

Public Document Pack

Mid Devon District Council

Scrutiny Committee

Monday, 30 October 2023 at 5.30 pm
Phoenix Chambers, Phoenix House, Tiverton

Next ordinary meeting
Monday, 27 November 2023 at 5.30 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 R Gilmour
Cllr G Westcott
Cllr D Broom
Cllr E Buczkowski
Cllr F J Colthorpe
Cllr A Cuddy
Cllr G Czapiewski
Cllr M Farrell
Cllr B Holdman
Cllr R Roberts
Cllr S Robinson
Cllr 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 **Apologies and Substitute Members**
To receive any apologies for absence and notices of appointment of substitute Members (if any).
- 2 **Declarations of Interest under the Code of Conduct**
To record any interests on agenda matters.
- 3 **Public Question Time**
To receive any questions relating to items on the agenda from members of the public and replies thereto.

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

- 4 **Minutes of the Previous Meeting** (*Pages 5 - 10*)
To consider whether to approve the minutes as a correct record of the meeting held on 2nd October 2023.
- 5 **Decisions of the Cabinet** (*Pages 11 - 22*)
To consider any decisions made by the Cabinet at its last meeting that have been called-in.
- 6 **Chairman's Announcements**
To receive any announcements that the Chairman of Scrutiny Committee may wish to make.
- 7 **3 Rivers Ltd - Lessons learned - session 1** (*Pages 23 - 28*)
Following the decision of full council in September 2023 to move to 'soft-close' the council's wholly-owned development company, a commitment was given that a 'lessons learned' process would be undertaken by the council's scrutiny function to ensure that opportunities were taken to both learn from the past and to ensure better, more-informed decision-making in the future.

Stephen Walford
Chief Executive
Friday, 20 October 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 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.

Residents, electors or business rate payers of the District may make a statement or shall be entitled to ask questions at a meeting which concerns the Council's powers / duties or which otherwise affects the District. If your question does not relate to an agenda item, the question must be submitted to the Democratic Services Manager two working days before the meeting to give time for a response to be prepared.

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 Democratic 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

Public Wi-Fi is available in all meeting rooms.

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Public Document Pack Agenda Item 4

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 2 October 2023 at 5.30 pm

Present

Councillors

R Gilmour (Chairman)
G Westcott (Vice Chairman), D Broom, E Buczkowski,
F J Colthorpe, A Cuddy, G Czapiewski, B Holdman, S Robinson
and N Woollatt

Apologies

Councillors

M Farrell and R Roberts

Also Present

Councillors

S J Clist, G Duchesne and C Harrower

Present

Officers:

Matthew Page (Corporate Manager for People, Governance and Waste), Sarah Lees (Democratic Services Officer) and David Parker (Democratic Services & Policy Research Officer)

31 **APOLOGIES AND SUBSTITUTE MEMBERS (00:03:39)**

Apologies were received from Cllrs M Farrell and R Roberts no substitute members were offered.

Councillors A Glover, J Buczkowski, S Keable, and L Taylor attended the meeting via Teams.

Officers S Walford (Chief Executive), Richard Marsh (Director of Place) and Dean Emery (Corporate Manager for Income, Revenues, Planning Enforcement and Benefits) attended the meeting via Teams.

32 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:04:34)**

No interests were declared under this item. Members were reminded of the need to make declarations of interest where appropriate.

33 **PUBLIC QUESTION TIME (00:04:50)**

Paul Elstone asked in relation to Agenda Item 7 - Work Programme. Specifically, 3 Rivers Lessons Learnt 1

Question 1

Given the increasing level of concerns being raised about both the value and integrity of the 3 Rivers "no blame" lessons learned process, will this Committee commit to a fully open and transparent plus very importantly a complete investigation ?

Question 2

It is noted that the Deputy CEO and S151 Officer is named as the Officer Responsible for the 3 Rivers Lessons Learned 1. Given this person's far reaching involvement in 3 Rivers and

including being a Director is this not immediately seen as a conflict in terms of integrity of the process ?

Question 3

Has a Full Terms of Reference been prepared ?

Question 4

If so, will the Terms of Reference be made fully available to the general public ?.

