

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

A **MEETING** of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 22 February 2023 at 6.00 pm

**ALL MEMBERS** of the **COUNCIL** are summoned to attend for the purposes of transacting the business specified in the Agenda which is set out below:

**[The next meeting is scheduled to be held in Tiverton on Wednesday, 26 April 2023 at 6.00 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.

[Join the Zoom Meeting here](#)

Meeting ID: 884 8957 4155

Passcode: 174260

Join by Skype for Business

<https://us06web.zoom.us/j/88489574155>

**STEPHEN WALFORD**

Chief Executive

14 February 2023

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

## AGENDA

### 1 **Apologies**

To receive any apologies for absence.

### 2 **Public Question Time**

To receive any questions relating to items on the agenda from members of the public and replies thereto.

### 3 **Declarations of Interest under the Code of Conduct**

To record any interests on agenda matters.

### 4 **Minutes**

To consider whether to approve the minutes as a correct record of the meeting held on 14 December 2022 and the Extraordinary Council Meeting held on the 18 January 2023.

### 5 **Chairman's Announcements**

To receive any announcements which the Chairman of the Council may wish to make.

### 6 **Petitions**

To receive any petitions from members of the public.

### 7 **Notices of Motions**

#### **1. Motion 590 (Councillor S Penny – 16 January 2023)**

The council agrees that a review of the current practice of housing allocation by Devon Home Choice takes place. A number of residents have raised concerns over the lack of available social housing opportunities for the people of Mid Devon within the current scheme.

#### **2. Motion 591 (Councillor Mrs N Woollatt – 8 February 2023)**

That this Council recognises that in order for the taxpayers to have faith in the ability of the Mid Devon District Council to make effective and transparent decisions that there has to be a fundamental change in the decision making process.

That this Council also acknowledges that in a mature democracy there is a need for inclusive government which enables all members to make a valuable contribution in the running of the Council.

Therefore this Council resolves to change from the Cabinet system

of governance to a modernised committee system to be implemented from the Annual meeting of 2024.

### **3. Motion 592 (Councillor C J Eginton – 9 February 2023)**

As per the Constitution, Article 6 - The Executive (Cabinet) 6.3(d) Removal of the Leader, I wish to formally submit and propose the following motion: That, Cllr Bob Deed, be removed from the position of the Leader of the Council with immediate effect.

(Should Motion 592 be carried, the election of a Leader would be required)

#### **8 Reports (a) (Pages 7 - 16)**

To receive and consider the reports, minutes and recommendations of the recent meetings as follows:

##### **1. Cabinet**

- 3 January 2023
- 31 January 2023
- 7 February 2023 (To Follow)

#### **9 Council Tax Resolution 2023/2024 (Pages 17 - 32)**

To consider a report of the Deputy Chief Executive (S151) setting out the formal Council Tax Resolution for 2023/24.

#### **10 Reports (b) (Pages 33 - 80)**

To receive and consider the reports, minutes and recommendations of the meetings as follows:

##### **2. Scrutiny Committee**

- 16 January 2023
- 13 February 2023
- 20 February 2023 (To Follow)

##### **3. Audit Committee**

- 24 January 2023

##### **4. Environment PDG**

- 10 January 2023

##### **5. Homes PDG**

- 17 January

6. Community PDG

- 24 January 2023

7. Economy PDG

- 12 January 2023

8. Planning Committee

- 4 January 2023
- 18 January 2023

9. Standards Committee

- 8 February 2023 (To Follow)

11 **Members Allowances and the Recommendations from the Independent Remuneration Panel** *(Pages 81 - 96)*

Report of the District Solicitor and Monitoring Officer.

12 **Questions in accordance with Procedure Rule 13**

To deal with any questions raised pursuant to Procedure Rule 13 not already dealt with during the relevant Committee reports.

13 **Special Urgency Decisions**

To note any decisions taken under Rule 16 (of the Constitution) Special Urgency.

14 **Questions to Cabinet Members**

To receive answers from the Cabinet Members to questions on their portfolios from other Members.

15 **Members Business**

To receive any statements made and notice of future questions by Members.

Note: the time allowed for this item is limited to 15 minutes.

## **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.

Please note that a reasonable amount of hardcopies at the meeting will be available, however this is a limited number. If you are attending the meeting and would like a hardcopy of the agenda we encourage that you notify Member Services in advance of the meeting to ensure that a hardcopy is available. Otherwise, copies of the agenda can be found on our website.

If you would like a copy of the Agenda in another format (for example in large print) please contact Andrew Seaman on: [aseaman@middevon.gov.uk](mailto:aseaman@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

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# Public Document Pack Agenda Item 8

## MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the CABINET held on 3 January 2023 at 10.00 am

### Present

#### Councillors

R M Deed (Leader)  
C J Eginton, R J Chesterton, Mrs C P Daw,  
S J Penny and C R Slade

### Also Present

#### Councillors

F Letch, J Berry, Mrs M Squires, B Warren, J  
Buckowski, S Clist, R Stanley, Mrs S Griggs

### Also Present

#### Officers:

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place), Maria De Leiburne (District Solicitor and Monitoring Officer), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Paul Deal (Corporate Manager for Finance), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing) and Matthew Page (Corporate Manager for People, Governance and Waste), Andrew Seaman (Member Services Manager)

## 105. APOLOGIES

Councillor D J Knowles had given his apologies.

## 106. PUBLIC QUESTION TIME

The following questions were received from members of the public:

Nick Quinn

My first Question concerns Item 8: **Budget 23/24 Update**

The Summary of Capital Expenditure and Funding, at Appendix 4 of the Budget Update, now shows “*Other General Fund Projects*” costing more than £50 Million over the next 5 years. The expenditure figures for these projects very closely match the increased “*Borrowing 50yr*” funding figures.

This is extremely long borrowing term to be used to fund 3 Rivers projects and is in direct contradiction to the assurance given by the Deputy Chief Executive to the Audit Committee, in November, that the Council “*would not conduct medium to long term borrowing on projects that had a lifespan of less than 2 years*”.

Since it started, 3 Rivers has never paid any dividends to the Council and the External Auditor has publicly stated that 3 Rivers are increasing their current loan impairment to £1.6 Million.

Q1. Are Cabinet seriously considering recommending that the Council should mortgage itself, for the next 50 years, to fund some short term building projects by a commercial Company that has never paid any dividends and is about to further impair its existing loans?

My second question concerns Item 14: 3 Rivers Business Plan

The Public Report shows that the 3 Rivers Business Plan was critically assessed by Scrutiny and Audit Committees - the feedback was that "*the business plan in its current form was not supported*".

Now, it seems, a "Mark 2" plan has been produced - but neither Scrutiny nor Audit Committees have been given the opportunity to comment on it.

Q2: Why is Cabinet considering a revised 3 Rivers Business Plan without the input of Scrutiny and Audit Committees?

The Leader thanked the resident for their questions and responded to question 2, the Leader explained that the 5 year business plan had gone through the Audit and Scrutiny Committees and they had made their recommendations.

Question 1 was answered during item 8 and it was explained by the Deputy Chief Executive that with regards to capital borrowing within the capital medium term financial plan, the Council's capital borrowing will always match the lifespan of a capital project. Any borrowing taken over 25 to 50 years would be for housing delivery. Capital would always match life of assets

Note – The Leader had rejected questions from two members of the public.

#### 107. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

None declared. Members were reminded of the need to make declarations where appropriate.

#### 108. **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting were approved as a correct record and signed by the Leader.

#### 109. **FINANCIAL MONITORING**

The Cabinet were presented, and **NOTED** a financial update in respect of the income and expenditure so far in the year. The following was highlighted:

- There had been a circa £500k overspend for the general fund and the next government support scheme would be delivered at the end on January 2023.
- The solar farm planning appeal was to be reviewed.
- The ground source and air heat pumps were close to completion.
- Collection rates on council tax and business rates were on budget.

#### 110. **LGA PEER CHALLENGE REVIEW – FOLLOW UP**

The Cabinet were presented and **NOTED** a \*report from the Chief Executive which updated Member's on the progress made towards addressing or implementing the recommendations arising from the peer review team during 2022.

It was highlighted that the Local Government Association held a meeting with Mid Devon District Council on the 20 December 2022 to which a number of Officers and Members attended.



In addition disagreement was raised on part of the report that related to the cost of planning decisions. The Leader explained that the decisions of Committees were not relevant to the agenda item before the Cabinet.

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

#### 111. CULLOMPTON TOWN CENTRE RELIEF ROAD - UPDATE

The Cabinet were presented a \*report from the Director of Place which presented Members with a recommendation to request the release of a tranche of Housing Infrastructure Fund (HIF) monies. This was to facilitate the continued progression of technical work relating to the Cullompton Town Centre Relief Road (CTCRR) until the end of March 2023, by which time a decision from Government regarding the Council's pending Levelling Up Fund bid should have been received and any grant agreement agreed.

Members discussed the following:

- There was a need to have a relief road in order for further development to take place.
- It was hoped that the levelling up fund would be granted. The Director of Place explained that the submission submitted should be attractive to Government and that it was important for this relief road to be delivered.
- It was discussed that other authorities were given better treatment when it came to similar projects.
- The progress was welcomed.
- the Cabinet Member for Planning and Economic Regeneration confirmed that discussions were ongoing with Devon County Council and the Government regarding Junctions in Mid Devon

The Chief Executive added that the levelling up bid decisions should be announced by the end of January 2023. He also explained that the Junction 25 project had been planned for a number of years and that this development in particular was on a much larger scale.

It was therefore **RESOLVED**:

1. To endorse the request for a drawdown and expenditure of a further tranche of the Housing Infrastructure Fund (HIF) funding, totalling £210k, subject to agreement on appropriate indemnity, to enable the progression of further technical work relating to the Cullompton Town Centre Relief Road (CTCRR) until the end of March 2023.

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

**Reason for Decision:** As stated in the report.

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

#### 112. BUDGET 23/24 - UPDATE

The Cabinet were presented a \*report from the Deputy Chief Executive (S151) which provided an update on the 2023/24 Budget position and discussed further options for cost savings or income generation.

The Deputy Chief Executive (S151) highlighted that the financial settlement had been delivered with estimates that were close to the Council's financial position. This settlement provided a 3% minimum baseline for all Councils.

In addition, the resident survey responses would be provided to the Policy Development Groups (PDG) for comment and that the Council's general fund was circa £900,000 away

from a balanced position. In addition, proposals with facilitated discussion were upcoming with the four PDGs.

Members discussed the following:

- Asked what the Council's estimated shortfall would likely be for the year end for 2022/23, the Deputy Chief Executive explained that the position would have worsened due to the increased costs of utilities and therefore would be estimated to be over £500,000.
- That an update paper had not yet been circulated, the Deputy Chief Executive (S151) explained that this was to be sent out soon.

It was therefore **RESOLVED**: That Cabinet

1. Considered the updated 2023/24 budget position for the General Fund, Capital Programme and the HRA;
2. Considered the further options as set out in Appendix 3, or any additional suggestions to balance the remaining shortfall and circulate them to the Policy Development Groups for further input during their January suite of meetings prior to the formal recommendation back to Cabinet and Council in February.

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

**Reason for Decision:** As stated in the report.

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

### 113. COUNCIL TAX BASE

Cabinet were presented a \*report which provided detail on the statutory calculations necessary to determine the Tax Base for the Council Tax. The calculations followed a formula laid down in Regulations.

The Deputy Chief Executive (S151) highlighted that the collection rate would be lowered by 1% in light of the cost of living crisis. In addition, from 2024, provided that legislation be approved, there would be the doubling of the second home council tax charge. Finally, the premium council tax charge on long term empty properties would not be enacted until April 2024.

Members discussed the following:

- That this report was welcomed.
- It was asked that by lowering the collection rate what impact would that have on debts and how would the gap be mitigated. The Deputy Chief Executive explained that this would make the financial position worse. But there would be proactive recovery measures, signposting for hardship help for residents along with an increased level of council tax support.
- It would be hoped that the difference would be recovered in the next financial year.
- Asked when this could be implemented once legislation was approved by government, the Deputy Chief Executive explained that should the legislation be approved by March 2023, 12 months' notice could be provided and therefore could be implemented by April 2024.

It was therefore **RESOLVED to RECOMMEND** to Council:

1. That the calculation of the Council's Tax Base for 2023/24 be approved in accordance with The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 at 29,832.98 an increase of circa 21.57 Band D equivalent properties from the previous financial year.
2. That the current collection rate of 97.5% be decreased to 96.5% detailed in paragraph 2.
3. That the doubling of the second home Council Tax charge from 01/04/2024 is adopted. Details at 3..7.2
4. That the premium Council Tax charge on long term empty properties is billed after 12 months from 01/04/2024. Details at 3.8.2.

(Proposed by Cllr R Deed and seconded by Cllr C Eginton)

**Reason for Decision:** As stated in the report.

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

#### 114. **ACCESS TO INFORMATION - EXCLUSION OF PRESS AND PUBLIC**

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

**RESOLVED:** That, in accordance with Part I of Schedule 12A to the Local Government Act 1972, the press and public be excluded from the meeting for the following items 11, 12, 13 and 14 of business, for the reason set out below:

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

(Proposed by the Leader)

#### 115. **PLANNING AND DESIGN CONSULTANCY SERVICES 2023 - 2026, AWARD REPORT**

The Cabinet received a \*report from the Corporate Manager for Public Health, Regulation and Housing which advised Members on the results for the tendering of the Planning and Design Consultancy Services 2023-2026 and to confirm the award of the contract.

The meeting returned to open session.

It was therefore **RESOLVED:**

1. That the new three year Planning and Design Consultancy Services Contract is awarded to Contractor 3.
2. Delegated authority be granted to the S151 Officer (in consultation with the Cabinet Member for Housing and Property Services) to complete the associated Planning and Design Consultancy Services Contract.

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

**Reason for Decision:** As stated in the report.

Note: \*report previously circulated to Members but not attached to the minutes as restricted

116. **3 RIVERS DEVELOPMENTS LTD BUSINESS PLAN AND THE 3 RIVERS PROJECT APPRAISAL FOR DEVELOPMENT IN BAMPTON AND PARK ROAD, TIVERTON**

The Cabinet received a \*report from the Deputy Chief Executive which asked Members to review the business plan of 3 Rivers Developments Ltd. As well as 2 reports from items 12 and 13 which provided Cabinet with a business case for a second development scheme at Bampton and a business case for a 6 unit residential development scheme in Tiverton which were included in the 3 River's Developments Ltd company's recent Business Plan.

The meeting returned to open session.

It was therefore **RESOLVED** that

1. The 3 Rivers Developments Ltd 5 year business plan 2023 – 2028 be referred to an extraordinary meeting of Full Council for a decision.
2. The paper regarding 3 Rivers Developments Ltd Project Plan for the Park Road Development to an Extraordinary Meeting of Full Council for a decision.
3. The paper regarding 3 Rivers Developments Ltd Project Plan for the Bampton 2 Development to an extraordinary meeting of Full Council for a decision.

(Proposed by Cllr R Deed and seconded by Cllr C Eginton)

**Reason for Decision:** Cabinet agreed with the Scrutiny Committee's recommendation. But Scrutiny did not recommend that the developments in Bampton and Park road be referred to Council?

117. **NOTIFICATION OF KEY DECISIONS**

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

Note: \*Key Decisions previously circulated and attached to the minutes

(The meeting ended at 12.45 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 31 January 2023 at 10.00 am

### **Present Councillors**

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

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

R M Deed and R J Chesterton

### **Also Present Councillor(s)**

E J Berry, J Buczkowski, S J Clist, Mrs C, Collis L J  
Cruwys, R J Dolley, B Holdman, F W Letch, R F Radford,  
R L Stanley, B G J Warren

### **Also Present Officer(s):**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy  
Chief Executive (S151)), Jill May (Director of Business  
Improvement and Operations), Maria De Leiburne (District  
Solicitor and Monitoring Officer) and Andrew Seaman  
(Member Services Manager)

## 118. **APOLOGIES**

Apologies were received from Councillors RM Deed and RJ Chesterton.

## 119. **PUBLIC QUESTION TIME**

The following questions were received from members of the public:

Paul Elstone:

### Question 1

The Grant Thornton external auditor report published on the 12th January 2023 states that: increased disclosures are required in the 3 Rivers Subsidiary Accounts. Also that the Final Audit Report of the 3 Rivers internal auditors - has not been received. Any regulated and responsible Lender would require at least 2 years fully audited reports before making lending decisions. Why are MDDC Cabinet considering approving any Plans for future projects today without having this final audit report available?

### Question 2

Section 3.10 of the MDDC Financial Statement Year 21/22 states under borrowing that MDDC has loans of over £35 million from the public loans work board. The report before you states that MDDC is currently owed £17.6 Million by 3 Rivers. Your own Council is recommending you do not approve the 3 Rivers business plans but get independent legal and financial advice to explore options. Aren't Cabinet worried that approving a business plans against the advice of the Council and plans

that will require further substantial loans to 3 Rivers. That these loans will put further pressure on MDDC finances?

#### Question 3

It is known that 3 Rivers paid £2.75 million in 2019 for land at Knowle Lane Cullompton. A previous outline planning application on this land was objected to by both Cullompton Town Council and MDDC. Any permission has now lapsed. Is a development on this land included in the 3 Rivers submitted Business Plan?

#### Question 4

The Deputy Chief Executive said at the Full Council meeting 2 weeks ago that 3 Rivers are expecting to lose £1.6 million on the St Georges Court development. He also said that this loss was known to MDDC Cabinet Members several months ago.

A) Why was this information kept secret from the MDDC electorate?

B) Have 3 Rivers told MDDC Cabinet that they are expecting a loss on the current Bampton development as well?

The Deputy Leader thanked the resident for their questions and noted that a written answer would be provided.

The Deputy Leader read aloud a question from Nick Quinn:

A Revised (v5) 3 Rivers Business Plan 2023-2028 was circulated, as a supplementary Agenda Item, for this Extraordinary Cabinet Meeting. This was sent out on 27 January 2023, for the meeting today - on 31 January 2023. Two working days is a very short time for proper consideration of a Business Case which, presumably, will require an investment running into Millions of pounds. My question is: Why is this late issue Business Case being considered by the Cabinet without the input of Scrutiny Committee or, especially, Audit Committee – who are the Committee tasked with evaluation of Risk?

The Deputy Leader thanked the resident for their questions and noted that a written answer would be provided.

### 120. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

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

### 121. **3 RIVERS DEVELOPMENTS LIMITED - BUSINESS PLAN 2023-2028 AND ASSOCIATED BUSINESS CASES**

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

The Deputy Leader indicated that discussion with regard to the next item, may require the Cabinet to pass the following resolution to exclude the press and public

having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Cabinet would need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

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

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

(Proposed by the Deputy Leader, Chairman)

Clarification was sought as to whether the business before Cabinet was valid. The District Solicitor & Monitoring Officer reassured those present that it was legitimate for the contents of item 4 on the agenda to be discussed by Cabinet.

