporate plan and governmental targets set in relation to the performance of Local Planning Authorities (LPA's)

**Impact on Climate Change:** No climate change issues are highlighted in this report although the work of our planning teams does contribute towards measures aimed at reducing the negative impacts of climate change.

## **1.0 Context**

- 1.1 Before going in to detail within this report, it seemed appropriate to provide some wider narrative concerning the planning profession 'at-large' at this time given the relevance to the topics covered within this report.
- 1.2 The first thing to mention is that demand for skilled planning professionals remains high, whilst 'supply' or 'availability' of planners remains very challenging. The reasons for this are not wholly clear, but a combination of factors is considered to be contributing to the current labour shortages. These include; the continued loss of older, skilled professionals from within the sector through retirement; the relative attractiveness of the private sector relative to the public sector (owing to increased geographical flexibility and higher pay); the complex and challenging environment in which Planners work – with an ever-changing policy/legislative arena, and; a reduced number of 'new entrants' to the profession.
- 1.3 Issues around attraction and retention of planning professionals are not unique to Mid Devon – and the issue is being experienced throughout the wider county, region and country as a whole and within other professions also. Within the 'Place' Directorate as a whole we have in recent months run recruitment exercises where we have not received a single application – despite roles being well advertised in the appropriate trade journals, being interesting and engaging roles and being advertised at salaries which are akin to neighbouring authorities of comparable size and nature.
- 1.4 It should also be noted that Mid Devon continually strives to be a good employer and roles are advertised as quickly as possible in order to avoid reliance upon agency contractors or fixed term employees. The employment of contractors, fixed term employees or consultants is therefore typically only undertaken where it is either the only option available, or where it is the most favourable option for the Council. Given the specialist nature of much of the work undertaken through our Planning department, the utilisation of consultants and contractors is often the most appropriate and efficient way for the Council to complete specific tasks. Some of these matters will be further discussed within this report.

## **2.0 Masterplans and Neighbourhood plans.**

- 2.1 Masterplans are documents which typically seek to set the strategic context for development and set out indicative plans for development – sometimes guiding more site-specific and technical work which will follow and which will provide detailed plans. They sit beneath adopted Local Plans in terms of the planning policy hierarchy – hence such plans in Mid Devon seek to follow the principles set out within our adopted Local Plan.
- 2.2 Masterplans are sometimes standalone documents without planning weight (more often where the authority owns the land concerned) or may be developed to be Supplementary Planning Documents (SPD's) where the Authority does not own land, but wants to use Masterplan documents to guide

the development which will follow. Mid Devon has successfully developed several Masterplans over the years and is currently developing the Culm Garden Village masterplan.

- 2.3 A 'good' masterplan should always facilitate flexibility and accommodate change (where appropriate) – reflecting the considerable time over which development can occur, and allowing plans to change (within reason) as circumstances develop.
- 2.4 Neighbourhood Plans are plans promoted by a community where that community wants to have a greater say in the form of development. Neighbourhood plans were enabled through the Neighbourhood Planning Regulations (2012) and, since that time, numerous Neighbourhood Plans have been developed and adopted throughout the UK. In Mid Devon, 6 Neighbourhood Areas have been designated and the Cullompton Neighbourhood Plan was the first Neighbourhood plan to be adopted. Plans for Tiverton and Crediton will soon each be subject to local referendum, and three other plans are at different stages of development. As Planning Authority, Mid Devon has had involvement in these – but these have not formally been driven by Mid Devon, the initiative instead being taken by the relevant 'neighbourhood' with technical input and support from MDDC officers.
- 2.5 Owing to the differing nature of these plans (Masterplans and Neighbourhood Plans), the level and type of resource used to develop them varies significantly.
- 2.6 With Masterplans; it is often necessary to secure external specialist input and consultancy input in to the development of plans, even where MDDC officers 'project manage' the production and completion of the masterplan. This is because masterplans require a range of skills which might typically include landscape planning, architectural design, highways input, viability testing (financial modelling) and other specialist skills (around heritage/ecology etc.)
- 2.7 As a result of the complexity of these plans, it would be impractical and financially inefficient to seek to have all of these skills 'in house' and, owing to the relative speciality of these roles, MDDC (and other authorities) would not have the volume of such work to ensure that such professionals were always employed on such work and retaining/developing their skills through continuous work within their professional field. It is therefore normal, and practical, to seek to secure specialist masterplanning skills from consultancy firms to support in the development of masterplans when such skills are needed.
- 2.8 With neighbourhood planning; the deployment of Officers within this area of work is focused predominantly upon supporting the policy and legal processes which need to be followed in order to ensure plans are properly developed and 'made' through the appropriate procedures and processes. The utilisation of third parties in this work by MDDC is therefore negligible – and officers deploy their efforts in supporting those groups seeking to develop and adopt neighbourhood plans. The demands upon MDDC officers in such work has