Question 5

Will the investigation fully cover the period from the 3 Rivers Development company formation in 2016 to full closure in 2024 ?

Question 6

Who exactly will make up the Lessons Learned Team ?

Question 7

Will an External Auditor plus ideally a specialist Root Cause Analyst support members of the Lessons Learned Team. This to provide the necessary expertise, impartiality and therefore credibility ?

Question 8

Who will draft the report ?

Question 9

Will the full and unedited report be made public and without redactions ?

Question 10

Will all the previous MDDC Council Leaders be formally invited to participate and meet with the Lessons Learned Team in a face-to-face meeting rather than paper submissions if they prefer. This to enable the highest quality of information exchange. ?

Question 11

Will other stakeholders be formally invited to participate this including well informed members of the general public ?

The Chairman said that she was yet to meet with Councillors and officers of the Council, at the meeting on 30 October the Terms of Reference would be set out and they would be explicit in the transparency and attention to detail that they will be undertaking. A written answer would be provided.

34 MINUTES OF THE PREVIOUS MEETING (00:09:08)

The minutes of the previous meeting held on 24 August 2023, were corrected at page 19 in the answer to Question 2 asked by Paul Elstone in the third sentence the word reply was amended to read rely. Cllr Woollatt also asked that it be noted that she was present towards the end of the meeting. The minutes of the meetings held on 14 August and 24 August were then approved as a correct record and **SIGNED** by the Chairman.

35 DECISIONS OF THE CABINET (00:12:46)

The Committee **NOTED** that none of the decisions made by the Cabinet on 19 September 2023 had been called in.

36 CHAIRMAN'S ANNOUNCEMENTS (00:12:49)

The Chairman had no announcements to make.

37 WORK PROGRAMME (00:12:50)

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

On the Forward Plan the "Makeup of the senior officer structure in light of posts held vacant" was mentioned and it was agreed to see what Cabinet did about this matter and to call the decision in if a member of the committee was unhappy with any decision the Cabinet made.

On the Scrutiny Work Plan, Devon Home Choice was mentioned and it was agreed to bring this matter to the Scrutiny Committee if necessary after an all members briefing had been given.

Consideration was given to:

- The use of a form used to bring matters to the Scrutiny Committee and making changes to make the form easier to complete.
- KPI's on Enforcement – to come to March committee meeting.

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

38 WHISTLEBLOWING - 6 MONTH UPDATE (00:29:40)

The Corporate Manager for People, Governance and Waste gave a verbal report confirming that there had been no Incidents of Whistleblowing in the past six months. The manager explained that Whistleblowing Policy was where an Employee was raising an issue that was in the public interest and was different to the Grievance Policy where Employees raise issues concerning their employment.

39 MOTION 583 - PROTECTING RIVERS AND SEAS (00:31:16)

The Policy Research Officer for the Scrutiny Committee gave a verbal report regarding the background to Motion 583 and what progress had been made since the motion was passed. Consideration was given to

- Run off from roads, sludge, grit and oil running into leats.
- The compilation of an evidence base assessing the cumulative impact – the authority are in a challenging position in that MDDC do not have any formal remit or requirement in terms of recording this information or skills and expertise to analyse the data and the information they receive. MDDC do analyse the potable water supplies, but in terms of collation of information, digestion and understanding that information, MDDC haven't undertaken that because they do not have the resource or skill set. However, MDDC would be looking at it through the new Local Plan and would procure some specialist resource and skill in terms of undertaking a Water Cycle strategy, in the hope that that would give the council the capability and the capacity to work with South West Water and the Environment Agency, in order to give us an insight into the network as it exists, the shortfalls or failings that currently exist and the steps that MDDC through planned maintenance or future development can take in order to address this issue at source. The work will take place as MDDC

progress the new Local Plan but in terms of what we can do at present we are extremely limited.