The meeting then returned to open session.

It was therefore **RESOLVED** that:

1. Approve the new 3 River Developments Ltd business plan dated 27 January 2023.
2. Approve the business case for Bampton 2, 5 levels.
3. Approve case for Park Road and accept the revised increased unconditional offer made within the business plan dated 27 January 2023.
4. Continues to fund 3 Rivers Developments Ltd in line with the business plan dated 27 January 2023 Which is proposed to generate £900k gross interest received in 2023/24 which are already included in the Council draft 2023/24 general fund budget.
5. To continue with the due-diligence process agreed by Scrutiny, Audit Committee, Cabinet and Full Council that requires a detailed business case to be reviewed and approved by Cabinet for any development in excess of £1m.
6. Instruct external financial and legal advice should a different scope or direction be considered.

(Proposed by Cllr C J Eginton and seconded by Cllr S J Penny)

**Reason for Decision:** As stated in the report as well as following recommendations from Full Council.

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

(The meeting ended at 11.24 am)

**CHAIRMAN**

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## **COUNCIL 22 FEBRUARY 2023**

### **COUNCIL TAX RESOLUTION 2023/24**

**Cabinet Member:** Cllr Bob Deed – Leader and Cabinet Member for Finance  
**Responsible Officer:** Andrew Jarrett – Deputy Chief Executive (S151)

**Reason for Report:** As a Billing Authority the Council is required to set the Council Tax for 2023/24.

**RECOMMENDATION:** To approve the formal Council Tax Resolution as laid out in Appendix 1, subject to the approval by each Precepting Authority of its own Precepts as included within this report.

**Relationship to Corporate Plan:** The 2023/24 budget shows the costs of delivering the key priorities of the Council's Corporate Plan.

**Financial Implications:** This report sets out the Council's Council Tax Requirement for 2023/24 which is derived from its balanced budget, as recommended by Cabinet on the 07 February 2023 and notification of the Precept Requirements for the County Council, PCC for Devon and Cornwall, Devon and Somerset Fire Authority and Parish or Town Councils.

**Legal Implications:** The Council has a statutory duty to approve a Council Tax Requirement. The Authority must have due regard to the Council's S151 Officer Report on the Robustness of the Estimates and Adequacy of Reserves when making decisions on the Budget and Precept, as required by Section 25 of the Government Finance Act 2003.

**Risk Assessment:** The Council is required under the Local Government Finance Act 1992 to set a Council Tax. Failure to set a Council Tax will result in the Council acting unlawfully and could lead to legal challenge. Failure to agree the Council Tax in a timely manner could lead to the Council losing out on Council Tax income and the cashflows associated with this.

**Equality Impact Assessment:** It is considered that the impact of this report on equality related issues will be nil. However, budgetary options included within the budget are supported by EIA where required.

**Impact on Climate Change:** There are no Climate Change implications directly relating to the content of this report. However, the General Fund, Capital Programme and the Housing Revenue Account all contain significant investment in order to work towards the Council's Carbon Reduction.

## 1. Introduction

- 1.1 The permissible annual increase in the Council Tax charged by the Council, known as the Precept, is governed by the Referendum Limit as set by the Government. This is effectively a maximum percentage increase which if exceeded would result in the need for a local referendum. The limit on a Band D bill for a District Council is an increase up to 3% or a £5 cash increase – whichever is higher. This was confirmed as part of the Provisional Local Government Funding Settlement announcement made on 19 December 2022 and was approved by the House of Commons on 8 February 2023.
- 1.2 In addition to the Council Tax levels permissible for a District Council, Central Government has confirmed the referendum limit for County Councils as 3% with the additional flexibility for those with Adult Social Care responsibilities to allow a further increase of 2%. These additional funds have to be ring-fenced for Adult Social Care costs. Fire and Rescue Authorities are able to increase a Band D bill by £5. Police and Crime Commissioners are able to increase a Band D bill by £15.
- 1.3 Within this Resolution, MDDC (as the Billing Authority) has to indicate whether any of the major precepting bodies (County Council, Fire and Rescue Authority, or Police and Crime Commissioner) have exceeded their specified limit (see **Appendix A paragraph 6.0**).

## 2. 2023/24 Council Tax Resolution

- 2.1 Since the meeting of the Cabinet on the 07 February 2023, the precept levels of other precepting bodies have been received. These are detailed below:

### 2.1.1 Town and Parish Councils

The Town and Parish Councils precepts for 2023/24 are detailed in **Appendix A**, paragraph 3.1, and total £2,310,322.30. The increase in the average Band D Council Tax for Town and Parish Councils is 7.65% and results in an average Band D Council Tax figure of £77.44 for 2023/24 (£71.94 for 2022/23).

### 2.1.2 Devon County Council

Devon County Council met on the 16 February 2023 and set their precept at £48,750,967.61 adjusted by a Collection Fund surplus of £136,051.25 (Note: in line with statutory guidance, the total Collection Fund deficit for 2020/21 will be spread over 3 years from 2021/22 to 2023/24. The estimated surplus detailed above has been reduced by £330,098.28 in respect of the third year of the spread (2023/24), this being the relevant amount of the total projected deficit calculated for 2020/21 of £1,269,114.21). This results in a Band D Council Tax of £1,634.13, a 4.99% increase on the previous year.

### 2.1.3 Devon & Cornwall Police and Crime Commissioner

Devon & Cornwall Police and Crime Commissioner met on the 27 January 2023 and set their precept at £7,803,114.25 adjusted by a Collection Fund surplus of £23,016.41 (Note: in line with statutory guidance, the total Collection Fund deficit for 2020/21 will be spread over 3 years from 2021/22 to 2023/24. The estimated surplus detailed above has been reduced by £50,826.66 in respect of the third year of the spread (2023/24), this being the relevant amount of the total projected deficit calculated for 2020/21 of £195,411.11). This results in a Band D Council Tax of £261.56, being a 6.08% / £15.00 increase on the previous year.

### 2.1.4 Devon & Somerset Fire and Rescue Authority

Devon & Somerset Fire and Rescue Authority met on the 15 February 2023 and set their precept at £2,887,534 adjusted by a Collection Fund surplus of £7,255 (Note: in line with statutory guidance, the total Collection Fund deficit for 2020/21 will be spread over 3 years from 2021/22 to 2023/24. The estimated surplus detailed above has been reduced by £20,235.28 in respect of the third year of the spread (2023/24), this being the relevant amount of the total projected deficit calculated for 2020/21 of £77,797.67). This results in a Band D Council Tax of £96.79, being a £5.00 increase on the previous year.

2.2 The recommendations of the Cabinet are set out in the formal Council Tax Resolution in **Appendix A**. If the formal Council Tax Resolution at Appendix A is approved, the total Band D Council Tax will be as follows:

Table 1 – Council Tax Levies in Mid Devon

COUNCIL TAX LEVIES	2022/23	2023/24	Variation	
	£	£	£	%
Mid Devon District Council	218.84	225.40	6.56	2.99 <sup>1</sup>
Parish & Town Councils (Average)	71.94	77.44	5.50	7.65
<b>Sub Total</b>	<b>290.78</b>	<b>302.84</b>	<b>12.06</b>	
<b>Devon County Council</b>	1,556.46	1,634.13	77.67	4.99 <sup>2</sup>
Devon & Cornwall Police and Crime Commissioner	246.56	261.56	15.00	6.08
Devon & Somerset Fire and Rescue Authority	91.79	96.79	5.00	5.45
<b>TOTAL</b>	<b>2,185.59</b>	<b>2,295.32</b>	<b>109.73</b>	<b>5.02</b>

## 3. 2023/24 Local Government Finance Settlement

3.1 On the 07 February 2023, the Cabinet considered the budget for the financial year 2023/24 based upon the Provisional Local Government Finance Settlement. This

<sup>1</sup> Note – 3.00% rounded to 2 decimal places. MDDC increase is 2.998%

<sup>2</sup> Includes 1.99% For Adult Social Care

meeting recommended a balanced General Fund budget, following a drawdown of £58k from the New Homes Bonus Reserve and a £6.56 (2.998%) increase in Council Tax (as detailed in Table 1 in para 2.2 above).

- 3.2 The Final Local Government Finance Settlement was announced on 6 February 2023 and confirmed no overall change to the level of grant funding allocated within the Provisional Settlement that applied to MDDC.
- 3.3 Although the Government have confirmed that the core referendum principles announced also cover 2024/25 and that the core funding will continue in a similar manner for 2024/25, detail is not currently known. There continues to remain a great deal of uncertainty over the future levels of Government funding. The review of Local Government resources, known as the Fair Funding Review along with Business Rates Baseline reset have been postponed until into the next Parliament. It continues to remain Government policy to phase out New Homes Bonus Grant, although the Government have committed to setting out the future position ahead of the 2024/25 Settlement. It has also indicated that local authorities can expect to receive new income from the Extended Producer Responsibility for Packaging (pEPR), subject to it coming into force in time. The impact on other core Settlement funding is not known.

#### **4. Section 25 Report of the Section 151 Officer**

- 4.1 In making decisions in relation to the setting of Council Tax, Section 25 of the Local Government Act 2003 requires the Chief Financial Officer of the Council to report to it on the Robustness of the Estimates and The Adequacy of the Financial Reserves. It is a statutory requirement that councillors must consider this report when considering and approving a budget. These statements are presented in the following sections of this report.

#### **4.2 Robustness of the estimates**

- 4.2.1 The estimate process adopted by the Council for 2023/24 is concerned with the mitigation of risk when approving the budget.
- 4.2.2 Construction of the estimates for 2023/24 has taken full account of the following:
  - a. Previous years outturn;
  - b. Current year revised estimates;
  - c. Regular budget monitoring up to and including Quarter 3 (December 2022);
  - d. Inflation levels;
  - e. Current income levels;
  - f. Changes in legislation;
  - g. Service prioritisation linked to the current Corporate Plan;
  - h. Feedback from Budget Consultation through the annual Resident's Survey;

- i. Consideration of the Cost of Living Crisis and the ongoing implications of Covid-19 on income levels.
- 4.2.3 The key component for ensuring the estimates are reviewed and deliver the priorities of the Council is the budget monitoring process. The ability to manage and control spending within the approved budgets during the course of the forward year mitigates the Council’s level of financial risk. In particular, regular reviews of income streams and expenditure patterns and variance with profiles of expected activity are identified at the earliest opportunity to Members and officers so that corrective action can be initiated.
- 4.2.4 All budgets were compiled on a prudent basis, bearing in mind the level of risk associated with certain income sources (e.g. car parking, planning, leisure and interest receipts – which are affected by the current Cost of Living Crisis and ongoing implications of Covid-19). We also have increased volatility and risk in the Council’s overall budget (i.e. collection fund levels and our commercial rental portfolio). These budgets have been carefully monitored during 2022/23 and this process will continue during 2023/24.
- 4.2.5 The Finance Team have liaised with all Service Managers, Senior Management and Members during this process and have ensured a robust challenge process of all proposed budgets through Scrutiny and the Policy Development Committees. The budget ensures that all aspects of the budget (Revenue, Capital and Treasury) are understood and the interdependencies are taken account of.
- 4.2.6 The Prudential Code introduced a rigorous system of prudential indicators, which explicitly require regard to affordability, prudence, value for money, stewardship, service objectives and practicality in the way in which we manage our finances. This includes a new requirement to report our “Liability Benchmark” – an estimate of future Net Borrowing Requirement, and evidence consideration of Environmental, Social and Governance (ESG) factors in our investment policy. The Council has complied fully with the requirements of the Prudential Code for Capital Finance in Local Authorities.
- 4.2.7 The Treasury Management Strategy, Capital Strategy and Investment Strategy provide the framework for which the Council to adhere to. The levels assumed in the indicators are affordable and sustainable.
- 4.2.8 Similarly, the insurance cover is adequate to meet all reasonable insurable liabilities.
- 4.2.9 In all respects the estimates are prepared on the best information available. We review current experience, for example, the estimates of income have been rebased, especially where the income stream is demand led and therefore has been impacted by the Cost of Living Crisis and the ongoing implications of Covid-

19. In a similar way all salary estimates have been constructed on an individual officer basis because this element of the budget is such a significant expenditure heading.

4.2.10 Finally, in preparing the detailed estimates the Council takes advice from third party organisations concerning a number of discrete areas. In particular, Treasury Management decisions are informed with reference to interest rate movements forecast by Link Group and similarly external guidance on accounting regulations, insurance and pension contributions is also used.

4.2.11 The Council has sought to involve all Members throughout the budget setting process. The first round of PDG and Cabinet meetings in November took place and an initial budget gap of circa £2,111k was estimated for 2023/24. This was as a result of a number of factors but was heavily impacted by inflation, i.e. pay, superannuation and increases in fuel and energy prices. Income levels was also a significant uncertainty due to the Business Rates revaluation and the impact of the Cost of Living Crisis and the ongoing effects of Covid-19.

4.2.12 The position had reduced to a shortfall of £960k by late November following a full review of fees and charges, with recommendations for increases to realign out of date charges that were frozen due to Covid-19 to the current cost of providing the service. Further refinement of assumptions and service provision also contributed to the further reduction down to £905k as reported to Cabinet on 3 January.

4.2.13 Scrutiny and the PDG's were again involved during their January round of meetings to seek views on service prioritisation and options to balance the budget, prior to a final Cabinet meeting, which has recommended the budget for approval by Full Council on 22 February 2023.

4.2.14 Although further savings were proposed and following the receipt of the Provisional Local Government Finance Settlement from Central Government and the completion of our Business Rates estimates (NNDR1), it was not possible to identify the full £905k ongoing savings target set. The budget gap was reduced to £58k and this is proposed to be closed by a temporary transfer from the New Homes Bonus Reserve.

4.2.15 The Internal Auditors, Devon Audit Partnership (DAP), have been able to progress through the internal audit plan and the outcome of this work has demonstrated stability and in the Councils control framework and a "Reasonable Assurance" opinion is expected.

4.2.16 The Council's External Auditor, Grant Thornton, gave an unqualified opinion on the 2021/22 financial statements. Although ongoing, the auditor is yet to complete their Value for Money assessment and give their opinion, but this is due prior to the end of the financial year.

**4.2.17 “The District Council is recommended to note that, in my opinion, the estimates used in the production of the budget proposal for 2023/24 are adequately robust”**

### **4.3 Adequacy of Reserves**

4.3.1 The Council has a robust risk management framework in place. The framework supports the Council in managing significant risk. However, there are times when the Council will need to call upon Reserves. Therefore, Reserves are held for three main purposes:

- a. A contingency to cushion the impact of unexpected events;
- b. As a cushion against uneven cash flows;
- c. As a means of building up funds to meet known or predicted liabilities (Earmarked Reserves).

4.3.2 CIPFA makes it clear that the level of reserves for each Council cannot be decided by the application of a formula. Each Council must assess their own reserve levels based on the specific risks and pressures they face. The Council is facing significant risk and change over the medium term due to number of local and national issues and it is important that the level of reserves reflects this.

4.3.3 The key risks within the budget for 2023/24 are set out below:

- a. Cost of Living Crisis and the ongoing Covid-19 implications, including:
  - i. Reductions in Income across Council Tax, Business Rates, Service Fees and Charges and Commercial Income;
  - ii. Increasing cost of delivering services to the community due to inflationary pressures, such as pay, fuel and energy prices;
  - iii. The need to deliver additional services announced by Government to mitigate the implications, i.e. Business Grant and Energy payments to households;
  - iv. Economic recovery – slow return to pre-pandemic levels of trade/investment/growth;
- b. Rising Council Tax support claimants / HRA Voids;
- c. General Service budget overspends;
- d. Lack of opportunity / ability for further commercial investment to generate returns to the Council;
- e. Housing Market stagnation – leading to lower returns from the Council’s development company;
- f. Interest Rate volatility.

- 4.3.4 In preparing the 2023/24 budget, consideration has been given to how best to mitigate these risks through the use of prudent budget assumptions. However, it is possible, reserves will be required should these mitigations and assumptions fall short.
- 4.3.5 Continuing provision has been made for lower collection levels of Council Tax, Business Rate collection and revenue from fees and charges. Clearly, the Cost of Living Crisis and the ongoing effects of Covid-19 will have an unprecedented financial implications for a number of council services and robust financial monitoring during 2023/24 will be required to ensure their continued viability.
- 4.3.6 There are also future risks that need to be considered now to ensure the Council is best prepared. One of the most significant is the potential changes to how the Council is funded.
- The government have planned a reset of Business Rates growth for a number of years, but have delayed implementing it until into the next Parliament and thereby are allowing the growth to continue. The Council currently forecasts income from Business Rates to be approximately £2.0m above the Governments baseline calculation. Should a reset be implemented as expected in the future, there is a risk that some (or possibly all) of this additional funding could be lost. Gains from pooling would also be lost, also potentially along with the benefit to pool in the future.
  - Similarly, the New Homes Bonus scheme is planned to be scrapped. In 2023/24, the Council will receive £320k. Although this funding should be ring-fenced to Local Government, there is no guarantee any replacement funding mechanism will benefit MDDC to that value.
  - There are an increasing number of one-off, bid based funding streams. Failure to secure funding from these will have a detrimental impact on the Council, for example the Levelling-Up fund that the Council would like to use to underpin the Housing Infrastructure Fund scheme at Cullompton.
- 4.3.7 The General Fund balance brought forward into 2022/23 amounted to £2,215k. The 2022/23 budget monitoring reports are predicting a year-end deficit of approximately £436k, giving a forecast General Fund balance of £1,779k, below the Council's recommended minimum of £2,000k. The level of general balances recognises risks facing the Council including the economic uncertainty and the future changes to Local Government Funding.
- 4.3.8 A review of the minimum reserve levels will be undertaken at Outturn to assess the ongoing minimum General Fund reserve balance. The HRA also has a recommended £2,000k minimum balance, which it is not currently projecting to breach. As part of the detailed budget setting process we also reviewed all of our other Earmarked Reserves to ensure they provided for known future financial



pressures. Therefore, it is my strong recommendation that the Council aims to maintain its level of reserves at £2,000k, and if it proves necessary to temporary reduce this level, it is replenished in a planned, affordable way.

**4.3.9 “Based on the assessment of the reserves, the key financial risks identified, and the thorough process used for developing the Medium-Term Financial Strategy, I have determined that the level of reserves and balances for 2023/24 is adequate.”**

## **5. Conclusion**

5.1 As noted above a great deal of work has been carried out to ensure the Robustness of the Estimates. As a result of this work, combined with the increased awareness by Members and officers of the Council’s financial position, and the availability of reserves, it is my considered opinion as Section 151 Officer that the budget for 2023/24 has been set within a robust framework and the impact of this resolution will maintain an adequate level of the financial reserves held by the Council.

