

A MEETING of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 20 December 2023 at 6.00 pm

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

[The next meeting is scheduled to be held in Tiverton on Wednesday, 21 February 2024 at 6.00 pm]

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

The meeting will be Hybrid and an audio recording made and published on the website after the meeting

[To join the meeting online, CLICK HERE](#)

Meeting ID: 364 438 969 999

Passcode: Yawos5

STEPHEN WALFORD

Chief Executive

12 December 2023

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

AGENDA

1 Apologies

To receive any apologies for absence.

2 Public Question Time

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

3 Declarations of Interest under the Code of Conduct

To record any interests on agenda matters.

4 Minutes (*Pages 9 - 30*)

To consider whether to approve the minutes as a correct record of the meeting held on 1st of November 2023 and the extraordinary meeting on the 29th of November 2023.

5 Chairman's Announcements

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

6 Petitions

To receive any petitions from members of the public.

7 Notices of Motions

1. Motion 600 (Cllr James Buczkowski- 23rd October 2023)

The Council has before it a **MOTION** submitted for the first time:

Motion on the Poverty Premium

This council notes that:

- Lower income households are affected by the 'poverty premium' by being forced to pay more than those on higher incomes to use essential services such as energy, credit and insurance.
- Expert assessment indicates 23% of Households in the Tiverton and Honiton Constituency and 20% of Households in the Central Devon Constituency are being penalised by this - costing local residents in the two constituencies £7.2 million a year to simply do the same basic things as those on higher incomes.
- On average the poverty premium costs those households affected around £400 a year: equivalent to three weeks of

food bills for a family of four.

- Lack of government action to properly regulate the commercial practices of national and international companies is the primary cause of these costs.
- Access to local banking and insurance services has significantly worsened in recent times.

This council:

- Opposes this as a penalty for lower income households which exacerbates the difficulties of those managing on low incomes.
- Condemns the government for doing too little to tackle the poverty premium.
- Believes that tackling the poverty premium is an essential part of levelling up.
- Calls upon the Government to act urgently to address these additional costs to our lowest income residents.

Therefore, the council resolves to:

- Endorse the Fair By Design Roadmap for tackling the Poverty Premium (Attached)
- Instruct the Leader of the Council to write to the relevant government minister demanding:
 - Urgent action to tackle all forms of poverty premium including those imposed by energy suppliers, insurers, credit sources, banks and other bodies.
 - A broadening of the Financial Conduct Authority regulation of credit costs to cover those not currently covered.
 - A partnership between the relevant regulators to tackle all forms of poverty premium.
 - Beyond immediate action, an inquiry into the scourge of the poverty premium and a strategy to prevent recurrence.
- Take action locally by:
 - Taking a lead on creating a Vulnerable Citizens Strategy, which should include making sure people on low incomes don't end up paying more for their essential services and products.
 - Investigating local mechanisms for reducing the poverty premium caused by financial services, for example working with ATM providers and exploring local alternative Insurance, credit and banking options including the merits of a community mutual bank.
 - Working with other local agencies, community groups and charities to promote take up of available benefits and grants.
 - Encouraging local business to commit to Poverty Premium Proofing.

- Working with social and private landlords in Mid Devon to ensure every tenant is automatically placed on the cheapest energy tariff for their needs, minimising the cost of moving into a social housing home and that tenants are provided poverty premium avoidance advice and support.
- Working with other local employers to support low-income employees to avoid the Poverty Premium.
- Working across the Council to identify further measures it can take.

Further Reading and Supporting Information
Mapping the poverty premium in Britain (bristol.ac.uk)
Ending the poverty premium – Fair By Design

(In accordance with Procedure Rule 14.4, the Chairman of the Council has decided that this Motion (if moved and seconded) be dealt with at this meeting.)

2. Motion 601 (Cllr Gill Westcott- 6th November 2023)

The Council has before it a **MOTION** submitted for the first time:

Motion: Conflict in Gaza: call for a ceasefire and community safety for religious and ethnic minorities in Mid Devon.