- The Director of Place had not yet heard anything back from SWWA about the Consultation relating to drainage and wastewater management plans, but he is seeking from SWW whether there is a summary report which he will request to see.
- Invite Environment Agency and Natural England to appear before this Scrutiny committee
- The Cabinet have oversight of the Emergency Plan Policy alongside the Community PDG
- OFWAT's unwillingness to help
- Water Companies' increases to Service Charges
- Inviting SWWA back to the Scrutiny Committee
- The Voracity and Integrity of Data supplied by SWWA is questionable
- Phosphates and Nitrates breakdown of lump sizes – marker for sewage – the Bacterial count also is helpful as a marker.
- Would it be possible to get data about discharges at a Ward level so that Councillors could see what was happening at a local level against local anecdotal information
- Friends of the River Exe had produced a report working with communities and NGO's about the Pollution of the River Exe and it was encouraged that MDDC collaborate with the West Country Rivers Trust so that we can hone better our questions for South West Water Authority
- Employment of a Specialist
- Suggestion that MDDC works with the Friends of the River Exe
- In Planning Applications – if SWWA are asked if there are connections, they answer yes, even though they know that that development would be likely to cause storm overflows.
- Environment Agency Enforcement – they only have 0.8 of an Enforcement Officer across the whole of Devon and Cornwall meaning that offenders thought it unlikely that any action would be taken against them
- Floodwise, a scheme of the Environment Agency, set up to work in Partnership with local agencies and are passionate about people working together in partnership
- Unhappiness with the tangibility of answers the SWWA had given the last time that they were before this committee.
- West Country Rivers Trust
- Difficulties with getting hold of anyone from the Environment Agency or Southwest Water to ask questions about important casework.

The Director of Place said that he would look to join this work up across the various agencies and other authorities and look to learn from best practice.

The Chairman said that we should encourage both agencies to make themselves available to the Scrutiny Committee. The Chairman also thought that MP's across Devon should put together a motion to Parliament calling on the Government to put more money into the Environment Agency to fully fund Environmental Enforcement across Devon, or to ask the Chairman of the Environment agency to look at this matter himself.

There was agreement that this matter should come back to the Scrutiny Committee in four month's time.

(The meeting ended at 6.40 pm)

CHAIRMAN

MDDC SCRUTINY COMMIT+TEE MEETING 2ND OCTOBER 2023

PAUL ELSTONE - A local resident and council taxpayer.

My questions relate to Agenda Item 7 - Work Programme. Specifically, 3 Rivers Lessons Learnt 1

Question 1

Given the increasing level of concerns being raised about both the value and integrity of the 3 Rivers “no blame” lessons learned process, this including concerns raised by a sitting Member of Parliament plus the General; Public . Also and importantly, I believe concerns raised by more than one previous MDDC Council Leader. Council Leaders who have themselves been much maligned.

Will this Committee commit to a fully open and transparent plus very importantly a complete investigation ?

A. The committee has not yet set the terms of reference for the report. However, the committee is keen to ensure that there is value from this exercise so that the council can reflect and consider this in decision-making moving forward.

Question 2

It is noted that the Deputy CEO and S151 Officer is named as the Officer Responsible for the 3 Rivers Lessons Learned 1. Given this persons far reaching involvement in 3 Rivers day one and including being a Director is this not immediately seen as a conflict in terms of integrity of the process?

A. The committee has not yet set the terms of reference for the report.

Question 3

Has a Full Terms of Reference been prepared ?

A. Not yet.

Question 4

If so, will the Terms of Reference be made fully available to the general public ?.

A. The chairman explained that the terms of reference will be discussed at the next meeting.

Question 5

Will the investigation fully cover the period the 3 Rivers Development company formation in 2016 to full closure in 2024 ?

A. The committee has not yet set the terms of reference for the report.

Question 6

Who exactly will make up the Lessons Learned Team?

A. The committee has not yet set the terms of reference for the report.

Question 7

Will an External Auditor plus ideally a specialist Root Cause Analyst support members of the Lessons Learned Team. This to provide the necessary expertise, impartiality and therefore credibility?

A. To be clear, this is not just an(other) audit report. The company, and the council's relationship with it, has already been subject to at least four internal and external audit reports over the past few years, at significant time and cost to the council. This is in addition to the separate financial audits by external auditors of the council and the company on an annual basis. Members have considered these at multiple points and audit will continue to provide reports (via the council's audit function) as the company is wound down, so as to provide assurance to the council. However, this is about reflecting on these reports and a range of other factors to help improve decision making going forward.

