

# Public Document Pack

**Mid Devon District Council**

## **Scrutiny Committee**

**Monday, 19 June 2023 at 5.15 pm**  
**Phoenix Chambers, Phoenix House, Tiverton**

**Next ordinary meeting**  
**Monday, 17 July 2023 at 5.15 pm**

**Please Note:** This meeting will take place at Phoenix House and members of the Public and Press are able to attend via Teams. 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.

To join the meeting online, [click here](#)

## **Membership**

Cllr D Broom  
Cllr A Cuddy  
Cllr G Czapiewski  
Cllr M Farrell  
Cllr R Gilmour  
Cllr B Holdman  
Cllr L G J Kennedy  
Cllr S J Penny  
Cllr R Roberts  
Cllr S Robinson  
Cllr G Westcott  
Cllr Mrs N Woollatt

# **A G E N D A**

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

- 1       **ELECTION OF VICE CHAIRMAN**  
To elect a Vice Chairman for the municipal year 2023/2024.
- 2       **START TIME OF MEETINGS**  
To consider the start times of meetings for the municipal year 2023 – 2024.
- 3       **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of substitute Members (if any).

- 4       **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**  
To record any interests on agenda matters.

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

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

- 6       **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 8*)  
To consider whether to approve the minutes as a correct record of the meeting held on 17 April 2023.

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

- 7       **DECISIONS OF THE CABINET**  
To consider any decisions made by the Cabinet at its last meeting that have been called-in.

- 8       **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements that the Chairman of Scrutiny Committee may wish to make.

- 9       **WORK PROGRAMME** (*Pages 9 - 22*)  
To review the existing work programme and consider items for the committee's future consideration taking account of
  - a. Any items within the forward plan for discussion at the next meeting
  - b. The update from the policy research officer on existing projects and forthcoming matters
  - c. Suggestions of other work for the committee in 2023-24

**Stephen Walford**  
Chief Executive  
Friday, 9 June 2023

## **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 Teams.

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 David Parker on: [dparker@middevon.gov.uk](mailto:dparker@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

This page is intentionally left blank

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 17 April 2023 at 2.15 pm

### **Present**

#### **Councillors**

S J Clist (Chairman)  
W Burke, L J Cruwys, Mrs S Griggs, F W Letch, S Pugh and  
R F Radford and Mrs E J Slade

### **Also Present**

#### **Councillors**

Mrs C P Daw

### **Present**

#### **Officers:**

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

## 86 **APOLOGIES AND SUBSTITUTE MEMBERS**

No apologies were received. Cllr Mrs E Lloyd was in attendance via Zoom.

## 87 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:04:12)**

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

## 88 **PUBLIC QUESTION TIME (00:04:25)**

There were no questions from members of the public.

## 89 **DECISIONS OF THE CABINET (00:04:49)**

No decisions of the Cabinet were called in.

## 90 **MINUTES OF THE PREVIOUS MEETING (00:05:00)**

The minutes of the meeting held on Monday 20 February 2023 were approved as a correct record and duly **SIGNED** by the Chairman.

## 91 **CHAIRMAN'S ANNOUNCEMENTS (00:05:21)**

This was the last of the Scrutiny meetings for this administration. The Chair thanked Officers and Members for their participation and noted that it had been a pleasure and an honour to Chair this Committee, he felt the Scrutiny Committee had become a critical friend of Committees, the Cabinet, Council Officers and external bodies.

The Chairman paid tribute to Hon. Alderman Paul Williams who had sadly passed away recently, he had been a very supportive Member of the Council and had achieved a great deal for the Council. Condolences were passed to his family.

## 92 **CHAIRMAN'S ANNUAL REPORT (00:07:21)**

The Chairman's Annual report was **NOTED**.

## 93 REVIEW OF SCRUTINY RECOMMENDATION (00:07:50)

The Scrutiny Committee considered an external investigation into the Council's handling of 3 Rivers Developments Ltd of this matter, including the processes followed, from its inception to the current date. (Minute 76, Scrutiny Committee, 13 February 2023).

The Deputy Chief Executive (S151) brought the Committee up to date since previous discussions.

The Committee had previously spoken about a review or external investigation but hadn't indicated what the scope of that investigation or review ought to be. Full Council had agreed to investigate and look into 3 Rivers. This had gone back to Cabinet as a recommendation and Cabinet had since asked the Deputy Chief Executive (S151) to scope up the terms of reference of an external investigation and also to look into the kinds of bodies that could perform that piece of work for the Council. That work was in hand.