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**Background Papers:** Cabinet Report – 07 February 2023

**Circulation of Report:** Full Council

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**The Council is recommended to resolve as follows:**

- 1.0 It be noted that on 3 January 2023 the Cabinet calculated the Council Tax Base for 2023/24
- (a) for the whole Council area as 30,915.01 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
- (b) for dwellings in those parts of its area to which a Parish Precept relates as detailed in 1.1 below.
- 1.1 Taxbase for Councils area adjusted from overall Council Tax Base of 30,915.01 reduced to 96.5% (29,832.98), to allow for less than full collection. (subject to rounding)

	<b>Council Tax Base</b>	<b>Collection Rate 96.5%</b>
Bampton	793.50	765.73
Bickleigh	121.64	117.39
Bow	475.56	458.91
Bradninch	771.03	744.05
Brushford	26.32	25.40
Burlescombe	340.86	328.93
Butterleigh	55.01	53.09
Cadbury	71.49	68.99
Cadeleigh	92.46	89.22
Chawleigh	270.76	261.28
Cheriton Bishop	314.01	303.02
Cheriton Fitzpaine	397.62	383.70
Clannaborough	28.00	27.02
Clayhanger (B Gate)	57.38	55.37
Clayhidon	229.28	221.26
Coldridge	165.41	159.62
Colebrooke	196.54	189.66
Copplestone	497.42	480.01
Crediton	2877.07	2,776.37
Crediton Hamlets	566.71	546.88
Cruwys Morchard	220.79	213.07
Cullompton	3739.39	3,608.51
Culmstock	398.34	384.39
Down St Mary	155.15	149.72
Eggesford	36.20	34.93
Halberton	723.82	698.48
Hemyock	903.99	872.35
Hittisleigh	63.63	61.40
Hockworthy (B Gate)	90.91	87.73
Holcombe Rogus	234.11	225.92
Huntsham (B Gate)	63.58	61.36
Kennerleigh	37.41	36.10
Kentisbeare	398.70	384.74
Lapford	408.37	394.08
Loxbear	81.11	78.27
Morchard Bishop	432.02	416.90
Morebath	154.21	148.82
Newton St Cyres	394.23	380.43
Nymet Rowland	50.12	48.36
Oakford	182.87	176.47
Poughill	84.83	81.86
Puddington	93.64	90.36
Sampford Peverell	522.64	504.35
Sandford	569.75	549.81
Shobrooke	210.10	202.75
Silverton	822.77	793.98
Stockleigh English	29.49	28.46
Stockleigh Pomeroy	57.75	55.73
Stoodleigh	159.00	153.43
Templeton	72.13	69.60
Thelbridge	143.69	138.66
Thorverton	427.53	412.57
Tiverton	7532.26	7,268.63
Uffculme	1082.45	1,044.57
Uplowman	164.96	159.19
Upton Hellions	35.50	34.26
Washfield	169.46	163.53
Washford Pyne	43.28	41.76
Wembworthy	105.03	101.35
Willand	1227.32	1,184.37
Woolfardisworthy	76.57	73.89
Zeal Monachorum	167.81	161.94
<b>Total Tax Base</b>	<b>30,915.01</b>	<b>29,832.98</b>

2.0 As a preliminary step, calculate that the Council Tax requirement for the Council's own purposes for 2023/24 (excluding Parish precepts) is £6,724,350 ( $£225.40 \times 29,832.98$ , subject to rounding to nearest £10)

3.0 That the following amounts be calculated for the year 2023/24 in accordance with Sections 30 and 31A to 36 of the Act:

- (a) £ 57,812,297 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
- (b) £ 48,777,625 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- (c) £ 9,034,672 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
- (d) £ 302.84 being the amount at 3(c) above (item R), all divided by Item T (1.0 (a) above), calculated by the council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
- (e) £ 2,310,322 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act as detailed in column 2 of table in 3.1 below. (subject to rounding)
- (f) £ 225.40 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1.0(a) above), calculated by the Council, in accordance with section 34 (2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
- (g) See text across The amounts stated in valuation Band D in table at 3(h) below given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the council area specified in column 3 of table in 3.1 divided in each case by the amount in 1(a) above (result in column 3 of table in 3.1 below), calculated by the Council, in accordance with section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area set out in column 3 of table in 1.1 to which one or more special items relate.

e.g. Silverton - table 3h column 5 = £279.94 this is made up of 3f = £225.40 + £54.54 in table 3.1 column 3. The £54.54 is calculated by taking the Parish Precept in Column 2 of table 3.1 and dividing by the relevant taxbase figure detailed in column 3 of the table in 1.1 above (in this example  $£43,305/793.98 = £54.54$ ).

- 3.1 This table shows the full precept for each parish and the band D equivalent charge which is determined by dividing the total precept in column 2 by the relevant parishes taxbase detailed in column 2 table 1.1 above.

	Total Precept £	Band D Equivalent £
Bampton	73,693.00	96.24
Bickleigh	4,500.00	38.33
Bow	12,000.00	26.15
Bradninch	55,000.00	73.92
Brushford	0.00	0.00
Burlescombe	13,627.80	41.43
Butterleigh	750.00	14.13
Cadbury	600.00	8.70
Cadeleigh	2,000.00	22.42
Chawleigh	14,170.00	54.23
Cheriton Bishop	14,262.00	47.07
Cheriton Fitzpaine	17,160.00	44.72
Clannaborough	0.00	0.00
Clayhanger (B Gate)	1,427.40	25.78
Clayhidon	8,910.00	40.27
Coldridge	5,000.00	31.32
Colebrooke	11,565.00	60.98
Copplestone	25,000.00	52.08
Crediton	450,000.00	162.08
Crediton Hamlets	10,078.00	18.43
Cruwys Morchard	5,300.00	24.87
Cullompton	498,982.50	138.28
Culmstock	42,406.00	110.32
Down St Mary	4,550.00	30.39
Eggesford	0.00	0.00
Halberton	15,398.00	22.05
Hemyock	84,890.00	97.31
Hittisleigh	2,150.00	35.02
Hockworthy (B Gate)	2,101.40	23.95
Holcombe Rogus	11,615.00	51.41
Huntsham (B Gate)	1,554.20	25.33
Kennerleigh	200.00	5.54
Kentisbeare	40,999.00	106.56
Lapford	25,000.00	63.44
Loxbeare	0.00	0.00
Morchard Bishop	9,360.00	22.45
Morebath	6,100.00	40.99
Newton St Cyres	13,431.00	35.30
Nymet Rowland	800.00	16.54
Oakford	6,009.00	34.05
Poughill	3,434.00	41.95
Puddington	3,175.00	35.14
Sampford Peverell	17,451.00	34.60
Sandford	33,172.00	60.33
Shobrooke	9,018.00	44.48
Silverton	43,305.00	54.54
Stockleigh English	0.00	0.00
Stockleigh Pomeroy	0.00	0.00
Stoodleigh	6,000.00	39.11
Templeton	4,000.00	57.47
Thelbridge	2,000.00	14.42
Thorverton	17,763.00	43.05
Tiverton	488,102.00	67.15
Uffculme	99,950.00	95.69
Uplowman	3,500.00	21.99
Upton Hellions	0.00	0.00
Washfield	2,016.00	12.33
Washford Pyne	500.00	11.97
Wembworthy	5,400.00	53.28
Willand	74,297.00	62.73
Woolfardisworthy	650.00	8.80
Zeal Monachorum	6,000.00	37.05
Total Parish Precepts	2,310,322.30	2,538.16

- 3(h) The amounts set out in table below given by multiplying the amounts at 3g above by the number which, in the proportion set out in section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that particular proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

## Valuation Bands £

	A	B	C	D	E	F	G	H
Bampton	214.43	250.16	285.91	321.64	393.12	464.59	536.07	643.28
Bickleigh	175.82	205.12	234.43	263.73	322.34	380.95	439.55	527.46
Bow	167.70	195.65	223.60	251.55	307.45	363.35	419.25	503.10
Bradninch	199.55	232.80	266.07	299.32	365.84	432.35	498.87	598.64
Brushford	150.27	175.31	200.36	225.40	275.49	325.58	375.67	450.80
Burlescombe	177.89	207.53	237.19	266.83	326.13	385.42	444.72	533.66
Butterleigh	159.69	186.30	212.92	239.53	292.76	345.99	399.22	479.06
Cadbury	156.07	182.08	208.09	234.10	286.12	338.15	390.17	468.20
Cadeleigh	165.22	192.75	220.29	247.82	302.89	357.96	413.04	495.64
Chawleigh	186.42	217.49	248.56	279.63	341.77	403.91	466.05	559.26
Cheriton Bishop	181.65	211.92	242.20	272.47	333.02	393.57	454.12	544.94
Cheriton Fitzpaine	180.08	210.09	240.11	270.12	330.15	390.18	450.20	540.24
Clannaborough	150.27	175.31	200.36	225.40	275.49	325.58	375.67	450.80
Clayhanger(B Gate)	167.46	195.36	223.28	251.18	307.00	362.82	418.64	502.36
Clayhidon	177.12	206.63	236.16	265.67	324.71	383.75	442.79	531.34
Coldridge	171.15	199.67	228.20	256.72	313.77	370.82	427.87	513.44
Colebrooke	190.92	222.74	254.56	286.38	350.02	413.66	477.30	572.76
Copplestone	184.99	215.82	246.65	277.48	339.14	400.81	462.47	554.96
Crediton	258.32	301.37	344.43	387.48	473.59	559.70	645.80	774.96
Crediton Hamlets	162.56	189.64	216.74	243.83	298.02	352.20	406.39	487.66
Cruwys Morchard	166.85	194.65	222.47	250.27	305.89	361.50	417.12	500.54
Cullompton	242.46	282.86	323.28	363.68	444.50	525.32	606.14	727.36
Culmstock	223.82	261.11	298.42	335.72	410.33	484.93	559.54	671.44
Down St Mary	170.53	198.95	227.37	255.79	312.63	369.48	426.32	511.58
Eggesford	150.27	175.31	200.36	225.40	275.49	325.58	375.67	450.80
Halberton	164.97	192.46	219.96	247.45	302.44	357.43	412.42	494.90
Hemyock	215.14	251.00	286.86	322.71	394.42	466.14	537.85	645.42
Hittesleigh	173.62	202.55	231.49	260.42	318.29	376.16	434.04	520.84
Hockworthy(B Gate)	166.24	193.94	221.65	249.35	304.76	360.17	415.59	498.70
Holcombe Rogus	184.54	215.30	246.06	276.81	338.32	399.84	461.35	553.62
Huntsham(B Gate)	167.16	195.01	222.88	250.73	306.45	362.17	417.89	501.46
Kennerleigh	153.96	179.62	205.28	230.94	282.26	333.58	384.90	461.88
Kentisbeare	221.31	258.19	295.08	331.96	405.73	479.50	553.27	663.92
Lapford	192.56	224.65	256.75	288.84	353.03	417.22	481.40	577.68
Loxbeare	150.27	175.31	200.36	225.40	275.49	325.58	375.67	450.80
Morchard Bishop	165.24	192.77	220.32	247.85	302.93	358.01	413.09	495.70
Morebath	177.60	207.19	236.80	266.39	325.59	384.79	443.99	532.78
Newton St Cyres	173.80	202.77	231.74	260.70	318.63	376.57	434.50	521.40
Nymet Rowland	161.30	188.17	215.06	241.94	295.71	349.47	403.24	483.88
Oakford	172.97	201.79	230.63	259.45	317.11	374.76	432.42	518.90
Poughill	178.24	207.94	237.65	267.35	326.76	386.17	445.59	534.70
Puddington	173.70	202.64	231.60	260.54	318.44	376.34	434.24	521.08
Sampford Peverell	173.34	202.22	231.12	260.00	317.78	375.56	433.34	520.00
Sandford	190.49	222.23	253.99	285.73	349.23	412.72	476.22	571.46
Shobrooke	179.92	209.91	239.90	269.88	329.85	389.83	449.80	539.76
Silverton	186.63	217.73	248.84	279.94	342.15	404.36	466.57	559.88
Stockleigh English	150.27	175.31	200.36	225.40	275.49	325.58	375.67	450.80
Stockleigh Pomeroy	150.27	175.31	200.36	225.40	275.49	325.58	375.67	450.80
Stoodleigh	176.34	205.73	235.12	264.51	323.29	382.07	440.85	529.02
Templeton	188.58	220.01	251.44	282.87	345.73	408.59	471.45	565.74
Thelbridge	159.88	186.53	213.18	239.82	293.11	346.41	399.70	479.64
Thorverton	178.97	208.79	238.63	268.45	328.11	387.76	447.42	536.90
Tiverton	195.04	227.54	260.05	292.55	357.56	422.57	487.59	585.10
Uffculme	214.06	249.74	285.42	321.09	392.44	463.80	535.15	642.18
Uplowman	164.93	192.41	219.91	247.39	302.37	357.34	412.32	494.78
Upton Hellions	150.27	175.31	200.36	225.40	275.49	325.58	375.67	450.80
Washfield	158.49	184.90	211.32	237.73	290.56	343.39	396.22	475.46
Washford Pyne	158.25	184.62	211.00	237.37	290.12	342.87	395.62	474.74
Wembworthy	185.79	216.75	247.72	278.68	340.61	402.54	464.47	557.36
Willand	192.09	224.10	256.12	288.13	352.16	416.19	480.22	576.26
Woolfardisworthy	156.14	182.15	208.18	234.20	286.25	338.29	390.34	468.40
Zeal Monachorum	174.97	204.13	233.29	262.45	320.77	379.10	437.42	524.90

- 3(i) This table shows the proportions payable for the MDDC element of Council Tax and would be the amount payable for those Parishes who's Precept has been set at zero.

## Valuation Bands £

	A	B	C	D	E	F	G	H
All other parts of the Council's area	150.27	175.31	200.36	225.40	275.49	325.58	375.67	450.80

- 4.0 That it be noted that for the year 2023/24 Devon County Council, Devon and Cornwall Police and Crime Commissioner and the Devon and Somerset Fire Authority have stated the following amounts in precepts issued to the District Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

## Valuation Bands £

Precepting Authority	A	B	C	D	E	F	G	H
Devon County Council General Expenditure	946.14	1,103.83	1,261.52	1,419.21	1,734.59	2,049.97	2,365.35	2,838.42
Adult Social Care	143.28	167.16	191.04	214.92	262.68	310.44	358.20	429.84
<b>Devon County Council Total</b>	<b>1,089.42</b>	<b>1,270.99</b>	<b>1,452.56</b>	<b>1,634.13</b>	<b>1,997.27</b>	<b>2,360.41</b>	<b>2,723.55</b>	<b>3,268.26</b>
Devon & Cornwall Police and Crime Commissioner	174.37	203.44	232.50	261.56	319.68	377.81	435.93	523.12
Devon & Somerset Fire Authority	64.53	75.28	86.04	96.79	118.30	139.81	161.32	193.58

- 5.0 That, having calculated the aggregate in each case of the amounts at 3h and 4 above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the table below as the amounts of Council Tax for 2023/24 for each part of its area and for each of the categories of dwellings shown below:

## Valuation Bands £

	A	B	C	D	E	F	G	H
Bampton	1,542.75	1,799.87	2,057.01	2,314.12	2,828.37	3,342.62	3,856.87	4,628.24
Bickleigh	1,504.14	1,754.83	2,005.53	2,256.21	2,757.59	3,258.98	3,760.35	4,512.42
Bow	1,496.02	1,745.36	1,994.70	2,244.03	2,742.70	3,241.38	3,740.05	4,488.06
Bradninch	1,527.87	1,782.51	2,037.17	2,291.80	2,801.09	3,310.38	3,819.67	4,583.60
Brushford	1,478.59	1,725.02	1,971.46	2,217.88	2,710.74	3,203.61	3,696.47	4,435.76
Burlescombe	1,506.21	1,757.24	2,008.29	2,259.31	2,761.38	3,263.45	3,765.52	4,518.62
Butterleigh	1,488.01	1,736.01	1,984.02	2,232.01	2,728.01	3,224.02	3,720.02	4,464.02
Cadbury	1,484.39	1,731.79	1,979.19	2,226.58	2,721.37	3,216.18	3,710.97	4,453.16
Cadeleigh	1,493.54	1,742.46	1,991.39	2,240.30	2,738.14	3,235.99	3,733.84	4,480.60
Chawleigh	1,514.74	1,767.20	2,019.66	2,272.11	2,777.02	3,281.94	3,786.85	4,544.22
Cheriton Bishop	1,509.97	1,761.63	2,013.30	2,264.95	2,768.27	3,271.60	3,774.92	4,529.90
Cheriton Fitzpaine	1,508.40	1,759.80	2,011.21	2,262.60	2,765.40	3,268.21	3,771.00	4,525.20
Clannaborough	1,478.59	1,725.02	1,971.46	2,217.88	2,710.74	3,203.61	3,696.47	4,435.76
Clayhanger(B Gate)	1,495.78	1,745.07	1,994.38	2,243.66	2,742.25	3,240.85	3,739.44	4,487.32
Clayhidon	1,505.44	1,756.34	2,007.26	2,258.15	2,759.96	3,261.78	3,763.59	4,516.30
Coldridge	1,499.47	1,749.38	1,999.30	2,249.20	2,749.02	3,248.85	3,748.67	4,498.40
Colebrooke	1,519.24	1,772.45	2,025.66	2,278.86	2,785.27	3,291.69	3,798.10	4,557.72
Copplestone	1,513.31	1,765.53	2,017.75	2,269.96	2,774.39	3,278.84	3,783.27	4,539.92
Crediton	1,586.64	1,851.08	2,115.53	2,379.96	2,908.84	3,437.73	3,966.60	4,759.92
Crediton Hamlets	1,490.88	1,739.35	1,987.84	2,236.31	2,733.27	3,230.23	3,727.19	4,472.62
Cruwys Morchard	1,495.17	1,744.36	1,993.57	2,242.75	2,741.14	3,239.53	3,737.92	4,485.50
Cullompton	1,570.78	1,832.57	2,094.38	2,356.16	2,879.75	3,403.35	3,926.94	4,712.32
Culmstock	1,552.14	1,810.82	2,069.52	2,328.20	2,845.58	3,326.96	3,880.34	4,656.40
Down St Mary	1,498.85	1,748.66	1,998.47	2,248.27	2,747.88	3,247.51	3,747.12	4,496.54
Eggesford	1,478.59	1,725.02	1,971.46	2,217.88	2,710.74	3,203.61	3,696.47	4,435.76
Halberton	1,493.29	1,742.17	1,991.06	2,239.93	2,737.69	3,235.46	3,733.22	4,479.86
Hemyock	1,543.46	1,800.71	2,057.96	2,315.19	2,829.67	3,344.17	3,858.65	4,630.38
Hittesleigh	1,501.94	1,752.26	2,002.59	2,252.90	2,753.54	3,254.19	3,754.84	4,505.80
Hockworthy(B Gate)	1,494.56	1,743.65	1,992.75	2,241.83	2,740.01	3,238.20	3,736.39	4,483.66
Holcombe Rogus	1,512.86	1,765.01	2,017.16	2,269.29	2,773.57	3,277.87	3,782.15	4,538.58
Huntsham(B Gate)	1,495.48	1,744.72	1,993.98	2,243.21	2,741.70	3,240.20	3,738.69	4,486.42
Kennerleigh	1,482.28	1,729.33	1,976.38	2,223.42	2,717.51	3,211.61	3,705.70	4,446.84
Kentisbeare	1,549.63	1,807.90	2,066.18	2,324.44	2,840.98	3,357.53	3,874.07	4,648.88
Lapford	1,520.88	1,774.36	2,027.85	2,281.32	2,788.28	3,295.25	3,802.20	4,562.64
Loxbeare	1,478.59	1,725.02	1,971.46	2,217.88	2,710.74	3,203.61	3,696.47	4,435.76
Morchard Bishop	1,493.56	1,742.48	1,991.42	2,240.33	2,738.18	3,236.04	3,733.89	4,480.66
Morebath	1,505.92	1,756.90	2,007.90	2,258.87	2,760.84	3,262.82	3,764.79	4,517.74
Newton St Cyres	1,502.12	1,752.48	2,002.84	2,253.18	2,753.88	3,254.60	3,755.30	4,506.36
Nymet Rowland	1,489.62	1,737.88	1,986.16	2,234.42	2,730.96	3,227.50	3,724.04	4,468.84
Oakford	1,501.29	1,751.50	2,001.73	2,251.93	2,752.36	3,252.79	3,753.22	4,503.86
Poughill	1,506.56	1,757.65	2,008.75	2,259.83	2,762.01	3,264.20	3,766.39	4,519.66
Puddington	1,502.02	1,752.35	2,002.70	2,253.02	2,753.69	3,254.37	3,755.04	4,506.04
Sampford Peverell	1,501.66	1,751.93	2,002.22	2,252.48	2,753.03	3,253.59	3,754.14	4,504.96
Sandford	1,518.81	1,771.94	2,025.09	2,278.21	2,784.48	3,290.75	3,797.02	4,556.42
Shobrooke	1,508.24	1,759.62	2,011.00	2,262.36	2,765.10	3,267.86	3,770.60	4,524.72
Silverton	1,514.95	1,767.44	2,019.94	2,272.42	2,777.40	3,282.39	3,787.37	4,544.84
Stockleigh English	1,478.59	1,725.02	1,971.46	2,217.88	2,710.74	3,203.61	3,696.47	4,435.76
Stockleigh Pomeroy	1,478.59	1,725.02	1,971.46	2,217.88	2,710.74	3,203.61	3,696.47	4,435.76
Stoodleigh	1,504.66	1,755.44	2,006.22	2,256.99	2,758.54	3,260.10	3,761.65	4,513.98
Templeton	1,516.90	1,769.72	2,022.54	2,275.35	2,780.98	3,286.62	3,792.25	4,550.70
Thelbridge	1,488.20	1,736.24	1,984.28	2,232.30	2,728.36	3,224.44	3,720.50	4,464.60
Thorverton	1,507.29	1,758.50	2,009.73	2,260.93	2,763.36	3,265.79	3,768.22	4,521.86
Tiverton	1,523.36	1,777.25	2,031.15	2,285.03	2,792.81	3,300.60	3,808.39	4,570.06
Uffculme	1,542.38	1,799.45	2,056.52	2,313.57	2,827.69	3,341.83	3,855.95	4,627.14
Uplowman	1,493.25	1,742.12	1,991.01	2,239.87	2,737.62	3,235.37	3,733.12	4,479.74
Upton Hellions	1,478.59	1,725.02	1,971.46	2,217.88	2,710.74	3,203.61	3,696.47	4,435.76
Washfield	1,486.81	1,734.61	1,982.42	2,230.21	2,725.81	3,221.42	3,717.02	4,460.42
Washford Pyne	1,486.57	1,734.33	1,982.10	2,229.85	2,725.37	3,220.90	3,716.42	4,459.70
Wembworthy	1,514.11	1,766.46	2,018.82	2,271.16	2,775.86	3,280.57	3,785.27	4,542.32
Willand	1,520.41	1,773.81	2,027.22	2,280.61	2,787.41	3,294.22	3,801.02	4,561.22
Woolfardisworthy	1,484.46	1,731.86	1,979.28	2,226.68	2,721.50	3,216.32	3,711.14	4,453.36
Zeal Monachorum	1,503.29	1,753.84	2,004.39	2,254.93	2,756.02	3,257.13	3,758.22	4,509.86

- 6.0 The Council has determined that its relevant basic amount of Council Tax for 2023/24 is not excessive in accordance with principles approved under section 52ZB Local Government Finance Act 1992.

As the billing authority has not been notified by a major precepting authority that its relevant basic amount of Council Tax for 2023/24 is excessive and therefore that the billing authority is not required to hold a referendum in accordance with section 52ZK Local Government Finance Act 1992.

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 16 January 2023 at 2.15 pm

### **Present**

#### **Councillors**

S J Clist (Chairman)  
G Barnell, L J Cruwys, Mrs S Griggs,  
Mrs E J Lloyd, Mrs E J Slade, J Buczkowski  
and B G J Warren

### **Apologies**

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

E J Berry, F W Letch, S Pugh, R F Radford and A Wilce

### **Also Present**

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

Mrs C P Daw and R L Stanley

### **Also Present**

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

Stephen Walford (Chief Executive), Maria De Leburne (District Solicitor and Monitoring Officer), Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place), Jill May (Director of Business Improvement and Operations), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), 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), Angharad Williams (Development Management Manager), Jason Ball (Climate and Sustainability Specialist), Carole Oliphant (Member Services Officer) and Jessica Rowe (Member Services Apprentice)

## **62 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.21)**

Apologies were received from Cllrs S Pugh, E J Berry and R F Radford.

Apologies were also received from Cllrs F W Letch and A Wilce who were substituted by Cllrs J Buczkowski and B G J Warren.

## **63 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.03.47)**

Members were reminded of the need to make declarations where appropriate

## **64 PUBLIC QUESTION TIME (0.03.57)**

Nick Quinn, a local resident asked:

My first questions concern Agenda Item 9: Complaints Update.

On page 10 of your papers, at paragraph 3.3, it is said that a new complaints system is being built and that input will be obtained from the Portfolio holder for Continuous Improvement and the Corporate Performance & Improvement Manager.

Q1. Is it intended to ask service users, or the public generally, what they would want to be included in a new complaints system?

Q2. Does the Council currently follow up on closed complaints, to find out whether the complainant was satisfied with the outcome, or the complaint process?

My final question concerns Agenda Item 10: Budget Update.

On page 27 of your papers, there are two tables: Capital Expenditure Summary and Capital Funding Summary.

In the Capital Funding Summary table, just above the General Fund Subtotals row, is a row called Borrowing 50 years - totalling £57.538M.

The table shows the 50 year borrowing amount for 2023/24 is £12.196M, which my children's children will still be paying off in 2073.

I should like to know what they will be getting for this long term loan. So my question is...

Q3. What is the £12.196M, of General Fund 50 year borrowing in 2023/24, being spent on?

The Chairman confirmed that the questions would be addressed when the item was discussed.

#### 65 **MINUTES OF THE PREVIOUS MEETING (0.06.39)**

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

#### 66 **DECISIONS OF THE CABINET (0.16.27)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 3<sup>rd</sup> January 2022 had been called in.

#### 67 **CHAIRMAN'S ANNOUNCEMENTS (0.16.44)**

The Chairman announced that two Member Services Officers were moving to other departments within the Council and he wished them well for the future.

#### 68 **WHISTLEBLOWING 6 MONTH UPDATE (0.18.55)**

The Corporate Manager for People, Governance and Waste informed the meeting that there had been no whistleblowing instances during the previous 6 months

#### 69 **MOTION 583 - PROTECT RIVERS AND SEAS (0.18.59)**

Representatives from South West Water Authority (SWWA) had been invited to attend and the following questions were put to them:

- The UK has the dirtiest rivers in Europe. Here in Mid Devon, in 2021, SWWA discharged sewage into local rivers and seas over 2,068 times, totalling over 20,853 hours of sewage discharge in just one year (monitoring was carried out on 53 of the 93 storm overflows). Last year, Ofwat opened an enforcement case with SWWA, after heightened concerns about its environmental performance which suggested it was not complying with its obligations. SWWA must have known this was the case before enforcement action was started, so why was SWWA not complying and therefore knowingly harming rivers and seas?
- What action has been taken so far as a result of this enforcement case? How much money are you investing and where will this go?
- The Environment Act has driven increased monitoring and reporting of storm overflows. Since this requirement, what has SWWA done to identify and reduce sewage spills and pollution? Can you give us the latest numbers on how many discharge events there have been?
- What other work is planned and in what timeframe?
- What are you doing to ensure your wastewater treatment works are operating as they should?
- What can you do to input to local authority planning processes, so that we can better assess whether existing treatment works have the capacity for new development? Do you have information available to be able to assess the impact of development on the number and duration of sewage discharges into local rivers? Will you be willing to share this information?
- How will SWWA and the Environment Agency be working together to monitor this work?
- How are you / how will you be keeping customers informed of your actions?

Mark Worsfold from South West Water Authority gave the following responses:

- Events were monitored via event duration monitors and the numbers of these had been increased to cover all storm over flows
- There was an open enforcement and criminal case and he could not respond to this question due to legal privilege
- Although unable to respond to the open enforcement case he confirmed £333m had been invested via Waterfit in 200 storm overflows
- Operational action had been taken to increase the number of monitors and increased maintenance activity. No of spills had been reduced by 75% for overflows in the bathing season
- The Waterfit program ran until 2025 and SWWA was preparing submissions to both the Environment Agency and OFWAT
- The Water Resources Management Plan looked at a series of actions and engagement with customers. The plan set out actions over 25 years and was currently open to public consultation
- There were continued reviews of treatment works including daily and weekly reports and an investment program
- SWWA were undertaking a number of tests for phosphates and nitrates. The Government set targets through the Environment ACT and required Water Authorities to reduce levels by up to 80%
- 45% of phosphate was from agricultural practices but this should reduce with new legislation for farmers

- Drainage and wastewater management plans set out the plans for new developments. There was currently a consultation on this which was open until the end of May
- SWWA and the Environment Agency had a close working relationship as they were the regulator
- SWWA were close to publishing real time information re storm overflows. When this goes live it would be available to view on their website.
- Environment Agency and Natural England had their own processes but there were no gaps in these highlighted by SWWA
- There would be a need in future to look at more solutions for grey water drainage, storage and distribution

In addition, the Director of Place confirmed that he was not aware of any specific request by SWWA to respond to the consultation on Drainage and Wastewater management plans but he would follow this up.

## 70 COMPLAINTS, COMMENTS AND COMPLIMENTS - UPDATE (1.08.18)

The Committee had before it, and **NOTED**, a \*report from the Corporate Manager for Business Transformation and Community Engagement providing an update on complaints.

The officer explained that the update followed on from the previous report presented to Scrutiny and that there has been a slight decline in some of the results. As a result of this she confirmed action being taken which included:

- Refresher training
- Replacement CRM system in the future
- Replacement complaints system in the future
- Housing Complaints would be reported to the Homes PDG

Consideration was given to:

- The ability for managers to spot check complaints would be investigated

In answer to public question asked the Corporate Manager for Business Transformation and Community Engagement stated:

- Policies and processes concerning complaints would not change but they would engage with a new CRM system
- Closed complaints were not currently followed up but this could be introduced with the new systems

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

## 71 BUDGET UPDATE (1.23.08)

The Committee had before it, and **NOTED**, the Budget update \*report, previously presented to the Cabinet on 3<sup>rd</sup> January 2023.

In response to public questions asked the Corporate Manager for Finance stated:

- As explained at Cabinet on 3/1/2023 the borrowing timeframe is usually aligned with the working life of an asset funded from that borrowing. Within those working draft papers the funding requirements for 3RDL had been included with the 50 year borrowing as the underlying assets financed were property. As highlighted, it was not appropriate to fund short term development investment through long term borrowing. Therefore, in this case, the term would be amended to align with the development timeframe and not the life of the asset.

The officer went on to explain that the budget gap was largely due to inflation of wages, fuel and energy costs and that progress was being made to close the gap through income generation rather than service cuts.

A new approach would be taken with Town and Parish Councils and there would be ongoing discussions with the S151 officer due to attend a number of Parish Council meetings in the future.

Consideration was given to:

- The budget was constantly reviewed and residents were consulted via residents surveys
- Annual settlements from Governments made it difficult to strategically plan budgets
- Provision had been made for impairment for 3RDL and had been agreed by the Council's external auditors
- There were ongoing discussions about the costs of the Leisure Centres against the benefit to residents and there was a work in progress to reduce costs through green initiatives and an increase in fees and charges
- The impact of vacancy management on service delivery could be scrutinised by way of quarterly reports

It was therefore **RESOLVED** that:

- Officers provide a report on a system of vacancy control that was transparent and inclusive of Members and the Scrutiny Committee. To include the projected targets for vacancy control and how it might be implemented

(Proposed by Cllr Barnell and seconded by Cllr B G J Warren)

AND:

- Officers to provide a report on the future funding of the Leisure Centres including the possibility of an inclusive budgeting exercise involving the electorate on the future funding of the leisure centres

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

**Reason for the decisions:** To provide a steer for Council on budget proposals

Notes:

- \*report previously circulated and attached to the minutes

- Cllr J Buczkowski made a personal declaration as Chairman of Cullompton Town Council
- Cllr Mrs S Griggs made a personal declaration as Mayor of Tiverton Town Council
- Cllr B G J Warren made a personal declaration as Chairman of Willand Parish Council
- Cllr Mrs E J Slade left the meeting at 4.43pm

## 72 **WORK PROGRAMME (2.34.32)**

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

Members discussed the 3 additional items as requested by a member of the committee to determine how the Scrutiny Committee would like to deal with them:

1. It was **RESOLVED** to request that the Leader attend a future meeting of the Scrutiny Committee to present the recent Cabinet review into 3RDL

(Proposed by Cllr G Barnell and seconded by Cllr B G J Warren)

2. It was **RESOLVED** that the item on Planning Policy and Procedures not be taken forward onto the Scrutiny Workplan after confirmation received from the Director of Place and the Development Management Manager that the Authority was able to determine planning applications for itself, it's officers and members and arm's length companies by virtue of the Town and Country Planning Act.

(Proposed by the Chairman)

### Note:

- Cllrs G Barnell, Mrs E J Lloyd and B G J Warren requested that their abstention from voting be recorded
3. The District Solicitor and Monitoring Officer explained to Members the process for requesting items be placed onto an agenda of the Scrutiny Committee and gave a brief overview of the Scrutiny Prioritisation flow chart previously provided during training of Members. It was **AGREED** that Members would be provided with the training material again along with a Scrutiny Proposal form in order that a firm proposal for an agenda item could be presented back to Committee

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

(The meeting ended at 5.28 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 13 February 2023 at 2.15 pm

### **Present**

#### **Councillors**

S J Clist (Chairman)  
G Barnell, W Burke, L J Cruwys, J M Downes, Mrs S Griggs,  
P J Heal, S Pugh, R F Radford, Mrs E J Slade and  
B G J Warren

### **Apologies**

#### **Councillors**

E J Berry, F W Letch and Mrs E J Lloyd

### **Also Present**

#### **Councillors**

J Buczkowski, R M Deed, R J Dolley, C J Eginton, B Holdman,  
D J Knowles, A Wilce, Mrs N Woollatt, A Wyer and C R Slade

### **Also Present**

#### **Officers**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)) and Maria De Leburne (District Solicitor and Monitoring Officer) Sarah Lees (Member Services Officer) Andrew Seaman (Member Services Manager)

## 73 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from:

- Cllr E J Berry who was substituted by Cllr P J Heal
- Cllr F Letch who was substituted by Cllr J Downes
- Cllr E Lloyd

## 74 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

## 75 **PUBLIC QUESTION TIME**

The following questions were asked by members of the public:

Mr Mark Wooding asked:

1. Could it be clarified if there is a Cabinet at the moment? If there isn't a Cabinet, what are the implications for the recent decision on 3 rivers?

The Chief Executive stated that a written response would be provided.

Mr Paul Elstone asked:

Question 1

I understand that a senior and very well-informed member of this Council has requested the Devon Audit Partnership have its fraud team look into the 3 Rivers business dealings with the Council.

Public money should not be loaned to any Company under fraud investigation.

Given that all loans to 3 Rivers are public money, will this Scrutiny Committee ensure that 3 the Rivers Business Plan approvals are rescinded. Also place on hold all future 3 Rivers expenditures, other than for safety or environmental reasons. This until the results of any fraud investigation are published?

#### Question 2

At the Cabinet meeting of the 31st January 2023 I asked about the reported problems with 3 Rivers Accounts and the lack of an Auditors Report.

In a written response I was told that; "In assessing the company's business plan(s), the Cabinet has considered comments/feedback from the Audit Committee, Scrutiny and Full Council and its professional officers".

It is hard to believe that the Cabinet did properly consider the advice being given, since the feedback from Council and Committees was "We do not support these Business Plans".

Will Scrutiny Committee please take the advice of Full Council and Audit Committee and send this 27/1/2023 Business Plan straight back to Cabinet with a recommendation that MDDC does not proceed. This until the 3 Rivers Fully Audited Accounts have been published and a further risk assessment has been undertaken by Audit Committee?

#### Question 3

At the same Cabinet meeting I asked;

Why was the potential loss of 1.6 million pounds on St Georges Court, known to the Cabinet, kept secret from the MDDC Electorate?

The written answer given: This information is restricted due to commercially sensitive nature.

This is why the Public have a complete lack of trust in MDDC Executive Officers and Cabinet Members on anything to do with 3 Rivers.

Especially so as it seems a senior and very well-informed Member of this Council has said that the Public "do not know the Machiavellian things that have gone on from a finance point of view".

Machiavellian characteristics are marked by cunning, duplicity or bad faith.

An example is that 3 Rivers paid four hundred and twenty thousand pounds (£420,000) for low grade land at Bampton but gave the MDDC Planning Committee a viability statement stating the professional land valuation was only two hundred and thirteen thousand pounds (£213,000).



Will this Scrutiny Committee fulfil their obligation to the people of Mid Devon and remedy this serious situation. This by taking whatever steps are necessary to stop this Business from going any further into decline?

The Monitoring Officer stated that a written response would be provided.

Mr Steve Keable asked:

- a) Did the Cabinet work properly or constitutionally on the 31 January 2023?
- b) If so, why?
- c) If not, why not?
- d) Context of my question is the outcome of Council meeting on 18<sup>th</sup> January where Members were concerned about putting more good money into a questionable enterprise when also considering the cost of living demands of axing services to maintain a balanced budget.

The Monitoring Officer stated that the answers to these questions would be answered within the debate to follow.