been considerable in recent times, especially at crucial stages including overseeing the procedural arrangements for independent examinations and subsequent referenda. Our Forward Planning team has performed admirably in supporting recent Neighbourhood plan initiatives.

### **3.0 Technical work within the emerging Local Plan**

- 3.1 Our new Local Plan, Plan Mid Devon, is being led and managed by our in-house Forward Planning Team. This team is highly capable and is similar in size to teams in other rural authorities employed to lead Planning Policy. The team has core skills which are key to enabling the progression and delivery of high-quality and robust Local Plans – however it does not contain officers with all of the technical specialisms required to deliver a Local Plan. For example; it does not contain highways engineers, flood experts, ecologists, retail specialists or a plethora of other ‘experts’. This is not unusual.
- 3.2 It does not contain such specialists as, as is the case with the masterplanning work discussed above, it would be impractical (unaffordable) for the Authority to employ the full-suite of technical experts required to support the development of the Local Plan and these experts would not seek to work within the team as their specialist skills could not be deployed all of the time – such specialist work typically only ever being a small part of the overall Local Plan document.
- 3.3 It is therefore appropriate that we (MDDC) seek to procure and utilise specialist consultants at the point in time they are required – and for the length of time required. It is also appropriate that we seek to secure specialised input from other Authorities where they have the skills which we can buy a part of. For example;
  - 3.3.1 Ecology advice for the new Local Plan – whilst MDDC require specialist input to support the development of Plan Mid-Devon, the advice is required at specific stages and for limited amounts of time. Rather than employ a full time Ecologist, MDDC therefore has an agreement with Devon County Council (DCC) to utilise their Ecology Officers (normally deployed throughout the whole county) to support us in completing specific tasks. This is efficient as it utilises DCC’s staff at competitive rates, allows us to complete the work to a high professional standard for lower costs and means that we (DCC and MDDC) can both benefit from the work – both organisations benefitting from the work completed. We (MDDC) utilises such specialists to support our work wherever possible. A Service Level Agreement (SLA) is currently in place with DCC for 2022-23 to buy in Ecology support for Forward Planning and also Development Management at a cost of £15,000. This SLA will be reviewed annually.
  - 3.3.2 Retail, Leisure and Tourism work to support the new Local Plan – a key, but fairly small, element of the new Local Plan will involve a review of current and anticipated future trends within the retail, leisure and tourism sectors. In order for this work to be robust and to stand up to scrutiny and challenge from

interested parties, the work will need to be well-informed with relevant evidence, be reflective and accommodating of current trends and market activity and follow understood and accepted processes and procedures in analysing key data – such as consumer/catchment demand, retail supply by sector/type and competing/proposed schemes. As with other specialist workstreams; the most efficient way to undertake and complete work to a high standard is to seek to procure it from specialist advisors who are highly active in such work. The cost of this consultancy work is forecast to be in the region of up to £30,000, subject to the scope of work needed.