Question 8

Who will draft the report ?

A. This has not yet been decided.

Question 9

Will the full and unedited report be made public and without redactions?

A. The committee has not yet set the terms of reference for the report, however there would be a strong preference for making the report public, as the chairman has already stated.

Question 10

Will ALL the previous MDDC Council Leaders be formally invited to participate and meet with the Lessons Learned Team in a face-to-face meeting rather than paper submissions if they prefer. This to enable the highest quality of information exchange. ?

A. The committee has not yet set the terms of reference for the report and will need to take a view on the involvement of any external stakeholders.

Question 11

Will other stakeholders be formally invited to participate this including well informed members of the general public?

A. The committee has not yet set the terms of reference for the report and will need to take a view on the involvement of any external stakeholders.

NOTIFICATION OF KEY DECISIONS

November 2023

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
MTFP 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	Cabinet	14 Nov 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance	Open
Crediton Masterplan	Cabinet	14 Nov 2023	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration	Open
S106 Governance	Cabinet	14 Nov 2023	Joanna Williams, Planning Obligations Monitoring Officer	Cabinet Member for Finance	Open
Meeting Housing Needs SPD To adopt the SPD	Cabinet	14 Nov 2023	Richard Marsh, Director of Place	Cabinet Member for Housing and Property Services	Open
Infrastructure Funding Statement: Infrastructure List	Cabinet	14 Nov 2023	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration	Open

Agenda Item 5

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Qtr. 2 Budget Monitoring To receive a report from the Deputy Chief Executive (S151) on the Council's Financial position as at 30 September 2023	Cabinet	14 Nov 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance	Open
2023/24 Mid-Year Treasury Management Report To receive a report from the Deputy Chief Executive (S151) on the treasury performance during the first six months of 2023/24	Cabinet	14 Nov 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance	Open
Schedule of Meetings To receive a draft Schedule of Meetings for 2024/2025	Cabinet Council	14 Nov 2023 20 Dec 2023	Maria De Leiburne, District Solicitor and Monitoring Officer	Cabinet Member for Working Environment	Open
Council Tax Base To consider the Council Tax Base for 2024/25	Cabinet Council	14 Nov 2023 20 Dec 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Bereavement Services Fees and Charges This may need to move to a wider paper on Council Charges for consideration by all PDG's	Environment Policy Development Group Cabinet	7 Nov 2023 12 Dec 2023	Paul Deal, Corporate Manager for Finance, Property and Climate Change	Councillor Josh Wright	Open
Review of Bin It 123 including Side Waste Collection To discuss a suggestion relating to Side Waste collection	Environment Policy Development Group Cabinet	7 Nov 2023 12 Dec 2023	Matthew Page, Corporate Manager for People, Governance and Waste	Councillor Josh Wright	Open
Fly Tipping Policy	Environment Policy Development Group Cabinet	7 Nov 2023 12 Dec 2023	Matthew Page, Corporate Manager for People, Governance and Waste	Cabinet Member for Environment & Services	Open
Environment Educational Enforcement Policy	Environment Policy Development Group Cabinet	7 Nov 2023 12 Dec 2023	Matthew Page, Corporate Manager for People, Governance and Waste	Councillor Josh Wright	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Private Sector Housing Fees & Charges	Homes Policy Development Group Cabinet	21 Nov 2023 12 Dec 2023	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services	Open
Review of Tenancy Agreements - Project Plan To receive a project plan to ensure reform	Homes Policy Development Group Cabinet	21 Nov 2023 12 Dec 2023	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services	Open
Tenancy Inspection Policy To receive a review of MDH Tenancy Inspection Policy	Homes Policy Development Group Cabinet	21 Nov 2023 12 Dec 2023	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services	Open
Town and Parish Charter	Community Policy Development Group Cabinet	5 Dec 2023 9 Jan 2024	Maria De Leiburne District Solicitor and Monitoring Officer	Cabinet Member for Community & Leisure	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p>Enforcement Policy To receive a report regarding the Enforcement functions of the Council to include Licensing and Regulatory (not Planning).</p> <p><u>NB:</u> A Joint Policy Development Group meeting will need to be held as this covers all the Enforcement activity of the Council except Planning.</p>	<p>Community Policy Development Group</p> <p>Cabinet</p>	<p>7 Dec 2023</p> <p>9 Jan 2024</p>	<p>Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615</p>	<p>Cabinet Member for Community & Leisure</p>	<p>Open</p>
<p>Silverton Neighbourhood Plan</p>	<p>Cabinet</p>	<p>12 Dec 2023</p>	<p>Richard Marsh, Director of Place</p>	<p>Cabinet Member for Planning and Economic Regeneration</p>	<p>Open</p>
<p>Phoenix House Accommodation Opportunities</p>	<p>Cabinet</p>	<p>12 Dec 2023</p>	<p>Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242</p>		<p>Open</p>
<p>Joint Strategy</p>	<p>Cabinet</p>	<p>12 Dec 2023</p>	<p>Tristan Peat, Forward Planning Team Leader</p>	<p>Cabinet Member for Planning and Economic Regeneration</p>	<p>Open</p>