## 76 DECISIONS OF THE CABINET (00:15:00)

A Decision made by the Cabinet on 31 January 2023 in respect of the following report was called in for consideration by Councillors B G J Warren, G Barnell, Mrs C P Daw, R M Deed, R J Dolley, A Wilce and Mrs N Woollatt.

### **3 Rivers Developments Limited - Business Plan 2023-2028 and associated Business Cases**

**The Cabinet had RESOLVED to:**

1. Approve the new 3 River Developments Ltd business plan dated 27 January 2023.
2. Approve the business case for Bampton 2, 5 levels.
3. Approve case for Park Road and accept the revised increased unconditional offer made within the business plan dated 27 January 2023.
4. Continues to fund 3 Rivers Developments Ltd in line with the business plan dated 27 January 2023 Which is proposed to generate £900k gross interest received in 2023/24 which are already included in the Council draft 2023/24 general fund budget.
5. To continue with the due-diligence process agreed by Scrutiny, Audit Committee, Cabinet and Full Council that requires a detailed business case to be reviewed and approved by Cabinet for any development in excess of £1m.
6. Instruct external financial and legal advice should a different scope or direction be considered.

The reason for the call in was:

1. The Decision Notice is in Error.
2. The decisions are outside of the Budget & Policy Framework.
3. In relation to 2 above, decisions were not within the power of decision maker.
4. There was inadequate consultation.

5. There was insufficient legal and financial consideration.

The Monitoring Officer provided her opinion on the reasons given for the call in:

- Reason number 1 - She listed the path this issue had taken through the Scrutiny Committee, the Audit Committee, the Cabinet and Full Council. This included a number of extraordinary meetings. Also, that Cabinet had referred the matter to Extraordinary Full Council at the request of the Scrutiny Committee on the 21 November 22.
- Regarding reasons 2 and 3 she confirmed that Council was responsible for approving the budget, however, the Governance Agreement of the company made it clear that the Cabinet had authority to approve the Business Plans of the company.
- Reason number 4 - a great deal of evidenced consultation had taken place as referenced in the response to reason 1.
- With regard to reason number 5 she again referred the Committee to the committees which previously had considered this and which were all accompanied with reports on financial and legal implications.

Discussion took place and consideration was given to:

- The rationale for each of the call in reasons had not been provided as part of the agenda for the meeting. This may have been helpful to the public and those discussing the issue. The rationale in each case was then provided by one of the Members calling in the decision.
- The short length of time between the publication of documents and the meetings taking place to discuss and decide upon those documents.
- The absence of sufficient reasons for the Cabinet decisions.
- Article 15.2 was referred to in terms of reasons needing to be given by Council for all of its decisions.
- Whether the company was obtaining 'best value' for the sale of its assets, this needed further enquiry.
- Elements of the original Business Plan appeared to have been omitted from the revised Business Plan.
- Any Members of the Scrutiny Committee appointed to the Cabinet following this meeting would not be able to consider the matter as voting members of the Cabinet since there would be a significant element of predetermination.
- Some initial confusion as to whether or not the call in would be allowed.
- Any decisions regarding the budget needing to be made by full Council and not Cabinet.
- The revised Business Plan had not been considered by the Scrutiny or Audit Committee.
- The 'Notification of Key Decisions' was not thought to have given proper notice of the matter.
- Further advice was needed on matters such as how long to market a property and what was 'best value'.
- It was confirmed that the Cabinet had asked the company to amend the Business Plan with regard to a number of factors and the company had complied.
- The financial effect upon the Council if the Business Plan was not able to proceed. This may lead to reductions in service provision and consideration of using reserves. It was confirmed by the S151 Officer that the potential overall financial loss to the Council would be extremely significant.

It was **RECOMMENDED**:

- I. That the Scrutiny Committee supports the original Full Council recommendation number one that, neither of the business plans or business cases in their current form be supported. This should now extend to the final version dated 27 January 2023. This recommendation should be returned to Full Council for consideration.
- II. That the Scrutiny Committee supports the original Full Council recommendation number two in its entirety. Cabinet has decided to continue to fund 3 Rivers but it has not stated to which stage. Cabinet should be recommended/asked to clarify this point.
- III. That Scrutiny Committee note the further part of recommendation number two which states “It further recommends that independent legal and financial advice be sought to help inform those considerations and explore what options are available”; and consider that in the light of Cabinet decision number 6 this matter has not been addressed as there are potential budgetary implications the matter should be referred to Full Council for decision.
- IV. That Scrutiny Committee recommend that decision three should not be implemented until the matter has been reviewed by Full Council with respect to the potential budgetary effect and a full independent review has taken place into the procedures and advice as to the legality for the sale of this site with the reduction in value. This may include reference to the Secretary of State as we have a duty to obtain best value.
- V. That Scrutiny Committee recommend that decision four be referred to the Full Council in the light of its major impact on the forthcoming draft budget.

(Proposed by Cllr B Warren and seconded by Cllr W Burke)

Notes:

- (i) Cllr J Downes requested that his abstention from voting be recorded.
- (ii) A proposal that the Scrutiny Committee makes ‘no recommendations’ to the Cabinet was not supported.

It was further **RESOLVED** that:

The Scrutiny Committee consider an external investigation into the Council’s handling of this matter, including the processes followed, from its inception to the current date.

(Proposed by Cllr J Downes and seconded by Cllr B Warren)

(The meeting ended at 4.06 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **AUDIT COMMITTEE** held on 24 January 2023 at 5.30 pm

### **Present**

#### **Councillors**

N V Davey (Chairman)  
J Buczkowski, Mrs C Collis, R Evans,  
R F Radford, R L Stanley, Mrs N Woollatt  
and A Wyer

### **Apology**

#### **Councillor**

A White

### **Also Present**

#### **Councillors**

S J Clist, D R Coren, Mrs C P Daw and B G J Warren

### **Also Present**

#### **Officers**

Andrew Jarrett (Deputy Chief Executive (S151)), Paul Deal (Corporate Manager for Finance), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Paul Middlemass (Audit Manager), Sarah Lees (Member Services Officer) and Carole Oliphant (Member Services Officer)

### **Also in**

#### **Attendance**

Peter Barber (Grant Thornton and Ken Johnson (DAP)

## 47. **APOLOGIES**

Cllr Alex White sent his apologies for the meeting.

It was **NOTED** that Cllrs C Collis and N Woollatt had attended the meeting via Zoom.

## 48. **PUBLIC QUESTION TIME**

The following question was received from Mr Nick Quinn, a local resident:

Regarding Agenda Item 10 – Grant Thornton Audit Findings

On page 19 of the Grant Thornton Audit Findings (that is on Page 271 of the Committee papers), in the penultimate paragraph, there is mention of a letter of support for 3 Rivers.

The External Auditors state: "*We understand that a letter of continued support has been requested from the Council and that this is being provided.*"

My questions are:

**Q1. Has this letter of continued support been provided?**

**Q2: If so, who signed off on this letter?**

**Q3: If so, was Audit Committee informed before the letter was provided?**

Thank you

The Deputy Chief Executive (S151) confirmed that a 'letter of continued support' had not yet been provided, therefore the answers to questions 2 and 3 became redundant. He further explained that a special meeting of the Cabinet would take place on Tuesday 31 January 2023 where the future plans for 3 Rivers would continue to be discussed and decided upon.

**49. DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

**50. MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 22 November 2022 were confirmed as a true record and signed by the Chairman.

**51. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

**52. ANTI-FRAUD, BRIBERY AND CORRUPTION POLICY & STRATEGY (00:08:00)**

The Committee had before it a report \* from the Deputy Chief Executive (S151) and the Corporate Manager for Revenues, Benefits, Corporate Recovery, Planning, Planning Enforcement, Economic Development, Forward Planning, Welfare & Anti-Fraud and Corruption presenting the reviewed and updated policy for Anti-Fraud, Bribery and Corruption and the Anti-Fraud and Corruption Strategy/Response Strategy for approval.

It was explained that the renewed policy and strategy followed best practice and was now more aligned with the Devon Audit Partnership as a whole providing dedicated specialist advisers to provide support and advice when needed.

Discussion took place with regard to:

- It was requested that the contact details on the website be updated.
- Benefit fraud was dealt with separately to other types of fraud by the Department for Work and Pensions (DWP).
- Nationally, fraud in the region of £190 billion took place each year.

**RESOLVED** that:

- a) The revised Anti-Fraud, Bribery and Corruption Policy and the strategy/response plan be approved.

- b) The Corporate Manager for Revenues, Benefits, Corporate Recovery, Planning, Planning Enforcement, Economic Development, Forward Planning, Welfare & Anti-Fraud and Corruption, be given delegated authority to make minor amendments to these documents e.g. changes to job titles.

(Proposed by the Chairman)

Reason for the decision

As set out within the report.

Note: \* Report previously circulated; copy attached to the signed minutes.

**53. INTERNAL AUDIT PROGRESS REPORT 2022 - 2023 (00:17:00)**

The Committee received, and **NOTED**, a report \* from the Devon Audit Partnership which highlighted the following:

- The first half of the report concerned the audits that had taken place since the last meeting and the second half discussed the Counter Fraud Resilience and Assessment Report.
- There had been 9 'reasonable' assurance opinions given, 3 'substantial' and one 'limited'.
- Summaries, risk exposure and management actions were provided in Appendix one with regard to the following areas: Treasury Management, Car Parks, Grounds Maintenance, Customer Care and Complaints, Capital Asset Management and Void Management Arrangements.
- A list had been provided of the current and overdue audit recommendations, however, it was explained that DAP were working with the new Performance Manager in order to ensure progress on the recommendations going forwards.

Discussion took place regarding:

- Concerns regarding the risks associated with Cyber Security. An audit had just been completed on this area and a report would be brought to the next meeting. It was further confirmed that robust testing was undertaken on a regular basis.
- Concerns regarding the length of time it was taking to re-let Council properties upon vacation. It was confirmed that Covid, the cost of living crisis, the cost and availability of materials, new regulations and the decarbonisation agenda was having a significant effect upon timescales.
- Concerns regarding pre-void inspections and whether all properties were inspected or only targeted ones. A breakdown was requested and it was confirmed that this information would be provided at a later date once the relevant officers had been contacted. It was further confirmed that DAP would be undertaking a review of the Voids area in 6 months time.
- The scale of fraud, nationally, was enormous. Of all recorded crime, 41% related to fraud. Local authorities were working together to determine and implement best practice in an effort to combat fraud. A Public Sector Fraud Authority had been created. The Council would continue to monitor this area and report regularly to the Audit Committee.

Note: \* Report previously circulated; copy attached to the signed minutes.

54. **MEETING MANAGEMENT (00:50:00)**

The Chairman informed the meeting that he would be taking the Grant Thornton Findings report as the next item of business followed by the Statement of Accounts and Annual Governance Statement in that order.

55. **GRANT THORNTON AUDIT FINDINGS (00:51:00)**

The Committee had before it, and **NOTED**, a report \* from Grant Thornton setting out their findings from the 2021/22 external audit.

The following was highlighted within the report:

- Their opinion on the Council's accounts had been provided later than planned due to a number of reasons such as capacity issues and changes to statutory regulations meaning more audit work was needed in order to complete the audit. Nationally, only 12% of audits had met stated deadlines.
- A small number of queries remained to be resolved, however, it was anticipated that an unqualified audit opinion on the Financial Statements would be issued after this meeting.
- Regarding the Group Accounts they were still waiting for the 3 Rivers Auditors Report which had been held up by the Business Plans needing to be decided by a special meeting of the Cabinet the following week. Grant Thornton could not issue an opinion until then.
- To date there had been no material errors within the Financial Statements, risk was driven by materiality and this was a key area of their audit work.
- The auditors had identified a small number of errors within the 3 Rivers accounts which they had requested be adjusted for and 3 Rivers had agreed to make the necessary changes.
- Whether a company or 'an entity' was a 'Going Concern' was a key consideration within the issuing of a final opinion. Grant Thornton were confident that the Council could meet its obligations within 12 months time.
- An estimation difference had been identified which had arisen as part of Grant Thornton's debtors testing, specifically long term debtors. A figure of £128k had been identified by Grant Thornton meaning that the Council had a slightly longer long term debtor than was being disclosed. This would be more money that would be received in due course. This was not material to the accounts but needed to be formally minuted.
- Work was underway on the Value for Money opinion which had a slightly later deadline than the Statement of Accounts. A draft report would be with officers by the end of February.
- An 'Emphasis of Matter' was explained as an opinion the 3 Rivers auditors may wish to make.

Consideration was given to:

- Whether the Council would still be classed as a 'Going Concern' should 3 Rivers be wound up.
- Whether further adjustments in relation to the Impairment figures would need to be made.



The Committee requested that their disappointment at the delay's involved in the Cabinet reaching a decision about the future of 3 Rivers be referred back to the Cabinet as soon as possible. It was the Committee's opinion that a decision should have been reached in a much more timely fashion in order to inform the budget for next year.

Note: \* Report previously circulated; copy attached to the signed minutes.

56. **FINAL STATEMENT OF ACCOUNTS 2021 - 2022 (01:22:00)**

The Committee received a report \* from the Deputy Chief Executive presenting the final version of the annual Statement of Accounts to Members following the conclusion of the external audit.

It was confirmed by the Deputy Chief Executive (S151) that an unqualified opinion was intended to be issued on the Financial Statements and that all recommended adjustments would be made.

**RESOLVED** that the annual Statement of Accounts for 2021/22 be approved and that the Letter of Representation be signed by the appropriate people.

(Proposed by the Chairman)

Reason for the decision:

There was a legal requirement to produce and publish audited accounts for the year to 31 March 2022 and for those accounts to be considered and approved by the Audit Committee.

Note: (i) \* Report and Statement of Accounts circulated previously.

(ii) Cllr Stanley declared a personal interest in that he was a Director of 3 Rivers abstained from voting.

57. **ANNUAL GOVERNANCE STATEMENT ACTION PLAN UPDATE (01:30:00)**

The Committee had before it a report \* presenting the Annual Governance Statement which provided Members with the results of a yearly assessment of how well the Council was identifying, assessing, managing and controlling risks, achieving its aims and meeting the responsibilities it had by law.

A draft version of this report had been brought to the Committee earlier in the year and since then a small amendment had been made regarding external inspections as stated in section 6.3 of the report.

**RESOLVED** that the Annual Governance Statement for 2021/22 be approved.

(Proposed by Cllr B Evans and seconded by Cllr J Buczkowski)

Reason for the decision

As set out within the report.

Note: \* Report previously circulated; copy attached to the signed minutes.

58. **PROCUREMENT PARTNERSHIP (01:32:00)**

The Committee had before it a report \* from the Deputy Chief Executive (S151) presenting the revised draft Procurement Strategy requesting that it be recommended to the Cabinet for approval.

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

- The previous Procurement Strategy had been drawn up 4 years ago in partnership with other local authorities, however, the revised Strategy now aligned with the Devon County Council Strategy as a whole but was also tailored to Mid Devon.
- A follow on document would be forthcoming which would need to be embedded within the Strategy.
- Significant changes in legislation were expected as a result of Britain coming out of the European Union and therefore further changes to the Strategy would probably be needed. The document would therefore be kept under review.
- An audit on the Procurement area was currently being undertaken.

The Committee had been impressed by the format of the report before them and wished to thank the officers.

**RECOMMENDED** to the Cabinet that the revised Procurement Strategy be approved by the Cabinet

(Proposed by the Chairman)

Reason for the decision

As set out within the report

Note: \* Report previously circulated; copy attached to the signed minutes.

59. **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:37:00)**

**RESOLVED**: That the items listed be **NOTED** and that it was anticipated that Grant Thornton would be able to bring a Value For Money opinion to the next meeting.

(The meeting ended at 7.08 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**  
held on 10 January 2023 at 5.30 pm

### **Present**

#### **Councillors**

J Wright (Chairman)  
W Burke, R F Radford, L D Taylor and  
B G J Warren

### **Apologies**

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

E J Berry and R L Stanley

### **Also Present**

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

D R Coren, Miss J Norton, C R Slade, S J Clist, L J Cruwys  
and Mrs E J Lloyd

### **Also Present**

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

Jill May (Director of Business Improvement and Operations), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Paul Deal (Corporate Manager for Finance), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Matthew Page (Corporate Manager for People, Governance and Waste), Luke Howard (Environment and Enforcement Manager), Jan Moreland (Accountant), Carole Oliphant (Member Services Officer) and Jessica Rowe (Member Services Apprentice)

## 47 **APOLOGIES AND SUBSTITUTE MEMBERS (0.02.34)**

Apologies were received from Cllrs E J Berry and R L Stanley

Cllr D R Coren and Miss J Norton attended via ZOOM.

## 48 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.02.50)**

Members were reminded of the need to make declarations where appropriate

## 49 **PUBLIC QUESTION TIME (0.03.03)**

There were no members of the public present

## 50 **MINUTES OF THE PREVIOUS MEETING (0.03.14)**

The minutes of the meeting held on 8<sup>th</sup> November 2022 were agreed as a true record and duly **SIGNED** by the Chairman

## 51 **CHAIRMAN'S ANNOUNCEMENTS (0.03.40)**

The Chairman had no announcements to make

## 52 CLIMATE CHANGE ACTION PLAN UPDATE (0.03.45)

The Group had before it, and **NOTED**, a \*report from the Climate and Sustainability Specialist providing an update on the Climate Change Action Plan.

The Corporate Manager for Property, Leisure and Climate Change explained that the plan aligned with the Council's climate emergency declarations.

Consideration was given to:

- Energy prices had increased dramatically but the installation of Air Source Heat pumps at the leisure centres would help
- There was a live bid in place to obtain funding to install Air Source Heat Pumps at Cullompton sports centre
- There was a detailed program in place to install modular housing
- Location of tree planting should be better considered and Parish Council's consulted
- A planning application for the Hydro scheme had been submitted and objections were being worked through
- Funding opportunities for the installation of solar panels on commercial buildings not owned by the council would be provided on the Council's sustainable website

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

## 53 BUDGET UPDATE (0.24.57)

The Group had before it a \*report from the Deputy Chief Executive providing the Medium Term Financial Plan.

The Corporate Manager for Finance explained the current position by way of a presentation and advised Members that he was looking for a steer on higher and lower priorities.

Consideration was given to:

- Members were asked to consider any savings were district wide and not confined to individual parishes
- The figures for fuel costs were based on real time values
- Some savings would be found in Vacancy Management but that the Council were not expecting to make any redundancies
- Some Members found it difficult to make decisions on priorities when they were unsure of what each cost centre covered
- The suggestions put forward by officers on where and how savings could be achieved
- Members felt the letter sent to the Parishes asking for funding for some services was not clear on what was being requested
- The residents survey results
- Some Members would support a review into the number of grass cuts a year

It was therefore **RECOMMENDED** to the Cabinet that:

1. The Weed Team should not be reinstated

(Proposed by Cllr B G J Warren and seconded by Cllr R F Radford)

2. Waste Collection/Recycling/Open Spaces should be protected from budget and service provision reductions

(Proposed by Cllr R F Radford and seconded by Cllr W Burke)

3. Property Service Staff Unit and Administration Buildings could be considered for budget and service provision reductions

(Proposed by the Chairman)

**Reason for the decisions:** As per the report

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

54 **WORK PLAN (1.35.44)**

The Group had before it, and **NOTED**, the \*Environment PDG Work Plan for 2022-2023.

