

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 1 November 2023 at 6.00 pm

### **Present**

#### **Councillors**

F W Letch (Chairman)  
C Adcock, M D Binks, D Broom,  
E Buczkowski, J Buczkowski, S J Clist,  
F J Colthorpe, G Cochran, C Connor,  
L J Cruwys, A Cuddy, G Czapiewski,  
J M Downes, G Duchesne, B Fish,  
M Fletcher, J Frost, R Gilmour, C Harrower,  
B Holdman, M Jenkins, F W Letch, N Letch,  
J Lock, R Roberts, S Robinson, L Taylor,  
H Tuffin, N Woollatt, J Wright and D Wulff

### **Apologies**

#### **Councillors**

N Bradshaw, L Knight and S J Penny

### **Also Present**

#### **Councillors**

##### **Online**

J Cairney, S Chenore, M Farrell, A Glover, S Keable, L Kennedy, J Poynton and G Westcott

### **Also Present**

#### **Officers**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Paul Deal (Corporate Manager for Finance, Property and Climate Change), Maria De Leburne (District Solicitor and Monitoring Officer), Richard Marsh (Director of Place), David Parker (Democratic Services & Policy Research Officer) and Sarah Lees (Democratic Services Officer)

## 63 **APOLOGIES**

Apologies were received from:

- Cllr N Bradshaw
- Cllr L Knight
- Cllr S Penny

## 64 **PUBLIC QUESTION TIME**

### **Paul Elstone**

My first questions relate to 3 Rivers Development Loans and Interest Payments.

#### Question 1

In August of this year, it was declared by Council Officers that the current outstanding 3 Rivers loan value was £21.3 million. Has this loan value increased since, and if so, what exactly is the value of the loan today?

### Question 2

3 Rivers are allowed to pay loan interest quarterly rather than monthly, something not financially prudent for this Council. Have 3 Rivers fully made the first and second quarter interest payments for this financial year. If not, why not?

This third question is in connection to a statement made by the Council Leader about the 3 Rivers Lessons Learned process:

### Question 3

In answer to the members of the Mid Devon public requesting a fully independent investigation into MDDC business relationship with 3 Rivers. The Council Leader is on record as saying. Quote: "Pointing the blame at individuals or specific causes, will only incur significantly more cost". Unquote. His statement was perhaps clarified by the Monitoring Officer who said at the last Scrutiny Committee Meeting "there is a need to keep certain things confidential and not made public because of the Tribunal perspective".

Liberal Democrat and Conservative Councillors including from this current administration have told me and in the clearest of terms that Council Executive Officers have stated that if officers were maligned there was a risk of the requirement to pay £500,000 for constructive dismissal at an Employment Tribunal. Was this what the Council Leader was referring to when he made his statement?

### Question 4

Similarly, I have been told by a Liberal Democrat Candidate for the next Parliamentary Election, this after I raised the £500,000 constructive dismissal potential the following: That this Council was in a financial mess. Why would this new administration want to take that additional risk Was the Council Leader aware of this position when making his statement?

The first two questions had been received in advance and received the following response:

Regarding the first question, the loan principal had increased, it had gone up to £22.702m which included some payments that had been released over the last few weeks.

As regards the second question, Quarter one had been paid, Quarter two hasn't yet because it has not fallen due since the company have 30 day terms to make that payment so all of the interest that is payable by the company has been paid. Mr Elstone stated that the invoice to the company actually gave 21 days.

### **Barry Warren**

My questions are prompted by Agenda item 10.

On 22<sup>nd</sup> February 2023 the Council passed Motion 591 with a majority vote made up from Independent and Liberal Democrat Councillors. The Council resolved to change from the Cabinet System of governance to a modernised Committee system to be implemented from the Annual Meeting 2024. The minutes of the meeting show that, before the vote, the District Solicitor and Monitoring Officer stated: "that if members

indicated to go to a Committee System we would take this as a steer to go away and start preparing the governance framework for this type of system and that it would need to be brought back to Full Council for a final decision at some time in the future”.

The motion, the vote and the timescale were very clear. We are now 8 months down the line – only 5 months away from the target implementation date - and we have this report which does not suggest much, if any, work has been done to prepare for a new governance framework.