#### **4.0 Viability assessments**

- 4.1 Viability assessments are a tool within planning to test, challenge and validate financial assertions made in relation to planning applications. For example; an applicant may assert that their development is unable to make financial contributions towards identified projects (affordable housing, for example) owing to financial pressures which exist on development sites. Financial pressures can, for example, include matters such as low sales values, high development (construction) costs or abnormal site conditions.
- 4.2 In these situations, the Local Planning Authority can choose to undertake a viability assessment, through an appropriately qualified professional (Chartered Surveyor), to test and challenge any assertions or assumptions made by an applicant. If required or necessary, the Surveyor can advise the LPA where applicant assertions are deemed to be inaccurate and unfounded, and the LPA can seek to reach agreement with the applicant regarding a revised viability position, potentially increasing contributions which are deemed to be proportionate and reasonable to compensate for the impact of development/support the provision of local services.
- 4.3 It should be noted that Viability in planning is far from a perfect science and, as with all financial modelling, can be heavily affected by minor variations in input data around cost and value etc. However, the LPA is bound to follow set guidelines relation to viability and Surveyors are bound to adhere to their own professional guidance in how they go about valuing land/property and advising their clients. Officers will always seek to ensure that the LPA receives the appropriate contributions from new developments within the district.
- 4.4 At Mid Devon, we employ Viability consultants to undertake this specialist work on our behalf rather than retaining the services of a specialist in-house. Again, we chose to do this owing to the specialist nature of the work and the fact that we could not deploy the skills of a viability expert in-house all of the time. Where a viability assessment is required to support an application we would typically seek to ensure the applicant pays for this (as the ultimate beneficiary of the work) and would look to secure 3 quotes for the work from prospective suppliers – ensuring that we are securing the best provider for the work at the most competitive rate. A viability assessment would typically cost in the region of £2,000 - £3,000. However this can increase depending on

whether further work is required, as in some circumstances, further interrogation of the applicants assumed costs and expenses is required.

- 4.5 As with other work, it would be difficult for us to employ a viability specialist in-house owing to the specialist nature of the work and the limited work-load which this employee would have to deploy their specialist skills. There is also a need for such specialists to be 'in the field' – working with a range of clients – to ensure that they remain current and up to date with market data (costs/values etc.) and understand development trends etc. Our approach is therefore felt to be appropriate and proportionate.
- 4.6 The new Local Plan will also need to be tested through a viability appraisal and this specialist work will be outsourced to a suitable consultant and cost is expected to be up to £50,000.

## **5.0 Appeals and Expert opinion**

- 5.1 Appeals and Expert opinion ("especially for Planning Committee and Development Control decisions") have been grouped as one item owing to their similarity.
- 5.2 Generally speaking, 'expert opinion' is sought either where further detailed/specialist advice needs to be sought for the LPA/Council to confirm its interpretation or understanding of a position in relation to technical guidance, policy, legislation or case law. Expert opinion would not be sought for run-of-the-mill items where officers would rely upon their own knowledge, that of their colleagues or experience/advice from professional peers or professional bodies. Expert opinion is therefore only typically sought where expertise does not exist in-house, where securing advice is deemed to 'add-value' for the Council and/or where clarity is required in order to properly discharge the duties and obligations of the Council/LPA.
- 5.3 An obvious situation where expert opinion is sometimes sought is in relation to Planning Appeals, normally where the Council is seeking to defend a refusal of a planning application by the LPA. Even in these circumstances, expert opinion may only be sought if the Authority is subject to an Inquiry or Hearing. This is done in order to ensure the Council is able to mount the best possible defence in relation to a case and where it is felt that external professional support is required to minimise the risk of a decision being overturned and, potentially, the LPA/Council incurring a cost award against it as a result. In these circumstances, expert opinion, although sometimes costly, can mitigate the risk of significant cost awards against the Council – thereby providing value for money.
- 5.4 The cost of 'expert opinion' will vary significantly according to the subject of the advice, the complexity of the case and the scale of the matter involved. However, as with all other commissions, the Council/LPA will always seek to secure the best advice possible at the most competitive price available in the circumstances that exist.