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
2024/25 Budget Update 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	Cabinet	12 Dec 2023	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance	Open
Destination Management Plan for Mid Devon	Economy Policy Development Group	4 Jan 2024	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration	Open
	Cabinet	6 Feb 2024			
Economic Strategy 2024 - 2029	Economy Policy Development Group	4 Jan 2024	Richard Marsh, Director of Place	Cabinet Member for Planning and Economic Regeneration	Open
	Cabinet	6 Feb 2024			
2024/25 Budget Update 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	Cabinet	9 Jan 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance	Open
Homes Safety Policy To receive a new policy which incorporates the existing Gas Safety Policy, Asbestos Management Policy & Fire Risk	Homes Policy Development Group	16 Jan 2024	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884	Cabinet Member for Housing and Property Services	Open
	Cabinet	6 Feb 2024			

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
in Communal Properties Policy. New Policy includes regulated electrical safety checks being introduced to social housing landlords by the Social Housing Regulation Bill	Council	21 Feb 2024	244615		
Homes Standard	Homes Policy Development Group Cabinet	16 Jan 2024 6 Feb 2024	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services	Open
Service Standards - Tenant Involvement & Empowerment	Homes Policy Development Group Cabinet	16 Jan 2024 6 Feb 2024	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Garage, GGRP and Parking Space Policy To receive the revised Garage, GGRP and Parking Space Policy	Homes Policy Development Group Cabinet Council	16 Jan 2024 6 Feb 2024 21 Feb 2024	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services	Open
Health and Safety Policy To receive the annual review of the Health & Safety Policy	Community Policy Development Group Cabinet	23 Jan 2024 5 Mar 2024	Catherine Yandle, Operations Manager for Performance, Governance and Health & Safety Tel: 01884 234975	Cabinet Member for Community & Leisure	Open
CCTV Policy To receive the updated CCTV Policy	Community Policy Development Group Cabinet	23 Jan 2024 6 Feb 2024		Cabinet Member for Community & Leisure	Open
Customer Care Policy To receive the updated Customer Care Policy	Community Policy Development Group Cabinet	23 Jan 2024 6 Feb 2024			Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Renewable and Alternative Energy, Energy Efficiency including Community Energy Projects	Environment Policy Development Group Cabinet	23 Jan 2024 6 Feb 2024	Jason Ball, Climate and Sustainability Specialist	Councillor Natasha Bradshaw	Open
Green Standards in Planning including Renewable and Alternative Energy, Energy Efficiency and Community Energy Projects	Environment Policy Development Group Cabinet	23 Jan 2024 6 Feb 2024	Jason Ball, Climate and Sustainability Specialist	Councillor Natasha Bradshaw	Open
The Council's Statutory Duty Towards Bio Diversity and Nature	Environment Policy Development Group Cabinet	23 Jan 2024 6 Feb 2024	Climate and Sustainability Specialist	Cabinet Member for Climate Change	Open
Policy Framework To receive the annual Budget and Policy Framework setting out all of the Council's policies	Cabinet Council	6 Feb 2024 21 Feb 2024	Member Services Manager	Leader of the Council	Open
Business Rates Tax Base	Cabinet Council	6 Feb 2024 21 Feb 2024	Dean Emery, Corporate Manager for Revenues, Benefits and Recovery	Cabinet Member for Finance	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Establishment	Cabinet	6 Feb 2024	Matthew Page, Corporate Manager for People, Governance and Waste	Cabinet Member for Working Environment	Open
Pay Policy	Cabinet	6 Feb 2024	Matthew Page, Corporate Manager for People, Governance and Waste	Cabinet Member for Working Environment	Open
Qtr. 3 Budget Monitoring To consider a report from the Deputy Chief Executive (S151) on the Council's Financial position as at 31 December 2023	Cabinet	6 Feb 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance	Open