1. Please can the public be informed as to what preparations have been made to date to prepare governance arrangements for a modernised committee system as they are not clear in this report?
2. Under the heading Risk Assessment it states ‘There is a clear risk that making a change to governance arrangements or making no change will be perceived as unsatisfactory, depending on any individual viewpoint.’ Consideration of this risk was apparent in the discussion before the democratic decision was made by Full Council in February 2023. The Council has already decided the way forward. Does the Monitoring Officer not consider this sufficient, or is this prevarication?
3. We have seen before that senior officers have taken a long time to carry out the wishes of Members if it appears contrary to their viewpoint. A Cabinet request in 2019/20 in relation to external reports on 3 Rivers was delayed by about 9 months and another one delayed in 2023 before the May election. This appears to be another case where Officers are given a clear instruction and timescale but this report suggests that action to achieve the desired outcome has been delayed. What is the reason for this delay in actioning a democratic decision of Council?
4. Has Cabinet been consulted and agreed to the current action and delay?

### **Tim Bridger**

Will the Chair take this opportunity to apologise to members of the public for treating them so poorly at the last meeting and for his heavy handed dismissive and rude attitude to public questions?

The Chairman stated that he regretted if Cllr Bridger saw his behaviour as unacceptable but he did not apologise because he had been led on by some rather aggressive comments not just to himself but to officers and as he had said earlier in his statement Members make the decisions and it is the officers who carry them out.

Cllr Bridger continued, regarding agenda item 9, there is a serious error in the rounding up on the calculation of the ungrouped membership. I am sure the Council would not wish to have this standing as at the moment it looks like they are trying to remove the only independent councillor from the Scrutiny Committee. I am sure the Council will note that they have already gone against protocol by appointing one of their own as the Chair of Scrutiny and this error will actually result in there being ten members of the leading administration and not one single independent. This is not acceptable and the Council should not be seen to be doing this.

Finally at the previous meeting I asked a question, it took a long time to get a response and when it came it was quite frankly nonsensical so I will ask the question again: In the June Scrutiny and August Cabinet meetings, the S151 Officer presented Capital and Revenue Outturn stating there was a positive outlook for the Council despite a £4.1m impairment for 3 Rivers. Six weeks later in the press there was an article complaining the actual loss was going to be closer to £7.3m and no explanation as to where this came from. The answer I got was not accurate. The article was published in August, the decision was not made until September so can I therefore have a reasonable answer as to where that additional money has come from and can I ask once more was the £5.1m impairment quoted to this Council in June a misstatement or a mistake?

### **Goff Welchman**

I am here to speak on behalf of a lot of very angry Council Tax payers in Mid Devon who are fed up with the whole 3Rivers fiasco. I know Scrutiny Committee is investigating it along with a working group but I am most concerned that Council officers have been involved in setting the Terms of Reference for those investigations and I would like to request that that ceases forthwith. Those officers themselves could possibly be the subject of investigation. That's totally inappropriate and it should be an independent enquiry as Exeter City Council have carried out into their very similar financial losses on a housing development scheme.

My second question relates directly to the question I put to Monday's Scrutiny Committee: Did any permanent officer of Mid Devon District Council with a financial controlling interest on that Council also serve as a Director of 3Rivers, signing off loans, requested by 3 Rivers? I received what I can only describe myself as an evasive answer to that. I would like tonight a 'yes' or a 'no', a simple one word answer to that question. Thank you.

The Chairman stated that it was the protocol of the Council to provide written responses to questions that had not been submitted in advance and these would be supplied within the relevant timescales.

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

Members were reminded of the need to declare any interests when appropriate.

None were declared under this item.

## **66 MINUTES (00:24:00)**

The minutes of the meeting held on 6 September 2023 were agreed as a correct record and signed by the Chairman.

In passing the minutes, a question was asked as to what progress had been made regarding Motion number 596 from Cllr R Gilmour which had been passed at the previous meeting. It was confirmed that, as per the contents of the Motion, a letter had been written and an online petition had been set up. A copy of the letter and a link to the petition would be sent to all Members.

## 67 CHAIRMAN'S ANNOUNCEMENTS (00:26:00)

The Chairman had the following announcements to make:

He had been invited by the Chief Executive of Petroc College, Tiverton, to attend the campus for a meeting to find out what they had to offer. He had been very impressed by the number of courses they offered including degree level qualifications. He would be attending Petroc's Graduation ceremony in Barnstaple the following weekend.

In September he had met the Duchess of Edinburgh at CHAT in Tiverton and whilst attending the event he had met an organisation called 'Balloons' who supported bereaved children and young adults.

On 29<sup>th</sup> September he had attended a business event in Cullompton celebrating the third anniversary of a company called 'Tastro'. Following this he had put the company in touch with the Economic Development Team and Petroc.