## **6.0 Staffing for vacancy cover**

- 6.1 As set out earlier within this report; the employment of agency staff or staff via fixed term appointments are not typically the preferred route of employment for the Council – but these are sometimes routes of necessity to ensure the Council/LPA can discharge its obligations and/or remain legally compliant in fulfilling its obligations. Given the challenges which are currently being experienced throughout the south-west/public sector, the LPA is currently utilising agency staff to support the day to day running of services to ensure we can continue to meet our obligations. Although this is not a favoured approach, it is therefore necessary. As and when the Council/LPA is able to recruit appropriately skilled and qualified permanent staff in to permanent roles, we will seek to do so.
- 6.2 For fixed term contracts; these are typically used where funding is time-limited to deliver a time-bound project and the Council cannot therefore be certain of long-term funding to support the recruitment of permanent staff.
- 6.3. It is also worth noting that the Council acknowledges the need to ‘grow our own’ in light of the current (and projected) shortages of skilled staff. This will involve further consideration of opportunities to develop new staff through apprenticeship schemes. Although this will not deliver a ‘silver bullet’ in the short term in terms of giving the authority additional trained staff, it will mean that we will be better equipped for the future with staff which we have developed to ensure we can provide robust services in to the future.

## **7.0 Processes for Procurement and funding of select work**

- 7.1 Procurement of all types of advice/external consultants will always be progressed in line with the Council’s procurement regulations and recorded accordingly. Typically, this would involve the Council securing at least three written quotes from reputable firms and evaluating accordingly, unless the fee is likely to exceed the public procurement tender threshold, in which case different tender processes would be utilised. It is unlikely that any of the types of work outlined above would exceed this threshold amount (currently set at £213,477).
- 7.2 In certain circumstances it will be possible for officers to identify specific procurement pathways which can yield time and cost savings to the Council. For example; this can involve the use of pre-procured framework contracts which the Council can benefit from, allowing the Council access to high-quality consultants at discounted rates relative to those typically offered by firms through individual contract arrangements/commissions.
- 7.3 It should also be noted that, wherever possible, the Council always seeks to secure grant funding to support the delivery of projects and MDDC has been especially successful in the regard in recent times, having secured grant-funding to progress key projects including the Culm Garden Village (including work focused on Junction 28), Cullompton railway station and Cullompton

Heritage Action Zone (HAZ). Deployment of such funding reduces the financial burden upon the Council to progress key work streams, but the time-bound nature of this funding often requires the Council to move quickly in commissioning work and delivering expenditure/work within set timeframes.

## **8.0 Conclusion**

- 8.1 MDDC always seeks to secure value for money in its utilisation of planning consultants and external contractors. In many areas of work, the utilisation of contractors or consultants is the most appropriate and practical way of undertaking work in a timely and effective manner in order to ensure the Authority has high-quality work to support it in realising its objectives.
- 8.2 On some occasions it is necessary to seek to utilise contractors/agency staff – but this is not the preference of the Authority and is only undertaken where permanent staff cannot be secured, where particular skill sets are needed for specific projects on a time-limited basis or where it is financially advantageous to the Authority to utilise contractors.
- 8.3 Procurement rules are adhered to and officers always seek to secure the best quality support for the most competitive price, ensuring value for money for the public purse.

**Contact for more Information:** Richard Marsh, Director of Place

**Circulation of the Report:** Leadership team, Cabinet Member (Cllr R. Chesterton)

## Scrutiny Report: Planning Enforcement Officer Review of Recommendations

Scrutiny Update 19/09/2022

<u>Number</u>	<u>Recommendation</u>	<u>Comments</u>	<u>Position</u>
<u>1</u>	That the Council recruit further resource for planning enforcement so the team includes either: a Principal Planning Enforcement Officer, two Planning Enforcement Officers and trained dedicated admin support; or a Principal Planning Enforcement Officer and three Planning Enforcement Officers.	Members suggestions have been noted by officers and additional resources have been deployed within the enforcement team.	<b>Update September 2022:</b> The team continues to benefit from an experienced interim Enforcement officer and a further enforcement officer has been recruited on a temporary basis to assist in dealing with a backlog of historic cases. This means that the team is now comprised of 4 officers (1 currently on sick leave.) Further oversight, input and strategic direction is provided on a regular basis through the Development Management Manager, Corporate Manager and Director of Place.
<u>2</u>	That the Council establish a dedicated Solicitor with planning experience to act as a direct point of reference for the Planning Department, this could potentially be a shared service with another Local Authority	Legal has employed a 'locum' to help legal manage/advise on matters of planning and enforcement.	<b>Update September 2022:</b> A locum planning solicitor is currently employed to support with matters relating to planning and enforcement.
<u>3</u>	That the Planning Department establish a process to enable proactive monitoring of planning conditions. That a proposal for how this will be achieved is brought to the Scrutiny Committee by the Chief Executive within a month of adoption of recommendation	Member's suggestion has been noted. <i>A breach of planning control is defined in <a href="#">section 171A of the Town and Country Planning Act 1990</a></i>  Processes and triggers are under review and discussions have started. Such monitoring will also be dependent on resource and levels of work.	In-progress  The Enforcement team is highly active on enforcement matters– linking to the Continuous Improvement work. Work is planned to progress to review and update enforcement practices and procedures for Mid Devon – informed by recent learnings and best practice.