This Council

- Expresses deep sympathy for all those affected by the conflict in Israel and Palestine. To those in the Mid Devon area who have been affected by this conflict we offer our support in this difficult time.
- Calls on the UK government to do everything possible to encourage an immediate further release of all hostages and an immediate ceasefire to allow more medical aid and essential supplies into Gaza; and the possibility of a peaceful long term resolution.
- Believes Muslims, Jews and people of all faiths and none should feel safe and supported throughout the world and condemns the increase in antisemitic and Islamophobic violence and abuse in the UK.
- Condemns the use of all dehumanising language and calls on our communities to treat each other with respect and refrain from inflammatory terms to describe either the Palestinian or Israeli populations, especially in a time of crisis.

The Council resolves to fly the UN flag as a symbol of peace outside Phoenix House until a ceasefire is agreed.

(In accordance with Procedure Rule 14.4, the Chairman of the Council has decided that this Motion (if moved and seconded) be dealt with at this meeting.)

8 **Report of minutes held between 18th October to 5th December**
(Pages 31 - 150)

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

1. Cabinet

14th November 2023
(Recommended to Council the Treasury Management Mid-Year Review Report 2023/2024, Tax Base Calculation 2024/2025 report and Schedule of Meetings)

2. Scrutiny Committee

30th October 2023

3. Audit

5th December 2023

4. Community Policy Development Group

28th November 2023
5th December 2023

5. Environment Policy Development Group

7th November 2023

6. Homes Policy Development Group

21st November 2023

7. Economy Policy PDG

16th November 2023

8. Planning Committee

8th November 2023
22nd November 2023

9. Licensing Committee

1st December 2023

10. Regulations Committee

1st December 2023

11. Standards Committee

18th October 2023 (Recommended to Council Motion 577)

9 **Treasury management Strategy Mid-Year Review Report 2023/24**
(Pages 151 - 160)

To receive a report on the Treasury management Strategy Mid-Year Review Report 2023/24 from the Deputy Chief Executive (S151) Officer.

10 **Tax Base Calculation 2024/25** (Pages 161 - 166)

To receive a report on the Tax Base Calculation 2024/25 from the Deputy Chief Executive (S151) Officer.

11 **Member Allowance- Independent Remuneration Panel Report**
(Pages 167 - 184)

To receive a report on Member Allowances report of the Independent Remuneration Panel from the District Solicitor and Monitoring Officer.

12 **Schedule of Meetings** (Pages 185 - 186)

To receive a report on Schedule of meeting 2024/2025 from the District Solicitor and Monitoring Officer.

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

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

14 **Special Urgency Decisions**

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

15 **Questions to Cabinet Members**

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

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16 **Members Business**

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

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

Meeting Information

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

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 Laura Woon on: lwoon@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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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 Leiburne (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 22nd 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 29th 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 1st 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 8th 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 be 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 3rd 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

PUBLIC QUESTIONS AND ANSWERS – FULL COUNCIL 1 NOVEMBER 2023

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?

Answer

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.

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?

Answer

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.

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?

Response from the Leader:

The statement referred to the fact that further delay after the recent years of prevarication and procrastination, was only likely to mean that the costs arising from closing down the company increased in the future. This administration came in with a clear view on what decisions needed to be made, and this approach was supported unanimously by the council. I am very pleased that the delay and indecision of the past has been consigned to Mid Devon's political history.

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?

Response from the Leader:

The figure quoted is not recognised.

Barry Warren

My questions are prompted by Agenda item 10.

On 22nd 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?

Answer

The report is clear and states that 'This report forms part of the journey of changing the council's system of governance'. Members discussed the report at Council and considered the options and next steps, before making a decision.

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?

Answer

It is right and proper that council considered risk alongside every decision.

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?