On 1<sup>st</sup> October he had attended the High Sheriff's Legal Service at Exeter Cathedral.

Also in October he had attended the West Devon Borough Council Civic Service, the new road opening in Tiverton and Tiverton Museum's AGM.

On the 8<sup>th</sup> October he had held his own Civic Service at the Parish Church in Crediton, the focus of which had been to support the 'Turning Tides Project', a Community Interest Company that aimed to make equal access to music, the arts and the life of our community a reality for people with 'learning disability' or 'autism' labels.

## 68 PETITIONS (00:34:00)

There were no petitions presented.

## 69 NOTICES OF MOTIONS (00:35:00)

The Council had before it **MOTIONS** submitted for the first time:

### 1. MOTION 598 (Councillor N Letch – 18 October 2023)

"This Council resolves to write to Devon County Council and demonstrates its support for the mobile library service, to see it maintained and that other community service options are considered to ensure the viability of the service."

The **MOTION** was **MOVED** by Councillor N Letch and seconded by Councillor S Robinson.

In accordance with procedure Rule 14.4, the Chairman of the Council had ruled that the matter be discussed at this meeting.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

## 2. **MOTION 599 (Councillor L Taylor – 19 October 2023)**

“This Council condemns the repeated failure of the respective authorities to repair the wall abutting the River Lowman at Chapel Street in Tiverton.

The Council requests the Director of Place to contact both Devon County Council as the highway authority and the Environment Agency as the river authority, to ensure that they understand the need to resolve this as a matter of priority.”

The **MOTION** was **MOVED** by Councillor L Taylor and seconded by Councillor J Frost.

In accordance with procedure Rule 14.4, the Chairman of the Council had ruled that the matter be discussed at this meeting.

Discussion took place regarding:

- The length of time the hole in the wall had been there, the number of calls from concerned Tiverton residents which had been ignored and the repeated failure by the authorities to complete a successful repair.
- The dangers posed especially to children.
- The poor visual impact on visiting tourists.
- The inadequate response of the Environment Agency who had blamed computer system failure.
- The need for the letter to the appropriate authorities to insist on an appropriate timescale for the repair.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

## 70 **CABINET - REPORT OF THE MEETING HELD ON 19 SEPTEMBER 2023 (00:36:00)**

The Leader presented the report of the meeting of the Cabinet held on 19 September 2023.

## 71 **CABINET - REPORT OF THE MEETING HELD ON 17 OCTOBER 2023 (00:37:00)**

The Leader presented the report of the meeting of the Cabinet held on 17 October 2023.

### 1. **Mid Devon Housing Damp and Mould Policy (Minute 56)**

The Leader **MOVED**, seconded by Councillor S Clist:

**THAT** the recommendation of the Cabinet as set out in Minute 56 be **APPROVED**.

Following discussion and upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

### Reason for the decision

The Council has statutory responsibilities under the Landlord and Tenant Act 1985, the Decent Homes Standard, the Defective Premises Act and the Housing Health and Safety Rating System (HHSRS) to ensure that properties are maintained, meet the Decent Homes Standard and that, where appropriate, properties are assessed and steps taken with a view to avoiding or minimising the risk of recurrence of damp and mould.

#### **72 SCRUTINY COMMITTEE - REPORT OF THE MEETING HELD ON 2 OCTOBER 2023 (00:39:00)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Scrutiny Committee held on 2 October 2023.

#### **73 AUDIT COMMITTEE - REPORT OF THE MEETING HELD ON 24 OCTOBER 2023 (00:40:00)**

The Chairman of the Audit Committee presented the report of the meeting of the Audit Committee held on 24 October 2023.

#### **74 HOMES POLICY DEVELOPMENT GROUP - REPORT OF THE MEETING HELD ON 26 SEPTEMBER 2023 (00:41:00)**

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Homes Policy Development Group held on 26 September 2023.

#### **75 ECONOMY POLICY DEVELOPMENT GROUP - REPORT OF THE MEETING HELD ON 5 OCTOBER 2023 (00:42:00)**

The Chairman of the Economy Policy Development Group presented the report of the meeting held on 5 October 2023.

#### **76 ENVIRONMENT POLICY DEVELOPMENT GROUP - REPORT OF THE MEETING HELD ON 10 OCTOBER 2023 (00:43:00)**

The Chairman of the Environment Policy Development Group presented the report of the meeting held on 10 October 2023.