	by Council.		
<u>4</u>	That Enforcement Officers are provided with tablets with mobile telephone connection, linked to MDDC systems, to assist on site visits so that information can be retrieved on site and allow immediate contact and consultation with management if required.	All relevant officers have been issued 'ipads' the rollout started in March 2021	<b>Completed</b>
<u>5</u>	That internal procedures be put in place so that discretionary powers be delegated down to appropriate levels to allow enforcement officers to make relevant decisions on site	It was agreed that the Scheme of Delegation should be reviewed, however, it was also noted that it would be risky not to have notices checked by 'legal' on a case by case basis. Notices are already created by Enforcement Officers and sent to legal for checking.  Further changes can be considered as the team evolves process for better enforce matters.	<b>Completed</b>
<u>6</u>	That a Subgroup of the Planning Committee be established to monitor issues within Planning Enforcement. This standing Enforcement Advisory or Working Group would review performance, deadlines and outstanding cases, and report back to the Planning Committee.	It was discussed that officers should deal with operational matters. A 'clinic' was originally established to discuss specific issues, but this has now been overtaken by the Continuous Improvement (CI work)	<b>Completed</b>  Updates are provided through Continuous Improvement.
<u>7</u>	That the free planning advice line and/or the contact telephone number be reinstated with immediate	Giving extensive free advice is not commercially viable, although officers do readily engage with residents/agents/businesses who wish to enter in to dialogue with the LPA. Most authorities charge for	<b>Update September 2022:</b> The Director, DM manager and CMT lead are progressing discussions in relation to how customers engage with the LPA and are

	effect (as outlined by the Customer Service Working Group).	advice services such as 'pre-apps', although these are discretionary. Planning staff are always contactable and admin staff are now equipped with mobiles to support hybrid/off-site working.	considering the wider discretionary fee structure. A paper on fees will be brought to Cabinet in the near future.
<u>8</u>	That the Local Enforcement Plan be rewritten to consider the views and recommendations of this report and to take into account more enhanced versions from other Local Authorities, notably the East Devon model. That the new Enforcement Plan be submitted to the Scrutiny Committee for consideration prior to submission for adoption by Planning Committee.	The East Devon Policy has been downloaded and will be reviewed alongside Mid Devon's Version. MDDC policy was due a review in its 3 <sup>rd</sup> year that being 2021. Review being undertaken by Dean Emery to include observations/recommendations from this report	<b>Update September 2022:</b> An updated draft policy has been produced. The enforcement team will soon be brought together to review the policy to ensure it is as robust as possible. Cllr Warren will be brought into the review.
<u>9</u>	That a Tree Officer is recruited as a matter of urgency, this could potentially be a shared service with another Local Authority.	Tree Officer started 16/09/2021	<b>Completed</b>
<u>10</u>	That the Chief Executive bring forward a proposal for making information on enforcement action more publicly available.	There are very strict rules around 'data protection' with regards to 'enforcement' it must be clearly understood as to what can and cannot be placed for public access.	<b>Update September 2022:</b> limited information can be shown, but not all notices can be included. There is again a link to the CI work with updates issued to Cllr Daw, as appropriate, and updates provided through other reporting mechanisms.
<u>11</u>	That the Development Management Manager establish a process for case management to ensure cases	Links with 1,2 & 8	In-progress/ongoing.  Both the DM manager and the Director are seeking to improve processes to ensure

	are monitored and followed up, so that cases are not lost within or between Departments.		better coordination. Continuous Improvement supports monitoring of key cases with all relevant officers fully engaged.
<u>12</u>	That an implementation plan is drawn up to cost the recommendations made in this report, and passed to Cabinet for consideration.	CEO previously had oversight of the change programme within 'DM'. The Director of Place is now carrying on the work and organisational changes, as required.	<b>Update 19/03/2022:</b> further resource has been deployed to support the enforcement team in addressing historic cases which will ensure that the team is up to date and in a position to be able to continue to provide a reliable and thorough enforcement service.