Answer

Some decisions require further work and/or follow up prior to implementation. Wherever possible this is made clear in the report accompanying a member decision. In this case, no officer report was available as this item arose on the back of a motion submitted to council – hence the Monitoring Officer making it clear at the time that this would need to be taken as a steer to go away and start considering the implications of a changes in governance, but that a future report would have to be brought back to Council. The report on Council's agenda delivers that commitment.

4. Has Cabinet been consulted and agreed to the current action and delay?

Answer

Cabinet has been kept advised on outstanding actions arising from the previous administration.

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.

Mr 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?

Answer

This question is fundamentally a repeat of the one raised and answered at Full Council on the 6/9/23. For further clarification, financial information is provided to numerous Council meetings on 3Rivers. Due to major strategic decisions that have been made over the past 6 months, some of the financial forecasts have been materially revised. Therefore, all financial updates were correct, as estimated, at the time they were provided.

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 now 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.

Repeat questions within 6 months are not permitted (to note), but for clarity when the council initially set up the company a council officer was nominated to be on the company board. This was in full accord with external legal guidance provided by

Bevan Brittan at the time. Once the company had been established with a developing project pipeline, external advice recommended that this be changed to avoid any perceptions of conflict of interest. This formed one of the recommendations agreed by audit and scrutiny committees at the time. And for further clarification, all financial transaction approvals, including loans were only authorised by officers with no connection to the company.

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MINUTES of a **MEETING** of the **COUNCIL** held on 29 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,
 G Cochran, F J Colthorpe, C Connor,
 L J Cruwys, A Cuddy, G Czapiewski,
 J M Downes, G Duchesne, B Fish,
 M Fletcher, A Glover, C Harrower,
 B Holdman, M Jenkins, S Keable,
 L G J Kennedy, L Knight, J Lock, S J Penny,
 J Poynton, R Roberts, S Robinson,
 G Westcott, J Wright and D Wulff

Apologies

Councillor(s)

J Frost, R Gilmour, N Letch, L Taylor, H Tuffin and
 N Woollatt

Also Present

Officer(s):

Stephen Walford (Chief Executive), Maria De Leburne
 (District Solicitor and Monitoring Officer), Jackie Murphy
 (Electoral Services Manager), Laura Woon (Democratic
 Services Manager) and Sarah Lees (Democratic Services
 Officer)

Councillors

Online

N Bradshaw, J Cairney, S Chenore, M Farrell,
 L G J Kennedy

Officers Online

Richard Marsh

87 APOLOGIES (08:10)

Apologies were received from:

Cllr Frost, Cllr R Gilmour, Cllr N Letch, Cllr L Taylor, Cllr Tuffin and Cllr Mrs N
 Woollatt

88 PUBLIC QUESTION TIME (08:46)

There were no public questions received relating to the business on the agenda.

89 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (12:12)**

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

None were declared under this item.

90 **CHAIRMAN'S ANNOUNCEMENTS (09:00)**

The Chairman had the following announcements to make:

On the 3rd November he attended Diverse Devon Together at the Mint Exeter with entertainment in the form of, singing, dancing and food.

On the 4th of November he attended Petroc Degree ceremony in Barnstaple, he was impressed with the wide range of degrees offered for example engineering, caring and teaching.

On the 10th of November he greeted the poppy train at Tiverton Parkway which arrived at 7.58 and travelled on to Paddington Station in London.

On the 11th November he officiated at the Tiverton Remembrance ceremony. The event was well attended by members of the public.

On the 12th November he attended the Crediton Remembrance Service.

On the 23rd he attended the Tiverton Sea Cadets annual presentation event, it was a wonderful evening and had a wide range of interests and exploits.

91 **REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS 2023 (12.23)**

The Chair invited the Cabinet Member for Working Environment, Cllr Jane Lock, to introduce the report, the Electoral Administration Act 2013 requires each authority to carry out a review of polling districts, polling places and polling stations every 5 years. The current review must take place between 1 October 2023 and 31 January 2024. This review has now taken place. By publishing on 1 December 2023, polling districts can be brought in line with future parliamentary constituencies to prepare for a snap Parliamentary General Election.