#### **77 COMMUNITY POLICY DEVELOPMENT GROUP - REPORT OF THE MEETING HELD ON 24 OCTOBER 2023 (00:44:00)**

The Chairman of the Community Policy Development Group presented the report of the meeting held on 24 October 2023.

#### **78 PLANNING COMMITTEE - REPORT OF THE MEETING HELD ON 27 SEPTEMBER 2023 (00:45:00)**

The Chairman of the Planning Committee presented the report of the meeting held on 27 September 2023.

79 **STANDARDS COMMITTEE - REPORT OF THE MEETING HELD ON 18 OCTOBER 2023 (00:46:00)**

The Chairman informed Council that approval of the Standards minutes from the meeting held on 18 October 2023 would need to take place at the next ordinary meeting since the reports relating to the two recommendations to Council had been omitted from the agenda pack. Members were not therefore in possession of all the information to enable them to make a fully informed decision. These minutes would therefore come to full Council on 20 December 2023.

80 **REVISED ALLOCATION (00:47:00)**

The Council had before it a table \* setting out the revised allocation of seats on Committees and other Council bodies.

**Arising thereon:**

**Appointment of Committees and Allocation of Seats on Committees and other Council Bodies**

The Chairman **MOVED:**

- (a) that the Council approve the allocation of seats on Committees and other Council Bodies as shown on the schedule;
- (b) that Members be appointed to Committees in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats in (a) above;
- (c) that Members also be appointed to Working Groups and other Internal Bodies in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats in (a) above;
- (d) that the Chief Executive be authorised to make changes to membership of Committees, Working Groups and other Internal Bodies as may be notified to him from time to time by the relevant Political Group to which those seats have been allocated by the Council.
- (e) that the appointments to seats remaining to be filled by ungrouped Members shall be made at this meeting.

Councillor G Westcott **MOVED** an **AMENDMENT** that the Green group swap their seat on the Audit Committee for the Ungrouped seat on the Economy Policy Development Group. This was seconded by Councillor N Woollatt.

Councillor N Woollatt **MOVED** that she take up the Ungrouped seat on the Standards Committee. This was seconded by Councillor L Taylor.

Upon a vote being taken the individual **MOTIONS** were declared to have been **CARRIED**.



- Notes:
- (i) Table previously circulated.
  - (ii) It was stated that the remaining four Ungrouped Committee seats would remain vacant at the current time.

## 81 GOVERNANCE BRIEFING NOTE (01:02:00)

Council had before it a report \* of the District Solicitor and Monitoring Officer providing Members with an update on the work carried out so far on the proposed change to the governance system. The background to the issue was detailed within the report and the options available listed.

Discussion took place regarding:

- Differing recollections of the discussions and decision made at the 22 February 2023 Council meeting regarding Motion 591 from Councillor N Woollatt. These had included a thought that it would be 'unfair to constrain a new administration' and that more work would be needed to prepare a new Governance Framework before a final decision was taken.
- Councillor N Woollatt had circulated extracts from the relevant legislation immediately prior to the meeting and made reference to a local authority not being able to pass another resolution that makes a change in governance arrangements before the end of the period of 5 years unless a different resolution is approved by way of a referendum.
- There was disagreement regarding the potential costs of changing governance arrangements. The Centre for Governance and Scrutiny had estimated this to be in region of £70k to £250k. It was felt that this would be 'foolhardy' given the current financial situation of the Council but could be considered in the future.
- The majority of Members present at this meeting had not been Councillors when the original Motion had been presented. At that time it was felt that there had been some significant instability within the Cabinet and a move to something different would have been advantageous. That was not felt to be the case with the current administration.
- More collaborative working was needed and greater involvement of the Policy Development Groups in formulating and setting policy and strategic direction.
- The Motion brought to Council in February 2023 had not included a detailed report or in depth costing. The main features of a proposed system had not been presented therefore it would have been very difficult for Members to have come to a fully thought through decision.
- The Council already had a hybrid system with the Cabinet held to account by a Scrutiny Committee and fully functioning Policy Development Groups. However, these needed to be fully empowered to play a more significant role in policy making. The Programming Panel needed to be re-ignited and given full powers to call the Chairmen and Vice Chairmen of each Committee to set a stronger and more strategic level of direction.
- The delays in decision making experienced by others who had worked under a Committee system.

The Leader **MOVED**, seconded by Councillor R Gilmour

**THAT** option 'd' within the report be approved with an amendment that:

This Council moves to a more robust implementation of the hybrid system, utilising the Policy Development Groups and the Programming Panel to better develop policy and set strategic direction.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

Reason for the decision:

So that the Monitoring Officer can start to review the necessary changes that will be required to support a more robust implementation of the hybrid system.