### Summary

<u>Progress Description</u>	<u>Count</u>
Completed	<u>4</u>
In-progress	8
Under Consideration	0
<b>Total</b>	<b>12</b>

# MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS

October 2022

The Forward Plan containing key Decisions is published 28 days prior to each Cabinet meeting

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>Recommendations of the Anti-Social Behaviour Working Group</b> To receive the recommendations of the Anti-Social Behaviour Working Group	Community Policy Development Group  Cabinet	2 Aug 2022  6 Sep 2022	Clare Robathan, Policy and Research Officer	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>Mid Devon as a Trauma Informed Council</b> To receive details of how the Council can become Trauma Informed and the steps required and costs associated with this and whether to recommend the approach to the Cabinet.	Community Policy Development Group  Cabinet  Council	2 Aug 2022  6 Sep 2022  26 Oct 2022	Corporate Manager for Public Health, Regulation and Housing  Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open

<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
<b>Tiverton Neighbourhood Plan</b> To approve the Neighbourhood Plan to proceed to referendum.	Cabinet	6 Sep 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<b>Air Quality Supplementary Planning Document for Consultation</b> To approve the draft SPD for consultation.	Cabinet	6 Sep 2022	Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<b>3RDL - funding request</b> To receive a report requesting funding draw down.	Cabinet	6 Sep 2022	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	
<b>Shopfront Enhancement Scheme</b> To receive a report regarding the Shopfront Enhancement Scheme	Economy Policy Development Group  Cabinet	15 Sep 2022  4 Oct 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open



<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
<b>Housing Service Fees and Charges</b> To consider fees and charges.	Homes Policy Development Group  Cabinet	20 Sep 2022  4 Oct 2022	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	Open
<b>Tiverton A361/HIF Scheme - update</b> To receive an update.	Cabinet	4 Oct 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	
<b>Non Statutory Interim Planning Policy Statement: Climate Emergency</b> To approve the interim policy statement for consultation.	Cabinet	4 Oct 2022	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<b>Crediton Neighbourhood Plan - Decision to Adopt (subject to referendum result)</b> To adopt the Neighbourhood Plan.	Cabinet  Council	4 Oct 2022  26 Oct 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Part exempt

<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
<b>Data Protection Policy</b> To consider a revised policy	Cabinet	4 Oct 2022	Lisa Lewis, Corporate Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet for the Working Environment and Support Services (Councillor Clive Eginton)	Open
<b>Freedom of Information Policy</b> To consider a revised policy	Cabinet	4 Oct 2022	Lisa Lewis, Corporate Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet for the Working Environment and Support Services (Councillor Clive Eginton)	Open
<b>Records Management Policy</b> To consider a revised policy	Cabinet	4 Oct 2022	Lisa Lewis, Corporate Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet for the Working Environment and Support Services (Councillor Clive Eginton)	Open

<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
<b>Channel Access Policy</b> To consider a revised Policy	Cabinet	4 Oct 2022	Lisa Lewis, Corporate Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet for the Working Environment and Support Services (Councillor Clive Eginton)	Open
<b>Medium Term Financial Plan</b> To consider the Medium Term Financial Plan	Cabinet	4 Oct 2022	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
<b>Tiverton Town Centre Masterplan</b> To agree the draft masterplan for public consultation.	Cabinet	1 Nov 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<b>Tiverton EUE Area B Masterplan</b> To consider the outcome of the playing pitch and sports provision review	Cabinet	1 Nov 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open

<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
<b>Review of Development Management - Discretionary Fees</b> To consider a review of discretionary fees	Cabinet	1 Nov 2022	Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<b>Monitoring Fees for Section 106 Agreements</b> To receive a report reviewing the charging schedule for S106 monitoring fees.	Cabinet	1 Nov 2022	Dean Emery, Corporate Manager for Revenues, Benefits and Recovery	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	
<b>Cullompton Town Centre Masterplan and Delivery Plan SPD</b> To consider the masterplan	Cabinet Council	1 Nov 2022 14 Dec 2022	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open