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

(The meeting ended at 7.18 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 17 January 2023 at 2.15 pm

### **Present**

#### **Councillors**

R J Dolley (Chairman), G Barnell (attended via Zoom)  
J Bartlett, J Cairney, D R Coren, R Evans, P J Heal and  
L J Cruwys

### **Apology**

#### **Councillor**

S J Clist

### **Present**

#### **Officers**

Jill May (Director of Business Improvement and Operations), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Paul Deal (Corporate Manager for Finance), Sue Hanwell (Operations Manager for Housing), Mike Lowman (Building Services Operations Manager), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Tanya Wenham (Operations Manager for Public Health and Housing Options), Sam Barnett (Housing Initiatives Officer), Andrew Seaman (Member Services Manager) and Sarah Lees (Member Services Officer)

## **47 Apologies and Substitute Members**

Apologies were received from Cllr S Clist who was substituted by Cllr L Cruwys.

Cllr G Barnell attended the meeting via Zoom.

## **48 Public Question Time**

There were no members of the public present and none had registered to ask a question in advance.

## **49 Declaration of Interests under the Code of Conduct**

No interests were declared under this item.

## **50 Minutes**

The minutes of the meeting held on 15<sup>th</sup> November 2022 were agreed as a true and accurate record and signed by the Chairman.

## **51 Chairman's Announcements**

The Chairman had no announcements to make.

## 52 **2023/24 Budget Update (00:06:00)**

The Group had before it, and **NOTED**, a report \* from the Deputy Chief Executive (S151). This report updates the General Fund deficit to the current position of £905k and proposes options to consider to achieve the statutorily required neutrality. The HRA Budget position shows a balanced position for 2023/24 and a reduced shortfall across the remainder of the MTFP.

Key highlights within the report were as follows:

- The services reporting to this committee have small budgets that are largely funding through external funding, thereby making the identification of savings difficult.
- The draft budget still had a residual gap with inflation, not grant cuts, being the chief cause.
- Other influencing factors included the rise in energy costs, a rise in pay and pension contributions and slightly lower Council Tax income due to the loss of any surpluses.
- Towns and Parish Council's had been approached to discuss options for financial support towards service provision, however, there had not been a great deal of response so far.
- Pay assumptions had been reviewed as had Business Rate income and the Asset Management Programme.
- The turnover of staff and vacancy assessment. A robust process was in place to assess each vacant post in terms of income generating opportunities and health and safety risks.
- Some areas of the Council's activity needed to be topped up going forwards such as providing sufficient budget for Planning Appeals.
- The outcome of 3 Rivers Ltd was not yet known.
- The Housing Revenue Account (HRA) was currently showing a balanced position, with below inflation assumptions for Rental Income and a significant plan for housing development.

Discussion took place with regard to:

- More detail was requested regarding the housing development programme. It was confirmed that this would be included within a Housing Strategy update report to be presented to the next meeting but a firmer idea of the HRA budget for next year was needed first.
- Opportunities for income generation existed within the HRA, particularly within the Repairs and Maintenance area.
- Opportunities to develop old garages into housing units.

Note: \* Report previously circulated; copy attached to the signed minutes.

## 53 **Tenant Involvement and Empowerment update (00:40:00)**

The Group had before it, and **NOTED**, a report \* from the Corporate Manager for Public Health, Regulation and Housing providing an update to Members on the work relating to tenant involvement and empowerment and how this supports statutory and regulatory obligations including important changes to the social housing regulatory regime.



Key highlights within the report were identified as follows and discussion took place regarding:

- The new Regulations required the Council to report on a number of factors with the vast majority relating to Tenant Satisfaction therefore work around this was very important.
- New Tenant Champion roles were being advertised.
- Very good lines of communication between Tenants and the Council were already in operation.
- Small wins made a big difference to Tenants.
- A 'Winter Warm Club' continued to run and provided a good opportunity for the Neighbourhood Teams to have face to face contact with Tenants.

Note: \* Report previously circulated; copy attached to the signed minutes.

#### 54 **Damp & Mould Review (00:55:00)**

The Group received a presentation from the Corporate Manager for Public Health, Regulation and Housing regarding damp and mould in Housing.

Key elements within the presentation were as follows:

- Reference was made to a tragic case recently in the media and the conclusions of the Coroner.
- As a result a detailed, timely and combined response had been provided by Mid Devon Housing and Public Health Services to Government.
- A recently completed in-depth review of the situation within the Mid Devon Housing stock had already been undertaken and the results of this were available on the website.
- Every report of damp and mould was investigated (both private sector housing standards and as a landlord). A large number of factors could be responsible for damp and mould, including the age of a property and how much ventilation there was.
- A dedicated Mid Devon Housing Damp and Mould policy would be drawn up later in the year following updated guidance from the Government.
- Damp and Mould would always occur especially in a country with high seasonal temperature variations and varied housing stock.
- The importance of managing complaints to ensure there is no long-term exposure to persistent damp and mould.

Consideration was given to:

- Damp and mould having long term health implications.
- More private homes did not meet the Decent Homes Standard compared to the Council's Housing stock. Private Sector landlords faced a number of challenges with this.
- Damp and mould occurred in properties both in the rural and the urban environments.

## 55 **Private Sector Housing Assistance Policy (01:22:00)**

The Group had before it a report from the Corporate Manager for Public Health, Regulation and Housing present a revised Housing Assistance Policy under Article 4 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, following a review of the current Housing Assistance Policy 2019-22.

The contents of the report were outlined and particular reference made to the following:

- It was confirmed that the Private Sector Housing team looked after this area of work and that there was a real focus on trying to keep people safe in their homes and offering advice and support with grants and adaptations.
- Staff involved in the delivery of this were funded by the Better Care Fund which was a pot of money available to local authorities to support tenants in the Private Sector.

Discussion took place with regard to:

- The range of comprehensive help that was available to support Tenants.
- Disabled Facility Grants being used to make adaptations within homes needing them.
- There would always be properties that were impossible to adapt but the funding and support available often helped to unlock some of these barriers.

**RECOMMENDED** to the Cabinet that:

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

(Proposed by Cllr P Heal and seconded by Cllr B Evans)

### Reason for decision

As set out in the report.

Note: \* Report previously circulated; copy attached to the signed minutes.

## 56 **Void Management Policy (01:42:00)**

The Group had before it a report \* from the Corporate Manager for Public Health, Regulation and Housing. An updated, draft policy on the management of void properties within the Council's housing stock is presented to Members. This has

been developed following an in-depth review of voids management and with an aim to ensure that properties which become void continue to be re-let as quickly and efficiently as possible. The policy also seeks to balance this approach with the needs of tenants and the requirement to maintain our properties to an appropriate, safe lettings standard whilst retaining a sustainable stock and Housing Revenue Account.

The contents of the report were outlined with the following being highlighted:

- The management of void was undertaken as quickly and as efficiently as possible, carefully balanced with the requirement for effective stock management in order to provide a decent, sustainable estate for the future
- Housing stock had to be 'fit for purpose' when re-let and going forwards.
- The Cabinet Member for Housing and officers had overseen a thorough review of this area, listening to views of all members and taking into account the findings of Devon Audit Partnership audit commissioned by the Mid Devon Housing.
- The updated policy sought to provide clarity on all aspects of voids management
- Previous re-letting targets had been unrealistic and unachievable.
- Recent constraints had included the ability to get materials quickly as well of regulatory pressures alongside new pressures from increasing levels of tenant damage, decarbonisation of our properties and meeting Decent Homes Standards.
- New targets were more measurable and achievable and there were 4 new categories of Voids.
- The proposed overarching occupancy rate target of 97%.
- The views of tenants had been listened to.
- There would be more financial monitoring going forwards.
- It was proposed that the revised policy be reviewed in 12 months time allowing for additional engagement with tenants who had experienced the updated voids approach.

**RECOMMENDED** to the Cabinet that it approves the updated Voids Management Policy contained in Annex B.

(Proposed by Cllr P Heal and seconded by Cllr L Cruwys)

Reason for decision

As set out in the report.

Note: \* Report previously circulated; copy attached to the signed minutes.

**57 Identification of items for the next meeting (01:55:00)**

Members **NOTED** the items listed in the work programme for the next meeting.

(The meeting ended at 4.14 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP**  
held on 24 January 2023 at 2.15 pm

### **Present**

#### **Councillors**

Mrs M E Squires (Chairman)  
W Burke, L J Cruwys, B Holdman, S Pugh  
and Mrs E J Slade

### **Also Present**

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

Mrs C Collis, S J Clist and Mrs C P Daw

### **Also Present**

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

Paul Deal (Corporate Manager for Finance), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Fiona Keyes (Operations Manager for Revenues Benefits & Recovery), Carole Oliphant (Member Services Officer) and Sarah Lees (Member Services Officer)

#### 40 **APOLOGIES AND SUBSTITUTE MEMBERS (0.02.48)**

There were no apologies or substitute Members.

Cllr Mrs C Collis attended via ZOOM.

#### 41 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.02.56)**

Members were reminded of the need to make declarations where appropriate

#### 42 **PUBLIC QUESTION TIME (0.03.05)**

There were no members of the public present.

#### 43 **MINUTES OF THE PREVIOUS MEETING (0.03.14)**

The Minutes of the Meeting held on 22<sup>nd</sup> November 2022 were approved as a correct record and **SIGNED** by the Chairman.

#### 44 **CHAIRMAN'S ANNOUNCEMENTS (0.03.51)**

The Chairman had no announcements to make

#### 45 **THE COUNCIL TAX REDUCTION SCHEME & EXCEPTIONAL HARDSHIP POLICY (0.04.10)**

The Group had before it a \*report from the Deputy Chief Executive (S151) providing a review into the Council Tax Reduction Scheme & Exceptional Hardship Policy.

The Operations Manager for Revenues and Benefits explained that there were changes to the policy required and that officers were looking to review and amend the current scheme in order to expand the assistance for our customers from 85% to 100% relief.

A customer survey had been conducted with over 1000 responses in favour of amending the scheme.

Consideration was given to:

- MDDC would only bear 11% of the costs circa £56K
- The cost to DCC would be circa £356K
- Pensioners were protected by schemes set by Government
- North and East Devon had proposed similar schemes

It was therefore **RESOLVED** to recommend to the Cabinet:

- 1) TO INCREASE THE MAXIMUM REDUCTION FROM 85% TO 100%
- 2) TO DISREGARD THE HOUSING ELEMENT OF UNIVERSAL CREDIT IN THE CALCULATION
- 3) TO INCREASE THE INCOME BANDS BY INFLATION EACH YEAR
- 4) THAT ANY INCOME FROM WELFARE PROVISION TO BE DISREGARDED
- 5) THAT THIS POLICY IS ADOPTED

(Proposed by the Chairman)

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

#### 46 **DRAFT BUDGET (0.12.58)**

The Group had before it a \*report from the Deputy Chief Executive (S151) providing the Medium Term Financial Plan.

The Corporate Manager for Finance explained the current position by way of a presentation and advised Members that he was looking for a steer on which service areas should be considered high priority and therefore protected as far as possible and those services the committee considered to be a lower priority and would accept savings being made.

Consideration was given to:

- The largest driver was inflation specifically pay awards, energy costs and fuel
- Service pressures included pension contributions, climate change commitments, infrastructure and less reliance on New Homes Bonus
- Options included vacancy management in lower priority services

After discussion the PDG **AGREED** that officers should consider the following:

- Planned maintenance within Leisure services being reduced, as long as this does not impact on health and safety.

(Proposed by Cllr S Pugh and seconded by Cllr W Burke)

- A vacancy factor be set for Leisure services, as long as this does not impact on health and safety or income generation.

(Proposed by Cllr S Pugh and seconded by Cllr Mrs E Slade)

In addition the PDG **AGREED** that officers should not consider the following:

- Savings within Community Safety as this should be considered a high priority service area which should be protected.

(Proposed by Cllr S Pugh and seconded by Cllr W Burke)

- Savings within Public Health as this should be considered a high priority service area which should be protected.

(Proposed by Cllr Mrs E Slade and seconded by Cllr Mrs M E Squires)

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

#### 47 **WORK PROGRAMME (1.04.15)**

The Group had before it, and **NOTED**, the \*Community Policy Development Group Work Plan for 2022-2023.

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

(The meeting ended at 3.23 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 12 January 2023 at 5.30 pm

### **Present**

#### **Councillors**

J M Downes (Chairman)  
Mrs C Collis, N V Davey, R J Dolley,  
R Evans, Mrs S Griggs, R F Radford and  
S J Clist

### **Apology**

#### **Councillor**

J Wright

### **Also Present**

#### **Councillors**

R J Chesterton and D R Coren

### **Also Present**

#### **Officers**

Richard Marsh (Director of Place), Adrian Welsh (Strategic Manager for Growth, Economy and Delivery), Paul Deal (Corporate Manager for Finance), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Zoë Lentell (Economic Development Team Leader), Christie McCombe (Area Planning Officer), Andrew Seaman (Member Services Manager) and Sarah Lees (Member Services Officer)

## 37 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr J Wright who was substituted by Cllr S Clist.

## 38 **PUBLIC QUESTION TIME**

There were no members of the public present and none had registered to ask a question in advance.

## 39 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

Cllr S Clist declared a personal interest in that he was a member of the National Farmers Union (NFU).

No other interests were declared under this item.

## 40 **MINUTES**

The minutes of the meeting held on 10 November 2022 were confirmed as a true and accurate record and signed by the Chairman.

Note: At the previous meeting the Group had requested further information be supplied with regard to gross median salary figures. It was explained that generally rural areas fared worse than urban ones. Officers had sought clarification from

colleagues at Devon County Council and had been informed that the gross median salary figure for Mid Devon had risen to 9.6%. For Devon as a whole this had risen to 8.5% and nationally, 7.1%. These figures were to be viewed within the context of a national inflation rate of nearly 11%.

#### 41 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

#### 42 **AGRICULTURAL OVERVIEW (00:04:54)**

The Group had before it, and **NOTED**, a report \* from the Director of Place providing Members with an overview of the key challenges facing the agricultural sector and set current areas of activity within the District Council as requested by this Group.

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

- Agriculture was a key element within the local economy.
- The report set out the challenges facing the sector, for example, labour shortages and animal feed costs.
- The Council's sphere of influence was limited but they had a role to play as the Local Planning Authority, in Public Health and the Climate Change agenda. The Economic Development function of the Council was also able to support the sector through accessing available funds and website promotion of local producers.
- The NFU would be having an informal meeting with the Planning Committee shortly.

Discussion took place regarding:

- The average age of farmers was 60 years and 3 months.
- There were opportunities for the Council in the future to influence policies through the new Local Plan.
- Diversification, where possible, was essential.
- Animal welfare fell under the control of DEFRA but it was noted that the UK had extremely high welfare standards and there were stringent checks on all areas of farming activity.
- Increasing the size of a farm was not always the right answer.

Note: \* Report previously circulated; copy attached to the signed minutes.

#### 43 **ECONOMIC DEVELOPMENT TEAM UPDATE REPORT (00:28:15)**

The Group had before it, and **NOTED**, a report \* from the Director of Place updating Members on activities undertaken by the Economic Development Team during the last quarter.

An update was provided in relation to the Shared prosperity Fund, unemployment statistics, town centres and destination management work undertaken by the team since the last meeting.

Consideration was given to:

- The HRA had identified a number of possible sites for housing, however, those that were not deemed to be suitable could be considered for the siting of small business units. A Business Plan was needed. It was confirmed that officers had started discussions on such sites and there was a clear intention to support innovation and significant amounts of funding had been allocated.
- There were timetable challenges and projects needed to be assessed as being viable.
- Partnership working and the sharing of knowledge was key.
- The team did provide help and support to businesses and their websites and would be looking to provide more digital support through the Shared Prosperity Fund.

Note: \* Report previously circulated; copy attached to the signed minutes.

#### 44 **TIVERTON TOWN CENTRE MASTERPLAN SUPPLEMENTARY PLANNING DOCUMENT AND DELIVERY PLAN (00:41:00)**

The Group had before it a report \* from the Director Place reminding Members that they would be aware that this authority has previously undertaken work with regard to regeneration and investment masterplanning for Tiverton town centre. This report sought to provide an update to Members with recommendations in association with work being undertaken by the Coastal and Market Towns Initiative, Shared Prosperity Fund and Rural England Prosperity Fund.

The contents of the report were outlined with reference to the following:

- The primary reporting mechanism for masterplanning activity would continue to be the Planning Policy Advisory Group (PPAG), however, there were strong links with the SPF hence bringing a report to this Group.
- A list of initial and future projects were shown to the Group via a presentation.
- Key milestones were also listed for the Groups information.

Discussion took place with regard to:

- Current assets within the district such as Palmerston Woods.
- Attention needing to be paid to the current list of projects such as Market Walk.
- A hope that the masterplanning exercise would be complete by the end of 2023 as stated within the timescale of the presentation.

**RECOMMENDED** to the Cabinet that:

- (i) A budget of up to £60k is set aside from the Brown Field Register Fund (up to £35k) and Custom and Self Build Burdens Fund (up to £25k) for the completion of the Draft Masterplan SPD and accompanying Delivery Plan;
- (ii) That Officer's commence the process to engage consultants to complete the Tiverton Town Centre Masterplan SPD and Delivery

Plan process including commissioning assessments as required; and that

- iii) The timetable for the adoption of the Tiverton Town Centre Masterplan and Delivery Plan be agreed.

(Proposed by Cllr Cllr B Evans and seconded by Cllr N V Davey)

Reason for decision

As set out within the report.

Note: \* Report previously circulated; copy attached to the signed minutes.

**45 UK SHARED PROSPERITY FUND & RURAL ENGLAND PROSPERITY FUND DELIVERY PLAN (01:01:50)**

The Group had before it a report \* from the Director of Place updating members on the proposed delivery plan for the UK Shared Prosperity Fund (SPF), approve year 1 spend (2022/23) and approve delegated authority to the Director of Place, in conjunction with Cabinet Members, to approve the detailed SPF Policy and any accompanying guidance materials.

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

- The year one delivery plan.
- The need for an overarching SPF and consistency across Devon.
- The need for delegated authority in order to quickly adjust spending budgets should that be needed.

Discussion took place regarding:

- The short timescales imposed by central government being extremely disappointing and a hindrance to the proper administration of the scheme.
- Valuable health checks now being undertaken in the town centres of the district.