2024/25 Capital Strategy and Capital Programme To consider a report from the Deputy Chief Executive (S151) proposing the 2024/25 Capital Strategy and recommends the 2024/25 Capital Programme	Cabinet	6 Feb 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p>2024/25 Treasury Management Strategy 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
<p>2024/25 Budget Update 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
<p>2024/25 Council Tax Resolution To consider a report from the Deputy Chief Executive (S151) proposing the 2024/25 Band D Council Tax charge for 2024/25</p>	Council	6 Feb 2024	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance	Open
<p>National Non Domestic Rates (NNDR1)</p>	Cabinet Council	6 Feb 2024 21 Feb 2024	Dean Emery, Corporate Manager for Revenues, Benefits and Recovery	Cabinet Member for Finance	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Income Management Policy To receive a review of the MDH Income Management Policy	Homes Policy Development Group Cabinet	19 Mar 2024 2 Apr 2024	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services	Open
Corporate Anti Social Behaviour Policy	Community Policy Development Group Cabinet	26 Mar 2024 14 May 2024		Cabinet Member for Community & Leisure	Open
Single Equalities Policy and Equality Objective	Community Policy Development Group Cabinet	26 Mar 2024 14 May 2024	District Solicitor (Monitoring Officer)	Cabinet Member for Community & Leisure	Open

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Scrutiny Forward Plan Item – 3 Rivers – Draft Terms of Reference

Introduction

Following the decision of full council in September 2023 to move to ‘soft-close’ the council’s wholly-owned development company, a commitment was given that a ‘lessons learned’ process would be undertaken by the council’s scrutiny function to ensure that opportunities were taken to both learn from the past and to ensure better, more-informed decision-making in the future. To be clear, the Leader of the Council has already stated that he has no intention of creating any further council-owned companies in future. However, it is the role of an effective scrutiny function to consider whether better, or more effective, decisions can be made in future.

The basis for this piece of work should be to seek to minimise duplication wherever possible of past and previous reports, of which there have been many. Numerous internal and external reports have been commissioned over the years, at considerable cost to the council, exploring both aspects of governance and finance, in addition to the regular performance and annual reports required by statute. These were received by the various committees of the time and remain part of the record of how the council managed its finance and risk exposure across the years.

The decisions related to this matter span multiple political administrations. Even the decision to wind down the company, starting in February 2023 and concluding in September 2023, span two different leaders, cabinets and councils. As such, it is important to focus on the fact that the decision to soft-close the company was a unanimous one. Whatever the differences of the past, the council has moved from a period of well-evidenced tension on this issue, to a point where it has clarity on its future and unanimity of intent. This provides, perhaps for the first time, an opportunity for genuinely reflective learning and constructive debate on areas that may have been handled better, or which could be used to guide considerations in future.

Decisions taken in relation to the company have been made by a number of different cabinets and councils, and debate, during the 2019-23 administrative term at least, was characterised by frequent change and disagreement, with many councillors (from across all parties and none) repeatedly expressing their frustration with the quality and quantity of discussion in relation to this item. Therefore, with a new administration now in majority control, there has been a commitment to moving the discussion back to a more open and reflective position, realigning the culture back to one of mutual respect and tolerance, and specifically to ensure learning from the handling of this across all administrative settings to guide better decision making in future.