The format of that review was for future options for the company to be considered through an options appraisal investigation.

There were seven or eight large private sector companies that would be interested in that kind of work and the Deputy Chief Executive (S151) would go through a procurement process to secure that piece of work for the Council. In addition, the Deputy Chief Executive (S151) had commissioned a review by Devon Audit Partnership into some of the allegations of fraud and financial mismanagement by the company or the Council that had been put forward over the last few months. That commission would start by 27 April 2023.

The Deputy Chief Executive (S151) advised that a third review without a clear scope would be excessive – but welcomed comments from the Scrutiny Committee on either review due to take place.

It was explained that one review focussed on what the Council could do with the company moving forward, and the other one was looking to either substantiate or not, some of the allegations that have been made about the company and its Officers moving forward. Those were already two quite substantial commissions, to go for a third review would need to be financially reviewed in terms of value for money and risk.

The following was discussed:

The Deputy Chief Executive (S151) advice was welcomed, that the Scrutiny Committee should wait to review the two incoming investigations prior to a third investigation. It was important that the Council had an external analysis from someone with no affiliation for the sake of transparency and openness. It would also help to quell the fears, allegations and stories that have been going around about (a) the company and (b) the Council.

Concerns were raised that the review was only looking forward and that a number of people would like to know what had gone on in the past. Any review needed to look at the whole 3 Rivers history,

In order to protect the budget, Councillors thought it best to go ahead with the two pieces of work the Deputy Chief Executive (S151) had outlined and see what comes back before commissioning a third report. Concerns were raised that the reports would not be commissioned by the end of this term, clearly the reports would not be back by then.

It was suggested that this matter be clearly marked on the new work programme for review by the new administration.

It was therefore **RESOLVED** that:

The Scrutiny Committee await the receipt of both reports and then it be brought back to the Scrutiny Committee to review the position further at that point.

(Proposed by Cllr F Letch, seconded by Cllr S Pugh)

#### 94 **WORK PROGRAMME (00:23:42)**

The Committee had before it the \*Forward Plan and the \*Scrutiny Work Plan. The following items were raised:

1. 3 Rivers – The Scrutiny Committee await the receipt of both reports and then it be brought back to the Scrutiny Committee to review the position further at that point.
2. Increases to Members Allowances. Examine how this was dealt with by the Council, it was felt that this was too close to elections. More work needed to be done on how we encourage greater diversity at local elections.
3. Review recommendations of the Planning Enforcement Working Group.
4. Participatory budgeting review, a lot of work had been done and needed to be carried forward.
5. Motion 583 - Protecting Rivers and Seas, make sure that planning on large development work with South West Water on planning infrastructure was working effectively relating to sewage and so on was appropriate, continues.
6. Motion 564 – Inclusivity and Community Engagement – does Local Government work for women? Work needs to be continued. Some recommendations had been approved by the Scrutiny Committee and Full Council but they still need to be finalised.
7. Ask a local GP to speak to the Committee, to give it an update and insight as to how the services locally were coping? A briefing first followed by a Scrutiny Committee meeting afterwards if necessary.

#### **RESOLVED:**

That the 6 items discussed at 1-6 be added to the Work Plan  
(Proposed from the Chair)

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

The Chairman thanked Cllr Elizabeth Lloyd, who was standing down at the forthcoming elections, for her work on the Scrutiny Committee.

(The meeting ended at 2.49 pm)

**CHAIRMAN**

This page is intentionally left blank



## SCRUTINY WORK PLAN 2023-2024

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
TBC	<b>Motion 583 – Protecting Rivers and Seas</b> - make sure that planning on large development work with South West Water on planning infrastructure was working effectively relating to sewage and so on was appropriate. Continues			To be agreed
TBC	<b>Motion 564 – Inclusivity and Community Engagement</b> – does Local Government work for women? Work needs to be continued. Some recommendations had been approved by the Scrutiny Committee and Full Council but they still needed to be finalised			To be agreed
TBC	<b>Increases to members allowances</b> – Examine how this was dealt with by the Council. How do we encourage greater diversity at local elections?			To be agreed
TBC	<b>Review recommendations of the Planning Enforcement Working Group.</b>			To be agreed
TBC	<b>3 Rivers</b> That an independent authority look into the process that was taken on the 3 Rivers business plan. Review once external reports have been received.			To be agreed
TBC	<b>Participatory budgeting review</b>			To be agreed

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
--------------	-------------	-------	---------------------	----------

## Forward Plan

In line with the public's general rights of access to information and the promotion of transparency in the way which decisions are taken by or on behalf of the Council, Mid Devon District Council produces a Forward Plan of any Key Decisions to be taken by the Cabinet and any to be made by the District Council. The Plan normally covers a period of a minimum of four months from the date of publication and is updated every month.