**RECOMMENDED** to the Cabinet that it:

- 1) Approves the UKSPF expenditure & Delivery Plan for Year One (2022/23) as outlined throughout the report.
- 2) Approves delegated authority to the Director of Place, in conjunction with the Cabinet Member for Finance, to finalise the detailed SPF Policy & grant arrangements;
- 3) Approves delegated authority to the Director of Place, in conjunction with the Cabinet Member for Planning and Economic Regeneration, to approve variations to the Delivery Plan, Investment Plan and/or grant scheme criteria.

(Proposed by Cllr B Evans and seconded by Cllr S Clist)

Reason for decision

As set out within the report.

Note: \* Report previously circulated; copy attached to the signed minutes.

#### 46 **2023/ 24 BUDGET UPDATE REPORT (01:08:15)**

The Group had before it a report \* from the Deputy Chief Executive. The Local Government Finance Act 1992 places a legal requirement on the Council to approve a balanced budget. The first draft of the General Fund budget for 2023/24 indicated a deficit of £960k. This report updates that deficit to the current position of £905k and proposes options to consider to achieve the statutorily required neutrality.

Key highlights within the report were as follows:

- This Group had an income generating budget thereby making the identification of savings difficult.
- The draft budget still had a residual gap with inflation, not grant cuts, being the chief cause.
- Other influencing factors included the rise in energy costs, a rise in pension contributions and slightly lower Council Tax income due to the loss of any surpluses.
- Towns and Parish Council's had been approached to discuss service provision in relation grass cutting and play parks, however, there had not been a great deal of response so far.
- Pay assumptions had been reviewed as had Business Rate income and the Asset Management Programme.
- This Group had an opportunity to assess income generation in the coming year.
- The turnover of staff and vacancy assessment. A robust process was in place to assess each vacant post in terms of income generating opportunities and health and safety risks.
- Some areas of the Council's activity needed to be topped up going forwards such as providing sufficient budget for Planning Appeals.
- The outcome of 3 Rivers Ltd was not yet known.

Discussion took place with regard to the measurement of the SPF and the REPF being evidenced by the successful delivery of these programmes. This was dependent on having the necessary resources in place.

It was therefore:

**RECOMMENDED** to the Cabinet that the Economic Development team be considered a high priority service area which should be protected and recognised as generating income for the Council at a high ratio.

(Proposed by Cllr B Evans and seconded by Cllr N V Davey)

#### Reason for decision

As set out within the report.

Note: \* Report previously circulated; copy attached to the signed minutes.

#### 47 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:44:00)

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

- A car parking revenue review. An analysis of the charging mechanism and service generally.
- A report in relation to the allocation and monitoring of S106 monies.

(The meeting ended at 7.25 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 4 January 2023 at 2.15 pm

### **Present**

#### **Councillors**

P J Heal (Chairman)  
S J Clist, Mrs C Collis, Mrs F J Colthorpe,  
L J Cruwys, Mrs C P Daw, B Holdman,  
D J Knowles, F W Letch and B G J Warren

### **Apologies**

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

B A Moore

### **Also Present**

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

J Buczkowski and D R Coren

### **Present**

#### **Officers:**

Richard Marsh (Director of Place), Maria De Leburne (District Solicitor and Monitoring Officer), Angharad Williams (Development Management Manager), Adrian Devereaux (Area Team Leader), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Daniel Rance (Principal Planning Officer), Daniel Sims (Planning Officer), Carole Oliphant (Member Services Officer) and Jessica Rowe (Member Services Apprentice)

## 93 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.46)**

Apologies were received from Cllr B A Moore

## 94 **PUBLIC QUESTION TIME (0.03.59)**

There were no questions from members of the public present

## 95 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.04.15)**

Members were reminded of the need to make declarations where appropriate

## 96 **MINUTES OF THE PREVIOUS MEETING (0.04.28)**

The minutes of the previous meeting held on 30<sup>th</sup> November 2022 were agreed as a true record and duly **SIGNED** by the Chairman

## 97 **CHAIRMAN'S ANNOUNCEMENTS (0.04.59)**

The Chairman reminded Members of a Special Committee meeting to be held on 18<sup>th</sup> January 2023 at 10.00am

98 **WITHDRAWALS FROM THE AGENDA (0.05.38)**

There were no withdrawals from the agenda

99 **THE PLANS LIST (0.05.48)**

The Committee considered the applications in the \*Plans List.

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

Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

**RESOLVED** that the following applications be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

- a) ***Application 22/01813/HOUSE - Erection of first floor side extension, the enclosure of the rear space, and alterations at 13 Livingshayes Road, Silverton, Exeter.*** Planning permission be granted subject to conditions as recommended by the Development Management Manager

(Proposed by the Chairman)

**Reason for the decision:** As set out in the report

- b) ***Application 21/02115/FULL - Conversion of former doctors surgery to 4 children's home dwellings (C2) with associated landscaping and parking at Newcombes Surgery, Clifford Gardens, Crediton.***

The Area Team Leader outlined the application by way of a presentation which highlighted an aerial image, site location plan, existing site plan, proposed site plan, existing elevations, proposed elevations, proposed ground and first floor plans and photographs of the site.

The officer explained that it was conditioned that the number of children in residence at any one time was 6 with ages from 8 to 18 years of age. There had been concerns from neighbours about the behaviour of potential residents of the children's home but that this was not a material planning consideration.

Consideration was given to:

- There was a condition for the installation of CCTV as recommended by the police
- The views of an objector who asked Members to represent their community, the lack of information from the applicant about dealings with DCC and that there were ample reasons to refuse the application



- The views of the applicant who stated the company had started in 2020 and that their other children's homes had been inspected by Ofsted and rated as good. That they were trying to provide Devon homes for Devon children to stop them going out of area and that they wanted to contribute to the community
- Members views that they understood neighbours' anxiety about the potential behaviour of future residents but that there were real issues with accommodating children within Devon
- Members views that the fencing around the facility needed to be sympathetic to both residents of the home and neighbours

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Development Management Manager.

(Proposed by Cllr Mrs F J Colthorpe and seconded by Cllr Mrs C P Daw)

**Reason for the decision:** As set out in the report

Notes:

- Cllrs P J Heal, S J Clist, Mrs C Collis, Mrs F J Colthorpe, L J Cruwys, Mrs C P Daw, B Holdman, D J Knowles and B G J Warren all made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence
- Cllr F W Letch made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he knew objectors, had attended a Town Council meeting where the application was discussed and was Ward Member
- Mr Howells spoke as objector
- Katie Howard spoke as the applicant

**c) Application 22/01375/MFUL - Erection of 24 dwellings including affordable housing, with associated access, landscaping and infrastructure at Land at NGR 277371 93228, East of Church Lane, Cheriton Bishop.**

The Planning Officer outlined the application by way of a presentation which highlighted an aerial image, site location plan, block plan, site layout, house design, visibility splay, carriageway widening, swept path assessment, street scene elevations and photographs of the site.

The officer explained that the application was on an allocated site, within the settlement limits, contained a range of dwellings of various sizes and that the pumping station was now situated underground and that the landscaping around it had been conditioned.

Consideration was given to:

- Officers were concerned that the NHS S106 funding calculations from the NHS did not meet the current Community Infrastructure Levy (CIL) Regulation 122
- None of the dwellings were being proposed outside of policy

- The self-build plot was equivalent to adjoining plots
- Members views that it was evident the amount of pre application work which had been done with the applicant
- That the site would be connected to the village via a new footpath
- The views of the applicant who confirmed that all feedback received from statutory consultees had been considered and they had achieved the aim of improving footpaths and maintaining existing hedgerows. The parking arrangements were in excess of Policy requirements and that landscape buffers were proposed both north and south of the site
- The views of the Ward Member who stated Bunnybuild Ltd had listened and endeavoured to meet the requirements of the Parish Council on many of the points raised, making changes where possible. He believed the planning application is acceptable. I therefore as Ward Member ask that you accept the Officer's recommendation and approve this application today

It was therefore **RESOLVED** that Planning permission be granted subject to conditions and the signing of a S106 agreement as recommended by the Development Management Manager.

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

**Reason for the decision:** As set out in the report

Notes:

- Cllrs P J Heal, S J Clist, Mrs C Collis, Mrs F J Colthorpe, L J Cruwys, Mrs C P Daw, B Holdman, D J Knowles and B G J Warren all made declarations in accordance with protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence
- Cllr F W Letch made a declaration in accordance with protocol of Good Practice for Councillors dealing with planning matters as he knew objectors and had attended a Parish Council meeting where the application was discussed
- Will Morris spoke as the applicant
- Cllr D R Coren provided a statement which was read out by the Chairman

## 100 MAJOR APPLICATIONS WITH NO DECISION (1.30.53)

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

The Committee agreed that:

1. 22/02220/MFUL – To committee to determine if officer recommendation was minded to approve with a full committee site visit required

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

## 101 APPEAL DECISIONS (1.41.33)

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

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

(The meeting ended at 4.10 pm)

**CHAIRMAN**

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 18 January 2023 at 10.00 am

### **Present**

#### **Councillors**

P J Heal (Chairman)  
S J Clist, Mrs C Collis, Mrs F J Colthorpe, L J Cruwys,  
Mrs C P Daw, B Holdman, F W Letch and B G J Warren

### **Apologies**

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

D J Knowles and B A Moore

### **Also Present**

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

### **Present**

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

Richard Marsh (Director of Place), Maria De Leiburne (District Solicitor and Monitoring Officer), James Clements (Principal Planning Officer), Carole Oliphant (Member Services Officer), Jessica Rowe (Member Services Apprentice) and Sarah Lees (Member Services Officer)

Member	Minute No	Type of Interest

## 102 **APOLOGIES AND SUBSTITUTE MEMBERS (0.04.08)**

Apologies were received from Cllrs B A Moore and D J Knowles

## 103 **PUBLIC QUESTION TIME (0.04.26)**

Cllr Elstone from Tiverton Town Council asked:

### QUESTION 1

Will Committee Members take into consideration that the newly adopted Tiverton Neighbourhood Plan Policy T1 says the following ?

“ Section 4.2 In a rural parish such as Tiverton, it is particularly important that development is directed to appropriate locations and that sprawl or ribbon development, and in particular coalescence with surrounding settlements, is avoided.

Local engagement has indicated that the protection of green spaces and corridors of green space is a top priority for residents”.

### QUESTION 2

Will this committee take into consideration that the proposed development abuts the Tiverton Neighbourhood Boundary being immediately against a very narrow single-track lane that forms the boundary line.

That to approve this planning application would fully defeat the Tiverton Neighbourhood Plan T1 Policy expectation and intention.

This at the very first time the purpose and value of the Tiverton Neighbourhood Plan is seen to be tested.

#### QUESTION 3

Will this committee take into consideration that the proposed industrial and housing development will consume a further estimated 20 acres of valuable grade 1 agricultural land .

That the existing Industrial Area which has already seen development creep, will double in size getting ever closer to the Grand Western Canal and which as a very important local amenity and visitor attraction that must be protected not just visually but from noise?

#### QUESTION 4

Will this committee take into consideration that rather than consuming valuable Grade 1 agricultural land to extend and increasingly industrialised development at Hartnoll Farm.

That 5.5 acres or 22,000 square meters of land for employment has been approved as part of the Tiverton EUE and a site which is only around half a mile distant from Hartnoll Farm.

An employment area which will have far better road access directly onto the A361. Its location which will support taking the majority of traffic away from Halberton.

That work is already ongoing on the land drainage and attenuation pond. The link road is complete and near to opening?

The Chairman stated that the questions would be addressed when the application was heard.

Mike Sanderson from the CPRE asked:

How can the Planning Department consider such an application which is highly controversial and not within the bounds of the Local Plan 2013 - 2033?

In response the District Solicitor and Monitoring Officer stated that the Local Planning Authority had a legal duty to determine all planning applications submitted to them.

#### 104 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.11.06)**

Members were reminded of the need to make declarations where appropriate

#### 105 **MINUTES OF THE PREVIOUS MEETING (0.11.12)**

The minutes of the meeting held on 4<sup>th</sup> January 2023 were agreed as a true record and duly **SIGNED** by the Chairman

#### 106 **CHAIRMAN'S ANNOUNCEMENTS (0.11.51)**

The Chairman had no announcements to make.

#### 107 **WITHDRAWALS FROM THE AGENDA (0.12.01)**

There were no withdrawals from the agenda

#### 108 **THE PLANS LIST (0.12.15)**

The Committee considered the applications in the \*Plans List.

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

- a) Application 21/01576/MOUT - Outline for the extension of existing business park for up to 3.9ha of employment land and up to 150 dwellings with associated infrastructure and access with all other matters reserved at Land at NGR 298976 112882 (Hartnoll Farm), Tiverton, Devon.***

The Principal Planning Officer outlined the application by way of a presentation which highlighted the site location plan, an aerial image, framework plan, proposed site access and access strategy and photographs of the site.

The officer explained there had been a late representation which opposed the application.

In response to public questions asked he stated:

- Because the application was in the Halberton Parish no weight could be afforded to the Tiverton Neighbourhood Plan
- The use of grade 1 agricultural land was a reason for refusal

Consideration was given to:

- The reasons for refusal as set out in the report
- The application was delayed as an Environmental Statement had not been provided by the applicant
- In principle officers may be supportive of employment use for the site but this would need to be determined
- Even if affordable housing had been included within the application the recommendation would have been to refuse as the site was outside of policy
- The views of Halberton Parish Council who stated they had held a public meeting on the matter and the public were overwhelmingly opposed to the development. That the application site was outside of settlement limits, on grade 1 agricultural land and outside of MDDC's planning policy
- The views of the Ward Member who stated that the site was outside of settlement limits and there was adequate land already designated for housing. That the development would have a detrimental effect on the Grand Western Canal Country Park and increase traffic on the road to Halberton
- The views of Members that Tiverton and Halberton should remain as two separate parishes and not be joined by this development

It was therefore **RESOLVED** that planning permission be refused as recommended by the Development Management Manager

(Proposed by L J Cruwys and seconded by Cllr B G J Warren)

**Reason for the decision:** As set out in the report

Notes:

- Cllr B Holdman made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters as he had been contacted by residents
- Cllr B G J Warren made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters as he had received correspondence regarding the Anaerobic Digester
- Cllr Mrs C P Daw made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters as she had been dealing with the Anaerobic Digester as part of her portfolio
- Cllr Rob Furmedge spoke on behalf of Halberton Parish Council
- Cllr Ray Radford provided a statement which was read out by the Chairman

(The meeting ended at 11.28 am)

**CHAIRMAN**



**FULL COUNCIL  
22 FEBRUARY 2023**

## **INDEPENDENT REMUNERATION PANEL REPORT**

**Responsible Officer:** Chief Executive/ District Solicitor

**Reason for Report:** To determine the Members' Scheme of Allowances for 1 April 2023 to 31 March 2024.

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

**Financial Implications:** If the retrospective increase in the Basic Allowance is approved at 4.04% there will be a slight increase, and in the amount of Special Responsibility Allowances (SRA's) paid. This is because SRA's are based upon a multiplier of the Basic Allowance. The recommendations do not propose any other financial increases – therefore there are no additional financial implications for the Council.

**Budget and Policy Framework:** N/A

**Legal Implications:** None beyond those covered in this report.

**Risk Assessment:** The Council must take account of the IRP's report to avoid potential successful challenge of its Scheme.

**Equality Impact Assessment:** None beyond those issues identified in this report.

**Impact on Climate Change:** N/A

### **1.0 Background**

- 1.1 The Council is required to consider its Members' Scheme of Allowances taking account of a relevant report of its Independent Remuneration Panel before making any changes to the allowances for the following financial year. Accordingly, the Panel convened in November 2022 to consider the scheme for 2023/24.
- 1.2 The previous (and currently adopted) member allowances scheme refers to members' allowances being 'increased in line with, but no greater than, any staff pay award.' This has been straightforward in previous years where the national staff award has been a percentage figure – since the same percentage figure has then been applied automatically to members' allowances.
- 1.3 This year the staff award has been a cash-flat amount applied at all levels. Therefore there is no single percentage figure to be automatically applied as per the policy.

1.4 The Independent Remuneration Panel considered this when they met in November and their full report is included in Appendix 1. The report sets out the range of information the Panel considered, its findings and reasons for its recommendations.

## 2.0 Recommendations

2.1 A draft Scheme of Members' Allowances for 2023 – 2024 which incorporates all of the IRP's recommendation is attached at Appendix 2. The IRP proposed retrospective amendments to the current scheme are limited to the following:

- (a) Retrospective Increase of the Basic Allowance of 4.04% which is £221.99 to £5716.67 per annum pending a fundamental review;
- (b) The existing Special Responsibility Allowance multipliers remain, but the amounts payable be rounded up / down to the nearest pound; and
- (c) A full fundamental review to take place next year after the election.

### Contact for more Information:

[mdeleiburne@middevon.gov.uk](mailto:mdeleiburne@middevon.gov.uk) and [slees@middevon.gov.uk](mailto:slees@middevon.gov.uk)

**MID DEVON DISTRICT COUNCIL  
INDEPENDENT REMUNERATION PANEL**

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**REPORT ON MEMBERS' ALLOWANCES  
1 APRIL 2023 - 31 MARCH 2024**

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**1. INTRODUCTION**

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 require the Council to have regard to the recommendations of an independent panel in agreeing allowances paid to councillors.
- 1.2 The Independent Panel operates under the provisions of the Local Authorities (Members' Allowances) (Regulations) 2003. These regulations require that all councils set up independent panels and take account of their advice before agreeing their councillors' allowances scheme.

**2. MEMBERSHIP**

- 2.1 Mid Devon District Council's Independent Remuneration Panel ("the IRP") consists of Jeremy Filmer-Bennett, Marianne Hulland and Karen Stone (Panel Chair) all of whom have considerable experience of undertaking reviews for the Council on the matter of Member Allowances.

**3. REVIEW CURRENT SITUATION**

- 3.1 The IRP met on the 1 November 2022 and were supported by the District Solicitor and Monitoring officer and a Member Services Officer.
- 3.2 This report sets out the findings, conclusions and recommendations of the IRP concerning Member Allowances for April 2023 to March 2024 which convened in November 2022.
- 3.3 In advance of the meeting the Panel received a range of information which it has considered as part of its review including:
  - The South West Councils' survey detailing the allowances paid to councillors in similar local authorities across the South West;
  - The previous IRP report;
  - The current Scheme of Members' Allowances;

- Feedback from Members;
  - The LGA approved Pay rise of £1,925 for staff and the % equivalent range for each spinal column point (SCP).
- 3.4 A summary of the general introductory conversation was that a full fundamental review was due to have taken place this year. However this had not been carried out as planned due to a lack of resources within the Council. The Panel noted that Mid Devon District Council ('the Council') will carry out a full fundamental review after the election next year. It was agreed that after the elections the Council will know more about available government funding, what local government is facing in the future and what resources will be available, and this will also enable the Council to carry out exit interviews with outgoing Councillors, and obtain the views of the new incoming Councillors.
- 3.5 The Panel recognises the effect of the cost of living and discussed impacts on the Council as a rural district. It was acknowledged that Members now attend the meetings in-person but can also attend remotely via Zoom as the Council hosts hybrid meetings. However, if they are a member of the committee they must be present in the room to be able to vote.
- 3.6 In response to the Member consultation on the current allowances scheme, four Members responded and only two of these provided comments. Noting the limited response from the 42 councillors consulted, the Panel recognised it was difficult for councillors to advocate changes to allowances, which would benefit them. The Panel also discussed the fact that allowances were responsibility linked and Members views were vital to enable the Panel's better understanding of Members' roles. The Panel also discussed external influences and the effect of social media. The IRP conveys it thanks to those that responded to the recent consultation.