Note: (i) \* Report previously circulated

(ii) Councillor N Woollatt requested that her vote against the decision be recorded.

**82 STATE OF THE DISTRICT DEBATE (01:45:00)**

The Leader informed Council that the State of the District Debate would be about how the Council could work more proactively with the Town and Parish Council's since these were operating at the heart of our communities. However, the debate would not be conducted as it had been in the past instead all Town and Parish Councils would be written to and invited to engage in meaningful sessions to assess how best to work together to build better communities.

He encouraged all Members to speak to the Council's in their local areas to encourage them to take part.

**83 QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 13 (01:47:00)**

A question had been submitted by Cllr N Woollatt in advance of the meeting:

Why are we still using single use plastics when we had a motion in 2018 to phase this out?

The response had been:

"It appears an order was placed after the original Motion was considered by Council. I can confirm that no plastic cups have been purchased since early autumn 2022, but because these are only used for member or external meetings it has taken a very long time to use up what was in the cupboard. Property services have since removed them and have sourced an alternative."

However, Councillor N Woollatt stated that the original Motion had not just referred to plastic cups but had also mentioned the reduction or removal of Single Use Plastic (SUP) across the full spectrum of Council services. She was concerned that there may be a communication issue when relaying Council decisions to the operating services. The Chief Executive stated that he would double check that the decision had been passed on and in any case would remind officers since there had been some staff turnover since the original Motion had been passed.

#### **84 SPECIAL URGENCY DECISIONS (01:49:00)**

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency taken since the last meeting, the Chairman informed the meeting that no such decisions had been taken in the period.

#### **85 QUESTIONS TO CABINET MEMBERS (01:50:00)**

Councillor L Cruwys stated that rubbish bins in Tiverton were not being emptied on the streets, drains continued to be blocked and the streets needed sweeping. He asked the Cabinet Member for the Environment and Services whether Mid Devon District Council employed a road sweeper? It was confirmed that maintenance of the highways was a Devon County Council matter but that if he passed the details on to him he would ensure that this was chased up with County.

Councillor F Letch asked the Cabinet Member for Housing and Property Services how many Mid Devon District Council tenants had properties that used an open fire to heat them and what plans did MDDC have to install some form of central heating? The Cabinet Member responded by stating that Mid Devon Housing (MDH) had undertaken a planned removal of solid fuel in their properties. These had reduced from 300 to 75 with only 33 of the 75 having solid fuel. 178 properties had solid fuel as a secondary heat source. MDH was looking to install new renewable heating wherever practicable.

#### **86 MEMBERS BUSINESS (01:55:00)**

The Chairman stated that he would like to use this standing item to receive more feedback from Members following any attendance at 'Outside Body' meetings or events.

Councillor J Downes informed colleagues that he had a resident in his ward who had terminal cancer but who had been able to be issued with a special parking permit to allow visitors / carers to her property to receive vital visits. Other Members would be able to do this on behalf of constituents by liaising with the Parking Services team but it could only be considered on a case by case basis and only through the Ward Member.

Councillor B Holdman stated that Mid Devon Leisure had been runners up, out of 27 academies, in the STAR Swim Academy of the Year. The award reflected how Leisure Services implemented innovative 'learn to swim' strategies that have expanded the opportunity for people of all ages and abilities to learn a key life skill. The judges also looked at how best practices in swimming teaching through training, education and career development were delivered. There had been an Open Day - which was held on Saturday 14th October at each site with joining offers and lots of different activities. 45 new members had been signed up on that day alone.

He also mentioned that there had been a tour around all three leisure centres which had been really impressive. Another one in the New Year was planned.

Councillor S Clist informed those present that he had attended the NFU and Young Farmers 'Thanksgiving Service' at Exeter Cathedral.

Councillor A Glover would be attending a meeting with Aggregate Industries with local Ward Members this coming Friday 3<sup>rd</sup> November 2023 to follow up on issues raised by the Grand Western Canal Joint Advisory Committee. She would report back.

Councillor G Czapiewski stated that he would provide feedback to Council at the next meeting on the Sparse Network Outside Body. As the Armed Forces representative he also encouraged colleagues to support upcoming Remembrance events.

Councillor J Lock stated that she would be attending the Corporate Parenting Board for Devon and would report back to colleagues.

(The meeting ended at 8.06 pm)

**CHAIRMAN**