<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
<b>Infrastructure Funding Statement</b> To approve the Infrastructure List for publication.	Cabinet	1 Nov 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<b>Meeting Housing Needs SPD</b> To approve the draft SPD for consultation.	Cabinet	1 Nov 2022	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	Open
<b>Rivers Developments Ltd - Business Plan</b> To consider a revised business plan.	Cabinet	1 Nov 2022	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Part exempt
<b>Electric Vehicle Car Sharing Options</b> To receive an options paper on progressing Electric Vehicle Car Sharing options in the district and to make recommendations to the Cabinet to progress a scheme	Environment Policy Development Group  Cabinet	8 Nov 2022  29 Nov 2022	Andrew Busby, Corporate Manager for Property, Leisure and Climate Change Tel: 01884 234948	Cabinet Member for the Environment and Climate Change (Councillor Colin Slade)	

<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
<b>Economic Recovery Plan</b> To receive the draft Local Economic Recovery Plan	Economy Policy Development Group  Cabinet	10 Nov 2022  29 Nov 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<b>Market Environmental Strategy</b> To receive a report regarding the Market Environmental Strategy	Economy Policy Development Group  Cabinet	10 Nov 2022  29 Nov 2022	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<b>3 Rivers Development Ltd Business Plan.</b> To receive the company business plan and if appropriate to make recommendations to Audit Committee on 22 November and / or Cabinet on 29 November.	Scrutiny Committee  Audit Committee  Cabinet	14 Nov 2022  22 Nov 2022  29 Nov 2022	Deputy Chief Executive (S151)  Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Part exempt

<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
<b>Housing Assistance Policy</b> To consider a revised policy.	Homes Policy Development Group  Cabinet	15 Nov 2022  29 Nov 2022	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	Open
<b>Strategic Allocations Policy &amp; Strategic Tenancy Strategy</b> To consider a revised strategy.	Homes Policy Development Group  Cabinet	15 Nov 2022  29 Nov 2022	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	Open
<b>Neighbourhood &amp; Community Standard Policy</b> To consider a revised policy.	Homes Policy Development Group  Cabinet	15 Nov 2022  29 Nov 2022	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	Open
<b>Empty Homes Plan</b> To consider a revised plan.	Homes Policy Development Group  Cabinet	15 Nov 2022  29 Nov 2022	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	Open

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<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
<b>Housing Strategy update and annual review</b> To consider a review of the strategy.	Homes Policy Development Group  Cabinet	15 Nov 2022  29 Nov 2022	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	Open
<b>Private Sector Housing Fees and Charges</b> To consider revised fees and charges.	Homes Policy Development Group  Cabinet	15 Nov 2022  29 Nov 2022	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	Open
<b>Town and Parish Charter</b> To approve a draft Town and Parish Charter for consultation.	Community Policy Development Group  Cabinet	22 Nov 2022  3 Jan 2023	Forward Planning Team Leader  Tristan Peat, Forward Planning Team Leader	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>The Council Tax Reduction Scheme &amp; Exceptional Hardship Policy</b> To receive a review of The Council Tax Reduction Scheme & Exceptional Hardship Policy	Community Policy Development Group  Cabinet	22 Nov 2022  7 Feb 2023	Dean Emery, Corporate Manager for Revenues, Benefits and Recovery	Cabinet Member for Finance (Councillor Andrew Moore)	



<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
<b>Mid Year Treasury Management Report</b> To receive the mid year report.	Cabinet	29 Nov 2022	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
<b>Post Hill Tiverton–Tender results and project award for 70 Council homes</b> To consider the outcome of the tender process.	Cabinet Council	29 Nov 2022 14 Dec 2022	Andrew Busby, Corporate Manager for Property, Leisure and Climate Change Tel: 01884 234948	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	Part exempt
<b>Asbestos Management Plan</b> To consider a revised plan.	Homes Policy Development Group Cabinet	20 Sep 2022 7 Mar 2023	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Stuart Penny)	Open