The following was highlighted:

- Approximately 100 polling stations in Mid Devon, each polling station caters for up to 1500 voters and some of the larger venues have multiple polling stations in the same building.
- Each polling venue needs to be as accessible as possible for voters, with good access, space and parking.
- The review has enabled a tidy up of parts of the electoral register, including some minor changes mostly due to boundary changes for District, Parish, County and Parliamentary. Also to ensure better facilities for all voters to have a suitable polling station and to exercise their democratic rights in person if they wish.
- Complaints are fortunately rare and polling staff have the opportunity to feedback on the suitability of the locations at every election.

- The revised polling district lettering reflects the new parliamentary constituencies and also the district ward. At a glance it is now easier to identify which ward an elector is in by their elector number. This will help at election time, for candidates, political parties and for voters receiving poll cards.

Consideration was given to:

- The concerns about less votes with Uffculme moving to Magelake instead of the village hall as this was a suitable venue.
- The high level of traffic previously at the village hall and Magelake being a more suitable location.
- When the last Parish Council elections were which was May 2023.

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

Those voting **AGAINST** the **MOTION**: Cllr J Poynton

92 **THE PROPOSED WITHDRAWAL AND DISSOLUTION OF THE HEART OF THE SOUTH WEST JOINT COMMITTEE (22:20)**

The Chair invited the Chief Executive, Stephen Walford, to introduce the report, this report had been provided from Somerset Council regarding the Heart of the South West Joint Committee.

The following was highlighted:

- This report followed a steer from the Leaders / senior members of several Constituent Authorities for proposals to be brought forward to all Constituent Authorities to consider their withdrawal and dissolution of the Heart of the South West (HotSW) Joint Committee (the Joint Committee).
- Changes in Government policy over the last five years, the development of the devolution deal and forthcoming integration of the HotSW LEP into local authorities meant that the purpose of the of the Heart of the South West (HotSW) Joint Committee (the Joint Committee) had largely been superseded and other existing partnership arrangements between the constituent authorities could deliver their aims.
- Due to the Heart of the South West (HotSW) Joint Committee (the Joint Committee) not being quorate they had been unable to make a decision therefore it been brought before Council today for it to make the decision.

Consideration was given to:

- The Mid Devon District Council Leader was in agreement with this proposal.
- The finance impact and the return of outstanding balances.
- The mechanism in place for the future.
- The procurement processes and impact of this.
- The summary and recommendations to dissolve of the Heart of the South West (HotSW) Joint Committee (the Joint Committee) on 31st December.

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

Those voting **AGAINST** the **MOTION**: One

(The meeting ended at 18.40pm)

CHAIRMAN

MINUTES of a **MEETING** of the **CABINET** held on 14 November 2023 at 5.15 pm

Present

Councillors

L Taylor (Leader)
N Bradshaw, J Buczkowski, S J Clist,
S Keable, J Lock, D Wulff and J Wright

Also Present

Councillor(s)

D Broom, E Buczkowski, G Duchesne, C Harrower,
B Holdman, L Knight and S Robinson

Also Present

Councillors

Online

Mrs F J Colthorpe, A Glover and G Czapiewski

Also Present

Officers

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place), Maria De Leburne (District Solicitor and Monitoring Officer), Paul Deal (Corporate Manager for Finance, Property and Climate Change), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Matthew Page (Corporate Manager for People, Governance and Waste), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Tristan Peat (Forward Planning Team Leader), Haley Walker (Leisure Business Manager), Kelly Lee (Leisure Business Manager), Laura Woon (Democratic Services Manager), Angie Howell (Democratic Services Officer) and Sarah Lees (Democratic Services Officer)

61. APOLOGIES

There were no apologies for absence.