Terms of Reference

The scrutiny committee accepts the work of previous internal and external auditors and reviewers, and acknowledges the efforts made by multiple administrations to ensure high quality decision-making.

However, in order to robustly meet its objectives as a critical friend, the committee wishes to exercise its scrutiny function in specific areas:

- While performance and financial risks were regularly considered, were these used to genuinely inform debate and shape decision-making?
- The committee has heard that the tone of council debate was not always as respectful as members may have liked. The feedback from almost all members of

that time was that the whole thing as a subject became toxic; as a collective members complained of the abusive and disrespectful language used in debate, and individual members complained of bullying language and tactics. This resulted in support being brought in from the Local Government Association (LGA). How much, or how badly, did this context impact on the quality of debate and/or the quality of decisions?

- There are some interesting examples of governance challenge and tension; whether these be linked to the planning committee refusing to determine a planning application because of the applicant, the council's own company being awarded costs because of the unreasonable conduct of its parent council, or the shareholder declining to make timely decisions. All had cost and consequence. Navigating these governance challenges was always going to be required in one way or another, but in a 'chicken and egg' metaphor, did these governance challenges come from an underlying lack of confidence/understanding of the relationship between the two entities, or did an increasing lack of confidence or hesitancy come from experiencing these types of challenges? Could this have been mitigated better / more effectively?
- Did the council exercise the correct level of control over its company, and when exercising 'control' were the subsequent commercial impacts always considered? How could this tension between profit ambition and council ambition be better managed in future?
- With respect to the development St George's, how much of the current position has been down to market conditions and economic shocks, and how much has been down to the performance of the company/council?
- The financial updates to cabinet, audit and council were frequent and described progress and implications. Would it have helped to define acceptable thresholds for cost expansion in advance? Bearing in mind that even the latest budget agreed by full council decided to continue the work at the company's most contentious site, was there ever a point where a decision could/should have been made to walk away and cut any losses? (See final line of query, which feels pertinent to inform thinking in future.)
- The council had identified company failure (alongside reputational issues) as a strategic risk from the outset, but with numerous internal and external review points across the life of the company, was the risk of 'owning' the decision to wind up the company (or any specific site) perceived as greater than the risk of continuing? How does the council manage and weigh any equivalent risk in future?

Conclusion

In summary, a comment during the debate at full council made the observation that 'it has taken a change of political makeup to change the direction of travel', and while it might be easy to comment on the challenging political balances of the time, it is nevertheless the role of scrutiny to look in more detail at what can be learned from this episode in order to consider whether more effective decisions can be made in future.

3 Rivers – Corporate Risk Management

The Council manages corporate (strategic) risks on its performance management system, SPAR. Regular reports are presented to Audit Committee and Cabinet on the corporate risks that the council is managing.

A corporate risk relating to 3 Rivers was added to SPAR in October 2018. SPAR does not keep a record of any changes to the risk name and description, but the current details are:

Risk name: SPV - 3 Rivers - Failure of the Company

Description: This will depend on Economic factors and the Company's success in the marketplace commercially.

For MDDC the impacts will be:

- 3 Rivers are unable to service and repay the loan from MDDC
- Not receiving the forecast additional income
- Not supporting corporate objectives.

The risk was added to the SPAR system on 10 October 2018 and has been updated by council officers' 19 times at the time of writing this report. The details of the initial risk review and all subsequent reviews are detailed below.

Date	Commentary	Risk Severity	Risk Likelihood	Risk Status
10 Oct 2018	No comment	5	4	20
11 Oct 2018	Dependent on ability to win contracts and compete in a low margin environment	4	4	16
06 Mar 2019	We continue to monitor the progress of the projects relating to the loans we have advanced. An impairment review will take place at year end as part of new accounting standards IFRS 9. Our position on the risk of default will need to be agreed with the auditors.	5	3	15
30 May 2019	Mitigating action updated	Not entered		
07 Jun 2019	Mitigating action updated	5	3	15
13 Sep 2019	Mitigating actions updated	5	4	20
06 Jan 2020	Mitigating actions updated	5	4	20
15 May 2020	Mitigating actions updated	5	4	20
09 Nov 2020	Mitigating actions updated	5	3	15
13 Jan 2021	Two experienced directors have been recently recruited as required by the action plan. The company is also exploring the possibility of providing social housing to the Council (Teckel permitting). Mitigating actions updated	5	3	15
20 May 2021	No further impairments to the loans anticipated based on the newly approved business plan. Mitigating actions updated.	5	3	15
27 Aug 2021	The review concluded no further impairment was required. The MDDC accounts (which includes 3R within the Group Accounts) is being audited. No issue are expected to be identified. The company continues with its planned work as outlined within the Business Plan. Mitigating actions updated.	5	3	15
07 Jan 2022	The MDDC accounts (which includes 3R within the Group Accounts) was audited and	4	4	16