The District Council has defined key decisions as those which by reason of their strategic, political or financial significance or which will have a significant effect on communities in more than one Ward are to be made by the Cabinet or Council, in line with Article 15 of the Council's Constitution must be made by the District Council.

In line with legislation, any item may exceptionally be considered in the absence of the press and public. Where possible the Council will attempt to keep to the dates shown in the Plan. It is possible that on occasion these may need to be rescheduled.

Please ensure therefore that you refer to the most up to date Plan.

Click to see an up to date version of the [Forward Plan](#) on the Council's web site at any time. Also see the website for Copies of [Agenda and Reports](#) of the Cabinet or other Committees of the District Council referred to in this Plan. All items listed in this Forward Plan will be discussed in public at the relevant meeting, unless otherwise indicated for the reasons shown.

Any person who wishes to make representations to the Council/Cabinet about (a) any of the matters proposed for consideration in respect of which a decision is to be made or (b) whether or not they are to be discussed in public or private, as outlined below, may do so in writing, before the designated Date for Decision shown, to the Member Services Manager, Phoenix House, Phoenix Lane, EX16 6SA or by email to: [committee@middevon.gov.uk](mailto:committee@middevon.gov.uk)

## Forward Plan - July 2023

Decision & Summary	Decision Maker	Date of Decision	Lead Officer	Consultees	Means of Consultation	Cabinet Member	Public or Private Decision	Documents to be considered
<p><b>Loan to Crediton Pharmacy</b> To consider a report from the Deputy Chief Executive (S151) on whether to lend funds to Redlands Primary Care to build a new pharmacy in Crediton</p>	Cabinet	6 Jun 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Fully exempt	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
<p><b>2022/23 Financial Outturn</b> To receive a report of the Deputy Chief Executive (S151) presenting the Revenue and Capital Outturn figures for the financial year 2022/23 for both the General Fund and Housing Revenue Account.</p>	Cabinet	6 Jun 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary

<p><b>2022/23 Annual Treasury Management Outturn Report</b> To receive a report of the Deputy Chief Executive (S151) providing Members with a review of activities and the prudential treasury indicators on actuals for 2022/23.</p>	Cabinet	6 Jun 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
<p><b>ASB Policy &amp; Procedures</b> To receive the updated ASB Policy and Procedures</p>	Homes Policy Development Group	13 Jun 2023	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615			Cabinet Member for Housing and Property Services	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
<p><b>Communication and Engagement Strategy</b> Outlines interactions with customers and how communities will be informed and engaged.</p>	Community Policy Development Group	27 Jun 2023	Lisa Lewis, Corporate Manager for Business Transformation and Customer Engagement Tel: 01884 234981			Cabinet member for Community & Leisure	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary

<p><b>Award of Cleaning Contract for HRA Properties 2023-2026</b></p>	<p>Cabinet</p>	<p>4 Jul 2023</p>	<p>Mike Lowman, Building Services Operations Manager</p>			<p>Cabinet Member for Working Environment</p>	<p>Fully exempt</p>	<p>Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary</p>
<p><b>Options for Procurement of Energy</b></p>	<p>Cabinet</p>	<p>4 Jul 2023</p>	<p>Jason Ball, Climate and Sustainability Specialist</p>			<p>Cabinet Member for Finance</p>		<p>Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary</p>
<p><b>Local Development Scheme</b> To approve the timetable for preparing the new Local Plan</p>	<p>Cabinet</p>	<p>4 Jul 2023</p>	<p>Richard Marsh, Director of Place</p>				<p>Open</p>	<p>Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary</p>