62. PUBLIC QUESTION TIME

The following questions were received from members of the public:

Paul Elstone

My questions relate to Agenda Item 6 2023/24 Quarter 2 Budget Monitoring

Question 1

A 3 Rivers Development estimated write off amount of £3.7 million is shown for 2023/24. Is this in addition to £4.5 million impairment previously stated by the S151 Officer in June 2023?

Answer

£3.7m is the impairment we believe is the figure that will need to be accounted for within the 23/24 year. I would reiterate that this is still an estimate based on a number of future costs and receipts and will be confirmed within the Outturn report.

Question 2

Since the formation of 3 Rivers what is the total amount of 3 Rivers impairment or write-offs that so far needs to be accounted for in Council accounts?

Answer

The value of approved impairments that is accounted for within the Council's accounts as of 31 March 2023 is £5.317m.

Question 3

I understand that the 3 Rivers start-up cost was estimated at £1 million, can this amount be confirmed. If not £1 million, what was the start-up cost?

Answer

I haven't seen the estimation that you refer to and I would be interested to understand the inclusions and calculations and I am very happy if Mr Elstone wishes to share this with me but my understanding is that the start up costs to create 3Rivers were around £200k - £250k.

Question 4

Has the 3 Rivers start-up cost also been impaired, in the Councils accounts, if not why not?

Answer

Yes, loans are impaired, not specific costs or projects. I understand the start-up costs were funded from a loan that had previously been impaired.

Question 5

In March 2022 the Earmarked Reserves were shown as £20.6 million.

In March 2023 the reserves were £18.1 million.

Now in March 2024 reserves are being estimated at £15.9 million therefore being very seriously eroded.

Does the estimated year end figure for Earmarked Reserves fully include the 3Rivers known loss provisions?

Answer

No, the Council holds Earmarked Reserves for a number of legal requirements, for example S106 Planning obligations and ring fenced Government grants for specific schemes. In addition we make prudent provisions for estimated future known costs such as asset replacements and future projects. As we have impaired the forecasted future loan write-off, there is no need to create a reserve.

Question 6

An important financial health indicator is the percentage of reserves held against the Council's annual spend.

When the current known 3Rivers impairments and write-offs are accounted for what will this percentage be?

Answer

Your question is probably based on an incorrect interpretation or misunderstanding. It would be helpful to explain that the Council's General Fund has two types of reserves. Firstly Earmarked Reserves which, as explained in the answer to question 5 includes a number of legal requirements e.g. S106 Planning obligations and ring fenced Government grants for specific schemes and in addition they enable us to make prudent provision for unknown future costs such as asset replacements and future projects. There is no maximum or minimum amount for these reserves as your question suggests but it is essential that the Council is prudent when setting these. Secondly the Council maintains a general reserve, the minimum level of this reserve is set by full Council on the advice of the S151 Officer and adherence to this minimum level is perhaps an indicator of financial health or more likely an indicator of prudent fiscal responsibility.

It is worthy to note that the previous administration approved the budget which drew £600k from the General Reserve balance to an unfunded budget putting the Reserve well below the minimum amount. You may recall I asked the then caretaker Leader in March 2023 to reconsider this, they chose not to. You will note that in the Q2 update report, this administration, in conjunction with officers, has worked hard to reverse this and return to a position of fiscal responsibility and the intention is to maintain a general reserve that is recommended by the Council's S151 Officer which is currently £2m.

Question 7

What exactly are the sinking funds mentioned?

Answer

As alluded to in question 5, the Council's holds a number of funds for essential replacements of assets that wear out e.g. buildings, vehicles and some plant and equipment. This is based on replacement costs and estimated life spans.

Question 8

How much exactly is held in these sinking fund accounts?

Answer

You asked exactly how much is held in these sinking fund accounts? So the balance is, as at 31 March 2023:

£530k in ICT equipment
£1.4m in vehicle fleet
£780k in waste plant and infrastructure
£267k in Phoenix House
£830k in property maintenance
£880k in Leisure Centres and equipment

£270k in parks and open spaces

There are some other smaller reserves but these are for the key EMR sinking funds.