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## SCRUTINY WORK PLAN 2022-2023 - 2022 TO 2023

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
<b>19th September 2022</b>				
19.09.22	<b>Collection of Debt</b> To receive an initial report from officers explaining the processes for debt collection, the amounts of debt involved and the numbers of debtors in long term or serious debt.		Dean Emery	
19.09.22	<b>Establishment 6 month update</b> To receive a 6 month update on the Establishment		Director of Business Improvement and Operations and Returning Officer Corporate Manager for People, Governance and Waste	
19.09.22	<b>Update on Planning Enforcement Working Group Recommendations</b> To receive a Progress Report on implementation and impact of recommendations		Director of Place Corporate Manager for Revenues, Benefits, Corporate Recovery, Development Management and Corporate Fraud	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
19.09.22	<b>Planning Consultants</b> To receive an initial report from officer explaining the uses, spending on and the processes for procurement. This includes the range of uses to which consultants are put including:- <ul style="list-style-type: none"> <li>• Masterplans and Neighbourhood Plans</li> <li>• Technical work within the emerging Local Plan</li> <li>• Viability Assessments</li> <li>• Appeals</li> <li>• Expert opinion especially for Planning Committee and Development Control decisions</li> <li>• Staffing vacancy cover</li> </ul>		Richard Marsh	
19.09.22	<b>Examine the service being offered by the Legal Department</b> Committee to discuss the service being provided by the Legal Department as requested by Cllr A Wilce.			
<b>17th October 2022</b>				
17.10.22	<b>S106 Agreements</b> To receive an initial report from officers explaining the processes for formulating S106 agreements in applications for major developments especially those set out in the adopted LP and the HIF agreement, together with the amounts of money involved and the deployment of this money.		Dean Emery	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
17.10.22	<b>Annual Report of Complaints and Compliments</b> To receive the Annual Report of Complaints and Compliments		Director of Business Improvement and Operations and Returning Officer Corporate Manager for Digital Transformation and Customer Engagement	
17.10.22	<b>Does Local Government work for Women - update</b> Update on 'Does Local Government Work for Women' Spotlight Review recommendations		Maria De Leburne	
<b>14th November 2022</b>				
14.11.22 15.11.22 16.11.22 17.11.22 18.11.22 19.11.22 20.11.22 21.11.22 22.11.22 23.11.22 24.11.22 25.11.22 26.11.22 27.11.22 28.11.22 29.11.22	<b>3 Rivers Development Ltd Business Plan.</b> To receive the company business plan and if appropriate to make recommendations to Audit Committee on 22 November and / or Cabinet on 29 November.		Deputy Chief Executive (S151)  Andrew Jarrett	
<b>12th December 2022</b>				
<b>16th January 2023</b>				
16.01.23	<b>Whistleblowing 6 month update</b> To receive details of any Whistleblowing instances in the previous 6 months		Director of Business Improvement and Operations and Returning Officer Corporate Manager for People, Governance and Waste	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
16.01.23	<b>Budget Update</b> To consider the initial draft 2023/2024 Budget and options available in order for the Council to set a balanced budget and if appropriate make recommendations to Cabinet on 7 February 2023 and full Council on 22 February 2023		Deputy Chief Executive (S151) Corporate Manager for Finance	
16.01.23 7.02.23 22.02.23	<b>Establishment</b> To receive the annual review of the Establishment		Director of Business Improvement and Operations and Returning Officer  Corporate Manager for People, Governance and Waste  Matthew Page	
16.01.23 7.02.23 22.02.23	<b>Council Tax Reduction Scheme</b> To receive the Council Tax Reduction Scheme		Andrew Jarrett	
<b>20th February 2023</b>				
20.02.23	<b>Participatory Budgeting</b> To receive the final report and recommendations, if any from the Participatory Budgeting spotlight review		Clare Robathan	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
<b>20th March 2023</b>				
<b>17th April 2023</b>				
17.04.23	<b>Update on 3 Rivers Development Ltd Business Plan</b> To receive an update on the 3 Rivers Development Ltd Business Plan and if appropriate to make recommendations to Cabinet		Andrew Jarrett	

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