#### **4. SOUTH WEST COUNCILS SURVEY 2022**

- 4.1 The Panel considered the benchmarked data and continued to be of the opinion that the current allowances at Mid Devon District Council appeared to be in line with other similar authorities and were still 'reasonable' within that context.

#### **5. MDDC SCHEME OF MEMBERS ALLOWANCES FOR 2023-2024**

- 5.1 Taking account of the all the information provided, the IRP considers the various elements of the current Scheme of Allowances in this section of the report.
- 5.2 The proposed pay scales by the LGA had been agreed that day as two of the three unions had agreed to the Employers' offer. This was not a straightforward % as it had been in the past, but rather a payment of £1,925 increase across the board for each spinal column point. Part of

the pay agreement was also that all allowances would go up by 4.04% with effect from 1 April 2022. This payment is therefore retrospective.

**Basic Allowance**

- 5.3 The IRP took into account the agreed pay agreement from today and they agreed that £1,925 was too high as the basic allowance as this is in effect over a 35% increase. It was then discussed what the increase should be applied to the allowances.
- 5.4 This year’s recommended change to allowances will maintain a link with the provisions of the staff award, which included an increase of 4.04% for allowances.
- 5.5 In doing so the Panel agreed that the % increase applied would be based on the 4.04% in line with the allowances part of the pay agreement for payments retrospectively from 22/23. It has increased from £5494.68 to £5716.67 p.a.
- 5.6 However the Panel noted that other IRP’s were undertaking further work on the appropriateness of attaching the basic allowance to a particular SCP and suggested that they would carry out more research for 23/24 to consider during the fundamental review.

**Special Responsibility Allowances (SRA)**

- 5.7 The Regulations provide that SRA may be paid to those Members of the Council who have “significant additional responsibilities” over and above the generally accepted duties of a Councillor. In setting the SRAs, the Panel has in the past concluded that the best approach was to use the Basic Allowance as the starting point and then give a weighting to the role attracting the SRA which could be applied to the Basic Allowance. This is an approach applied by many authorities. The Panel remains of the view that the link between the Basic Allowance and SRA is an important one.
- 5.8 The Panel agreed that they wished to leave the SRA until the full fundamental review is carried out. For the avoidance of doubt the SRA will go up retrospectively based on the 4.04% increase on the basic allowance and the SRA multipliers remain, but the amounts payable be rounded up / down to the nearest pound.
- 5.9 The IRP does not consider any changes to the multipliers for SRAs is needed but given the amounts which result, suggest that the amounts payable on applying the relevant multiplier be rounded up / down to the nearest pound. As such the following levels of SRA’s until 31 March 2023 should apply (see fourth column):

<b>Position</b>	<b>Weighting x Basic</b>	<b>SRA (based</b>	<b>SRA to be included in</b>
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	<b>Allowance (BA)</b>	<b>upon BA of £5716.67)</b>	<b>the Scheme</b>
Leader of the Council	3.00	£17150.01	£17150
Deputy Leader	1.50	£8575.00	£8575
Cabinet Member	1.25	£7145.84	£7146
Scrutiny Committee Chair	1.25	£7145.84	£7146
PDG Chair	0.75	£4287.50	£4288
Audit Committee Chair	0.75	£4287.50	£4288
Planning Committee Chair	1.25	£7145.84	£7146
Licensing/Regulatory Chair	0.25	£1429.17	£1429
Standards Chair	0.25	£1429.17	£1429
Chairman of the Council	0.50	£282858.33	£2858

- 5.10 For the avoidance of doubt, the Panel continues to take the view that Members should only be entitled to claim one SRA.

### **Carer's Allowance**

- 5.11 The IRP considers the current Carer's Allowance within the Scheme is still fit for purpose and shall remain the same.

### **Travel and Subsistence Allowances**

- 5.12 The Panel therefore continues to recommend that reimbursement of approved mileage remain at the current rates published by HMRC which for 2023/2024 are):

- 45p per mile for the first 10,000 miles
- 25p per mile thereafter
- 5p per mile per passenger carried (up to a maximum of 4 passengers, payable to the driver)
- 20p per mile for push bikes
- 24p per mile for motorcycles

#### ***(All claims to be submitted with receipts)***

- 5.13 The Panel does not consider any changes to the current arrangements are needed and as such subsistence allowances should remain consistent with those for employees which are amended in line with the HMRC rates which are:

- One meal (5 hour) ceiling                      Upper limit £5
- Two meal (10 hour) ceiling                    Upper limit £10
- Three meal (12 hour) ceiling                Upper limit £15
- 24 hour ceiling                                    Upper limit £20

#### ***(All claims to be submitted with receipts)***

**Summary of Recommendations:**

The Independent Remuneration Panel recommends to Full Council the following:

- a. That the 22/23 Basic Allowance is retrospectively made at 4.04% increasing it from £5494.68 to £5716.67.
- b. That a full fundamental review is carried out in relation to 23/24 after the May elections.
- c. That the Member's Allowances Scheme as set out in Appendix 2 is approved which takes into account the retrospective staff linked pay increase at 4.04%.

Independent Remuneration Panel

Jeremy Filmer-Bennett  
Marianne Hlland  
Karen Stone

1 November 2022

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## **MEMBERS' ALLOWANCES SCHEME 2023 - 2024**

The Mid Devon District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003, hereby makes the following scheme:

1. This scheme may be cited as the Mid Devon District Council Members' Allowances Scheme, and shall have effect for the period 1<sup>st</sup> April 2023 until the 31<sup>st</sup> March 2024.

2. In this scheme:

“Approved Duties” means those duties set out in Schedule 2

“Councillor” and “Member” both mean an elected Member of Mid Devon District Council; and

“year” means the twelve months ending with 31<sup>st</sup> March.

### **Basic Allowance**

3. Subject to paragraph 6, from 1<sup>st</sup> April 2023 a Basic Allowance of £5716.67 per annum shall be paid to each Councillor (subject to any in year staff increase). During the year, it will be increased in line with, but no greater than, any staff pay award.

### **Special Responsibility Allowances**

4. (a) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the Special Responsibilities in relation to the Council that are specified in the Schedule to this scheme. These allowances shall be calculated based upon a weighting applied to the Basic Allowance. Any increase in the Basic Allowance as a result of a staff pay award will therefore also result in an increase to the Special Responsibility Allowances.  
(b) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that Special Responsibility in Schedule 1.  
(c) No Councillor is entitled to claim more than one Special Responsibility Allowance.

### **Renunciation**

5. A Councillor may, by notice in writing given to the Deputy Chief Executive (Section 151 Officer), elect to forego any part of their entitlement to one or more allowances under this scheme.

## **Part-Year Entitlements**

6. Where a Councillor's entitlement to an allowance in this scheme begins or ends (for whatever reason) part of the way through the year, their entitlement to such allowance will be in the same proportion as the number of days during the term of office to the number of days in that year.

## **Carer's Allowance**

7. Subject to paragraph 6, a Councillor can claim a Carer's Allowance for Approved Duties, except where Schedule 2 states that such an allowance is not payable.
8. The following conditions and limitations apply to any claim for a Carer's Allowance:
  - (a) The carer must be over the age of 18 and someone who does not normally live with the Councillor as part of their family or household;
  - (b) The person being cared for is a dependent of the Councillor and is:
    - (i) a child under the age of 14;
    - (ii) an elderly person; or
    - (iii) someone with a recognised disability who cannot reasonably be left unsupervised for the period during which the Councillor is going to be absent on an Approved Duty;
  - (c) Where the care is booked and paid for by the hour, Councillors may claim the hourly rates set out in sub-paragraph (e) for the time incurred in the Approved Duty, plus the reasonable travelling time taken by the Councillor in:
    - (i) carrying out the Approved Duty; and
    - (ii) dropping off or picking up the dependant at the place of care before and after the Approved Duty;
  - (d) Where the care can only be booked and paid for as a fixed period or session, Councillors may claim for the duration of the fixed period or session plus the reasonable travelling time taken by the Councillor in dropping off or picking up the dependent at the place of care before and after the Approved Duty. If the location or timing of the Approved Duty means that two or more fixed periods or sessions need to be booked, Councillors may claim for those periods or sessions. The amount payable will be the hourly rate set out in sub-paragraph (e), unless the dependent is a child (see sub-paragraph (b)(i)) attending an Ofsted registered nursery, pre-school or playgroup – in such cases, if the hourly rate would not cover the cost of the fixed period(s) or session(s), the actual cost may be claimed;
  - (e) The hourly rate is the National Living Wage (25 and over);
  - (f) Councillors may also claim for the carer's reasonable expenses incurred whilst the dependent is in their care in accordance with this paragraph 8, provided the Councillor produces the relevant receipt from the carer in respect of those expenses.

## **Parental Leave**

9.
  - (a) The provision covers the period of absence taken following the birth or adoption of a child. Councillors are still required to attend at least one meeting of the authority in any six month period (as per S85 Local Government Act 1972).
  - (b) The Council may exercise its right to waive expulsion if non-presence relates to Parental Leave, constituting 'some reason approved by the authority before the expiry of that period' with prior agreement between the Councillor and the Council.
  - (c) Absences from meetings during Parental Leave will be recorded as such (not attributed to general absence).
  - (d) The Council will help ensure Councillors have adequate IT provision to allow them to work from home and also keep in touch while on Parental Leave and upon returning to their role.
10. The following leave periods will apply.
  - (a) Councillors giving birth / adopting through an approved adoption agency shall be entitled to take up to six months leave from the due or placement date, with the option to extend up to 52 weeks by agreement.
  - (b) Where a birth is premature, the Councillor is entitled to take leave during the period between the date of the birth and the due date in addition to the six months' period. Any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial six months.
  - (c) Councillors are entitled to take a minimum of two weeks leave if they are the biological parent or nominated carer of their partner/spouse following the birth of their child(ren).
  - (d) A Councillor who has made Shared Parental Leave arrangements through their employment should advise the Council. The Council will endeavour to replicate such arrangements.
  - (e) Where both parents are Councillors, leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks.
  - (f) Any Councillor taking leave should comply with the notice requirements of the Council (both when the leave starts and when they return), should respond to reasonable requests for information and keep the Council informed of intended return dates and requests for extensions.
  - (g) Unless the Councillor taking leave is removed from their post at an Annual Meeting whilst on leave, or unless their Party loses control of the Council during their leave period, they shall return after their leave period to the same post, or an alternative post with equivalent status and remuneration.
  - (h) If a Councillor decides not to return at the end of their leave, they must notify the Council immediately (allowances will cease from the effective resignation date). If an election is held during the leave period and they are not re-elected, or do not stand for re-election, the Basic Allowance (and any Special Responsibility Allowance) will cease from the Monday after the election date when they would technically leave office.
11. The relevant Councillors will receive their Basic Allowance in full throughout the agreed period of leave.
12. Councillors entitled to a Special Responsibility Allowance (SRA) will continue to receive this in full subject to:
  - (a) Where a replacement is appointed to cover the period of leave, that person will receive an SRA on a pro rata basis for the period of the temporary appointment;

- (b) The payment of SRA's (to the primary SRA holder or replacement), shall continue for six months, until the date of the next Annual Council Meeting or the date when the Councillor is up for election (whichever is the earliest);
- (c) At that point, the position will be reviewed, and will be subject to a possible extension for a further six-month period; and
- (d) Should another Councillor appointed to replace the Councillor on leave already hold an SRA position, the ordinary rules relating to one SRA payment apply.

### **Travelling Allowances and Subsistence Allowances**

13. Travelling and subsistence allowances will be paid in accordance with the scales of allowance set out in Schedule 1 to this scheme in connection with or relating to the Approved Duties set out in Schedule 2. The start point for a Councillor claiming travel to attend a meeting must usually be within the administrative boundary of Mid Devon.

### **Payments**

14. (a) Payments of the Basic and Special Responsibility Allowances will be made (subject to sub-paragraph (b)), in twelve monthly instalments – one twelfth of the amount specified in this scheme will be paid on the 22<sup>nd</sup> day of each month.
- (b) Where a payment of one twelfth of the amount specified in this scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the Councillor receiving more than the amount to which they are entitled, the payment will be adjusted to ensure that no more is paid than the amount to which the Councillor is entitled.

### **Claims**

15. Claims for the payment of Carer's Allowance and Travelling and Subsistence Allowances must be made by the person to whom they are payable within two months of the date on which an entitlement to such allowance arises. Such claims must be evidenced by relevant receipts.

### **Pensions**

16. None of the allowances contained within this scheme are eligible for inclusion within the Local Government Pension Scheme.

### **Tax and Benefits**

#### **17. Income Tax**

- (a) Basic, Special Responsibility and Carers Allowances are subject to Income Tax as they are payments made in respect of the duties of an office.
- (b) The HMRC is notified of the names and addresses of all Councillors who claim taxable allowances. Tax is deducted at basic rate until the HMRC notifies the Council of the appropriate tax code for each Councillor.
- (c) Some expenses incurred by Councillors in the course of their Council duties may be deductible against tax. Any Councillor who believes that some of their expenses as a Councillor may be tax deductible should seek appropriate tax advice.

#### **18. National Insurance Contributions**

- (a) Basic, Special Responsibility and Carers Allowance payments will attract National Insurance (NI) Contributions at levels that vary depending on the total earnings of Councillors.

- (b) Some Councillors may not be liable to any NI Contributions on Allowances if they are over the state retirement age; in accordance with prevailing legislation. See the Government website for more information. <https://www.gov.uk/tax-national-insurance-after-state-pension-age>
- (c) Some Councillors - married women or widows who have elected to pay reduced rate NI Contributions - may also need to have the NI Contributions on Allowances calculated at a reduced rate.
- (d) Councillors who are self-employed may also be subject to different levels of NI Contributions.
- (e) Councillors who believe that they fall into any of the above categories should contact the Corporate Manager for Finance who will seek further information to assist with the query. Councillors should also obtain the appropriate certificates from the Department for Work and Pensions (DWP).

### **Chairman's Civic Budget**

- 19. The Chairman of the Council is allocated a small budget for civic functions, not to exceed £2,000 per annum and to be agreed each year. Payments with regard to his or her Civic role should be paid retrospectively and only on production of a receipt/s

### **SCHEDULE 1**

With effect from 1<sup>st</sup> April 2023, the following are specified as Special Responsibilities in respect of which Special Responsibility Allowances are payable, and the amounts of those Allowances:

Leader of the Council	£17150
Deputy Leader of the Council	£8575
Cabinet Member	£7146
Chairman of Scrutiny Committee	£7146
Chairmen of Policy Development Groups	£4288
Chairman of Audit Committee	£4288
Chairman of the Planning Committee	£7146
Chairman of the Licensing/Regulatory Committee	£1429
Chairman of the Standards Committee	£1429
Chairman of the Council	£2858

With effect from 1<sup>st</sup> April 2021\*, the following amounts are specified as the amounts of allowance payable in respect of travelling and subsistence arising from those approved duties set out within this scheme:

- (a) Travelling Allowances:
  - 45p per mile for the first 10,000 miles
  - 25p per mile thereafter
  - 5p per mile per passenger carried (up to a max 4 passengers, payable to the driver)
  - 20p per mile for push bikes
  - 24p per mile for motorcycles
- (b) Subsistence Allowances
  - One meal (5 hour) ceiling      Upper limit £5
  - Two meal (10 hour) ceiling    Upper limit £10
  - Three meal (12 hour) ceiling   Upper limit £15
  - 24 hour ceiling                    Upper limit £20

All claims for subsistence must be accompanied by a receipt. The maximum allowance will only be paid where the cost of subsistence is equal to, or greater than, the maximum allowance.

Note: \*HMRC rates come into effect on the 1 April each year and therefore these amounts to be increased (or decreased) accordingly at that time.

## SCHEDULE 2

Description of Approved Duty	Carer's Allowance	Travel & Subsistence
1. Councillors attending meetings of Council, Cabinet, Policy Development Groups, Audit, Scrutiny, Standards and Regulatory Committees (includes Substitutes), whether members of that body or otherwise	YES	YES
2. Duly appointed Councillors attending meetings of bodies to which the Council makes appointments	YES	YES
3. (a) Any meeting authorised by the Council, Cabinet, Policy Development Groups, Audit, Scrutiny, Standards or Regulatory Committees to which Councillors of more than one Political Group have been duly (and specifically) appointed	YES	YES
(b) Non duly-appointed Councillors	NO	YES
4. A meeting of a Local Authority Association	YES	YES
5. Any conference or meeting of a body where the Council, Cabinet or a Committee have agreed to send the Councillor as a representative	YES	YES
6. (a) Any visits or inspections undertaken by Councillors, approved by the Council or any Cabinet, Policy Development Groups, Audit, Scrutiny, Standards or Regulatory Committees (includes Councillors who are members of the body, Committee, Group and substitutes)	YES	YES
(b) Non-Committee Members attending such visits or inspections by invitation of the Cabinet, Policy Development Group, Audit, Scrutiny, Standards and Regulatory Committees.	YES	YES
(c) Non-Committee Members attending uninvited	NO	YES

7.	Councillors attending as a member of a deputation approved by the Council, the Cabinet, Policy Development Group, Audit, Scrutiny, Standards or Regulatory Committees.	YES	YES
8.	Attendance by Chairman or Vice-Chairman of the Council, Cabinet, Policy Development Group, Audit, Scrutiny, Standards and Regulatory Committees at meetings with a Chief Officer where Council or Committee business is discussed	YES	YES
9.	Attendance by Chairman of the Council and Chairman of Committees acting in such capacity at meetings of Parish Councils	YES	YES
10.	For any particular duty undertaken by a Councillor for which express authority from time to time is given by the Council or in case of emergency by the Chairman or Vice-Chairman of the Council	NO	YES
11.	Civic Receptions and other social functions	NO	YES
12.	Councillors attending meetings of Parish Councils within their Wards, or as Ward Member at meetings at the specific request of a Parish Council	NO	YES
Notes:			
a. In all cases, the duties for which claims are made must have been approved prior to the event.			
b. Meetings (3 above) includes Working Groups, approved seminars, and Briefing meetings where more than one Political Group is invited			
c. Other Briefing meetings fall within (8) above.			