The implication of reallocating these to cover losses are how we fund maintenance going forwards (as maintenance is a revenue cost so we can't borrow).

Question 9 (submitted at the meeting and not in advance)

The minutes of the full Council meeting held on 1 November 2023, and in an answer to a public question state that 3Rivers loan capital has risen to over £27m yet at the meeting we were told it was nearly £23m I believe, what is it, is it £27m or £22.7m?

Answer

I can say that the total loans outstanding as at 30 September 2023 was £22.363m.

Barry Warren

My questions are prompted by the content of Agenda item 6.

I recall being assured by the Cabinet Member for Finance at an earlier meeting that all decisions were made by members but then in answer to another question in relation to commissioning an external report I was advised that the decision was made by officers. An apparent contradiction.

It is noted that the four recommendations in the report the first three are for the Cabinet to note them. a) is self explanatory and I have no query on this.

Presumably decisions under b) were made by the S151 Officer in accord with procedure and the Cabinet are being informed but are Cabinet able to question or overturn any of these decisions?

In the case of recommendation c) the Cabinet are asked to note a write off of £3.7 million and are told where the funding will come from.

Is this a case of Officers making the decisions and Cabinet are asked to note it without any input? Should such a decision be made by elected members on information and advice from officers?

In the case of d) Cabinet are asked to agree the virement of the capital approval from the Hydromills project and to be replaced by investment in solar panels. I cannot find any further reference to this in the body of the report but there is a note in Appendix F against Code CA582 – 'Feasibility works to be undertaken on alternative solar options.'

When and where was the decision made that the Hydromills project was unviable please?

Is it prudent to make a decision as to the use of the monies previously allocated to a different project without knowing the detail of the location(s) of the proposed solar panels and the detail of their cost and use?

Is it prudent to make such an open ended decision?

Answers

The Cabinet Member for Finance responded by stating that... he was not entirely sure when the contradiction took place that Mr Warren was referring to so to aid Mr Warren I shall repeat the answer I gave to a public question at the Cabinet meeting in August this year which was that...it is clear to me that poor decisions have been made by councillors in the past particularly in previous administrations likely due to their commitment bias to a failing and unviable project. These poor decisions and in some cases indecisions has resulted in a most serious situation for this Council with significant financial implications. I want to be really clear about this. Every decision to lend money or support a decision for a project was always made by councillors and in particular the Leader and the Cabinet at the time. Many, if not all, responsible for these poor decisions are no longer part of this Council, perhaps that is telling enough.

While I stand by this answer Members know that officers must make decisions all the time and of course there are also decisions that have been specifically delegated to senior officers. The Council simply would not function effectively, if at all, if every decision needed to come through a Committee.

On to the other questions...

b) In reference to the procurement waivers the Council's S151 Officer has been specifically delegated to make these decisions. Delegated to by Members, Members who made the decision to delegate. All Members have the opportunity to question and scrutinise all decisions of a delegated nature including procurement waivers.

c) Cabinet are asked to note the forecasted position. A full breakdown of this position has been provided to Members and there will likely be questions from Members on this. The decision to formally recommend write-off and approve the virements to fund these will be made by Members with the advice from the Council's S151 Officer when approving the 23/24 Outturn report. This is made very clear within the report and the recommendations.

d) A significant amount of office time has been spent over the years considering this project which has been fed back to a number of Council meetings. Due to the complexity of this potential scheme and the associated permissions that would be required from third parties it is felt not worth pursuing at this stage. The new project will require a detailed business case to be made by the Leadership Team prior to formally allocating a precise budget. These considerations will be fed back to Cabinet for investigation before any investment is made.

Nick Quinn

My first question concerns Agenda Item 4 – Minutes of the previous meeting

Q1 – In the minutes of the previous meeting of Cabinet, the answer shown to my question number 3 is incomplete. Will the Leader, and/or the Cabinet Member for Finance, please correct this by giving a more complete, and accurate, answer to that question – and ask for this to be recorded in the minutes of this meeting?