<b>Silverton Neighbourhood Plan</b>	Cabinet	1 Aug 2023	Richard Marsh, Director of Place				Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
<b>Damp and Mould Policy</b> To receive the new Damp and Mould Policy	Homes Policy Development Group  Cabinet  Council	8 Aug 2023  29 Aug 2023  6 Sep 2023	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615			Cabinet Member for Housing and Property Services	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
<b>Neighbourhood Management Policy</b> To receive the updated Neighbourhood Management Policy	Homes Policy Development Group  Cabinet	8 Aug 2023  29 Aug 2023	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615			Cabinet Member for Housing and Property Services	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary

<p><b>Qtr. 1 Budget Monitoring</b> To receive a report from the Deputy Chief Executive (S151) on the Council's Financial position as at 30 June 2023</p>	Cabinet	29 Aug 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
<p><b>Makeup of the senior officer structure in light of posts held vacant</b> To consider a report from the Chief Executive on the makeup of the senior officer structure in light of posts held vacant</p>	Cabinet	19 Sep 2023	Stephen Walford, Chief Executive Tel: 01884 234201				Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
<p><b>S106 Governance</b></p>	Cabinet	19 Sep 2023	Joanna Williams, Planning Obligations Monitoring Officer			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary

Page 16



<p><b>Meeting Housing Needs SPD</b> To adopt the SPD</p>	Cabinet	17 Oct 2023	Richard Marsh, Director of Place				Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
<p><b>2024/25 – 2028/29 Medium Term Financial Plan Update</b> To receive a report from the Deputy Chief Executive on the updated Medium Term Financial Plan (MTFP) covering the period 2024/25 to 2028/29</p>	Cabinet	17 Oct 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
<p><b>Qtr. 2 Budget Monitoring</b> To receive a report from the Deputy Chief Executive (S151) on the Council's Financial position as at 30 September 2023</p>	Cabinet	14 Nov 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary

<p><b>2023/24 Mid-Year Treasury Management Report</b> To receive a report from the Deputy Chief Executive (S151) on the treasury performance during the first six months of 2023/24</p>	Cabinet	14 Nov 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
<p><b>2024/25 Budget Update</b> To consider a report from the Deputy Chief Executive (S151) on the updated 2024/25 Budget position and consider options to reduce the remaining shortfall</p>	Cabinet	12 Dec 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
<p><b>Destination Management Plan for Mid Devon</b></p>	Economy Policy Development Group  Cabinet	4 Jan 2024  6 Feb 2024	Richard Marsh, Director of Place			Cabinet Member for Planning and Economic Regeneration	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary

<p><b>2024/25 Budget Update</b> To consider a report from the Deputy Chief Executive (S151) on the updated 2024/25 Budget position and consider options to reduce the remaining shortfall</p>	Cabinet	9 Jan 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
<p><b>Establishment</b></p>	Cabinet	6 Feb 2024	Matthew Page, Corporate Manager for People, Governance and Waste			Cabinet Member for Working Environment		Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
<p><b>Pay Policy</b></p>	Cabinet	6 Feb 2024	Matthew Page, Corporate Manager for People, Governance and Waste			Cabinet Member for Working Environment		Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary

<p><b>Qtr. 3 Budget Monitoring</b> To consider a report from the Deputy Chief Executive (S151) on the Council's Financial position as at 31 December 2023</p>	Cabinet	6 Feb 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
<p><b>2024/25 Capital Strategy and Capital Programme</b> To consider a report from the Deputy Chief Executive (S151) proposing the 2024/25 Capital Strategy and recommends the 2024/25 Capital Programme</p>	Cabinet	6 Feb 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
<p><b>2024/25 Treasury Management Strategy</b> To consider a report from the Deputy Chief Executive (S151) proposing the 2024/25 Treasury Management Strategy and Annual Investment Strategy</p>	Cabinet	6 Feb 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary

Page 20

<p><b>2024/25 Budget Update</b> To consider a report from the Deputy Chief Executive (S151) proposing the 2024/25 Budget and recommends the Band D Council Tax charge for 2024/25</p>	Cabinet	6 Feb 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary
<p><b>2024/25 Council Tax Resolution</b> To consider a report from the Deputy Chief Executive (S151) proposing the 2024/25 Band D Council Tax charge for 2024/25</p>	Cabinet	6 Feb 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242			Cabinet Member for Finance	Open	Report outlining all relevant considerations, information and material including any equality and / or impact assessments, as necessary

This page is intentionally left blank