	no issues were identified. The company's latest business plan was recently approved by Cabinet and continues in line with that plan. Mitigating actions updated.			
28 Apr 2022	New HMT regulations preventing out of District investment will clearly restrict the future development abilities. Discussions relating to the new issue are ongoing. Mitigating actions updated.	4	4	16
23 Jun 2022	New HMT regulations preventing out of District investment will clearly restrict the future development abilities. Discussions relating to the new issue are ongoing. Mitigating actions updated.	4	4	16
13 Oct 2022	Regular meetings with the Council's Shareholder Representative continue, all of the 33 recommendations to improve financial and governance arrangements have been embedded and the company has also appointed an external auditor. Mitigating actions updated.	4	4	16
05 Jan 2023	Cabinet at its meeting on the 3/1/23 decided to refer the company's Business Plan and 2 associated Business Cases to a special meeting of Full Council scheduled for the 18/1/23.	5	5	25
08 Mar 2023	Failure to approve a business plan has resulted in the company only being able to continue on existing developments. Full Council have requested an external review, for which the scope is being developed. Mitigating actions updated.	5	5	25
26 May 2023	Failure to approve a business plan has resulted in the company only being able to continue on existing developments. The Full Council external review has been commissioned. Mitigating actions updated.	5	5	25
17 July 2023	The independent options appraisal of the company is currently being progressed with a report to cabinet due at the end of August. Works at St George's is due to complete within the next month and the Bampton site is also due to complete around September/October. Sales are positive on the Bampton site. All other works have ceased mitigating any further costs. Mitigating actions updated.	5	5	25

The following mitigating actions are associated with managing this corporate risk on SPAR:

Mitigating Action	Reason for Action	Current Status	Current Effectiveness
Regular monitoring	The Board of 3 Rivers deliver a half yearly report to the Cabinet which provides an update on their delivery against their business plan. We charge interest to them at a commercial rate in order to maintain an "arms-length" relationship and the interest provides	In progress	Satisfactory

	some mitigation to the outstanding principal.		
Cabinet	Regular meetings with Shareholder Representatives and updates to Cabinet on progress with the recommendations action plan and projects.	In progress	Satisfactory
Quarterly Officer Programme Board	Will receive detailed project updates and will ensure performance correlates with existing metrics, budgets, timetable and considers any specific material project risks that have been identified. Anything materially o/s of project confines would then be reported to Cabinet	Completed 07/07/2020	N/A
Board report and action plan recommendations	The Board of 3 Rivers deliver a bi-monthly report to the Cabinet which provides progress still ongoing. All 33 governance and finance recommendations from the action plan are completed.	Completed 28/04/2022	N/A

Corporate Risk Management 2023/24 onwards

Following the appointment of a new officer responsible for coordinating strategic risk management in the council, and an internal audit report, the following developments have been implemented regarding risk management.

- Separation of the Performance and Risk Report into two reports to support scrutiny of risk management reports
- Redrafting of the Corporate Risk Policy
- Creation of a corporate risk register, with decisions taken by Leadership Team as to the risks being managed on this
- Quarterly review process of corporate risks by the corporate management team and then Leadership Team. This process includes horizon scanning
- Development and roll-out of bespoke training on Risk Management Training on the Learning Hub.
- Development of Performance Dashboards for all PDGs, Planning, and a Corporate Dashboard. These present data on performance, finance, and risk on a service by service basis.

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