My next questions relate to Agenda Item 6 – Quarter 2 Budget Monitoring

The first line of Appendix D shows the 'Annual Budget' for employee costs in Corporate Management as £331,200 and then uses the P6 Profiled and P6 Actual spend to produce a likely Full Year Variance – giving a calculated Corporate Management overspend of £215,000 (or 64.9%).

But on the first line of Appendix B, this shows there is an actual annual saving on Corporate Management of £85k - but then takes this away from a Cumulative Salary savings target of £300k (across all other services) resulting in a forecast overspend, shown against Corporate Management, of £215k.

This statement is incorrect, "Corporate Management" is not overspending at all. It is a salary savings target, covering the whole Council, that is not being achieved.

Lumping a Council-wide target into an individual service area is confusing and provides inaccurate indications of actual, and projected, service costs.

Q2. Why are Members being given reports that provide confusing and inaccurate indications, such as the overspend figure shown against Corporate Management?

Q3. The £300k, cross Council, salary savings target has only been reduced by the £85k saving in Corporate Management. Have none of the other service area headings had any salary savings, to reduce the total further?

Answer

Q1. At the last Cabinet meeting on 17th October, Mr Quinn asked a number of questions regarding the Agenda Item 8 – Medium Term Financial Update, these questions and answers are shown within the minutes of that meeting.

In particular, he asked:

"Q3: Licensing is shown as a statutory function. How can a budget of £24k be reduced to just £4k and still provide the required Statutory service?"

My answer given at the meeting was "The budget is net of income. The specific savings options are shown in Appendix 2, rows 15 & 17"

It was unfortunate that I could not communicate with Mr Quinn during the meeting and as such Mr Quinn had to wait until after the meeting to query this response and it was identified that I had made a mistake with this answer, in that the specific savings were shown in rows 15, 17, 18 and 19 and not just 15 and 17 as answered at the meeting.

While I have corrected this with Mr Quinn and provided a further explanation and an unreserved apology for my oversight, Mr Quinn has asked that I publicly correct the answer, and I am happy to do so, therefore the revised answer to the third question asked by Mr Quinn on 17th October is:

The savings in appendix 1 attributed to "Licensing" relate to rows 15, 17, 18 and 19 in appendix 2.

For the avoidance of doubt, the savings attributed to "Licencing" are.

15 - Removal of pest control.

17 - Removal of the revenue budget for Air Quality Monitoring (but utilisation of s106 funds is being explored).

18 - Reduction of NOx monitoring.

19 - Removal of the provision of planning advice to public health.

The resulting budget proposal of £4,000 for licencing is net of income and subject to rounding.

Q2, I can't agree with the statement that was made. I certainly haven't had any Members raise any concerns with me, indeed we have regular updates and briefings and these are given to all Members and I am always happy to receive feedback from Members and work with officers to ensure that information provided to them is clear and easy to understand and importantly fulfils the need they have for said information. Likewise I am happy to engage with other residents if they feel that information can be presented to them in an easy to understand way and I will take on board Mr Quinn's feedback. To answer the question of the £400k unidentified salary savings in the 23/24 budget, £300k was assigned to Corporate Management to identify savings and a £100k specific to the service delivery areas.

Q3, The Corporate Salary Saving Target is included within the Corporate Management area – along with other corporate costs. The actual savings are shown where the savings are achieved. This is explained in the report (para 3.4).

Tim Bridger

All public servants whether paid or elected are expected to abide by the Nolan Principles of public life. These seven principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These are important elements of public service, important for outcomes of good governance, ethical culture and legitimacy. Where in those principles does it state that intimidating members of the public arriving at meetings, suppressing debate and legitimate comment, labelling tax payers as 'scurrilous' and using threatening advice of the paid staff to those same members of the public, are acceptable behaviours under those principles?

Secondly, agenda item 12, Leisure Pricing....the public are not satisfied that this discussion should be taking place without public scrutiny. To date there have been three changes of approach to the Leisure Centre refund. Firstly that it will be used to offset bad debt which was back in June time. Secondly following a Motion by Cllr Woollatt that the money would not be used in such a way and thirdly that it will be used like a previously unmentioned annual loss to the tax payer of either £1.8m or £2.1m depending on whether you include missed membership targets. The inconsistencies of this approach have only been highlighted and u-turns forced through public scrutiny. To the public, excluding item 12 from public debate looks very much like a fourth approach in as many months. That will not see value for money to the tax payer. This is precisely the sort of decision being made behind closed doors which so enraged the Lib Dems when they were in opposition but seems to be the go-to mode not only now that they have moved into the Cabinet system but decided to keep it despite the clear decision 6 months ago to move to a Committee structure.

Fourthly the options for the car parking spaces in Halberton.... the Cabinet's documents state that there are 5 parking spaces out of 6 made for sale by 3 Rivers Developments. Checking today on Right Move there is only one space remaining, however, looking at the sales, it was previously for sale at £10k and then on 6th October that was reduced to £5k which is quite a significant discount and I am sure you want to correct the impression that this is a 'fire sale' of asset. Given that MDDC

revenue is affected, can the S151 Officer and the Cabinet Member for Finance give their approval for this very substantial price cut?

The Leader responded by stating that councillors absolutely complied with the Nolan Principles and if anybody had a complaint about a councillor this could be taken to Standards Committee. As regards discussing the Leisure pricing item in Part II, he hoped Mr Bridger could appreciate the sensitivities involved and the commercial nature around that particular agenda item seeing as the Council wanted to provide good value at the Leisure Centres which obviously faced a lot of competition whereas if the Cabinet were to discuss that in the public domain he was sure Mr Bridger wouldn't want the Council to be losing revenue to it's competition.

Ian Batchelor

3 Rivers developed a site near the eastern boundary of Halberton a number of years ago for residential use. Part of the site was the creation of a car park. This was in addition to parking provision provided for the new residents of the development. This new car park, the parish was led to believe, would help alleviate parking problems in that area and make the road safer for pedestrians and road users both travelling through Halberton and emerging from the new development.

It came to the Parish Council's attention in April 2022 that the car parking spaces were being offered for sale. The concerns we had were that the unregulated sale of the spaces would not help alleviate the problems of parking at that end of the village and the area would continue to be a danger for both pedestrians and motorists. We raised our concerns with our then District councillor and planning enforcement but no satisfactory conclusions have emerged until our new councillor has attempted to look at the situation again.

I am asking on behalf of the residents of Halberton that the council is minded to right a wrong and allow the parking spaces in Mid Devon District Councils control to be offered to be used for the good of all in the area and the most needy have an opportunity to park somewhere less dangerous. We are asking for the council to look at the legality of the current sale of these parking spaces and at what good could be achieved if this space was managed by the community for the community.

(The issue of parking spaces in Halberton was considered as a specific item on the agenda, with a decision being made as indicated in these minutes.)

The Leader stated that any unanswered questions would be responded to in writing in due course.

63. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:41:00)

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

64. MINUTES OF THE PREVIOUS MEETING (00:57:00)

The minutes of the previous meeting held on 17 October 2023 were approved as a correct record and **SIGNED** by the Leader.

65. **GUIDANCE REGARDING CLIMATE AND SUSTAINABILITY STATEMENTS (00:57:40)**

Cabinet had before it a report * providing an update on the Climate Action Plan (CAP) and the wider Climate and Sustainability Programme.

The Cabinet Member for Climate Change stated that the guidance, if adopted, would aid the Council in making well informed decisions and in moving towards its Net Zero targets.

Consideration was given to:

- Officers across the Council needing to be fully aware of the impact of their service areas on the Climate Change agenda.
- The guidance would further embed the need for this awareness and provide vital information to new and existing officers.
- The good work undertaken by the Policy Development Group when making this recommendation.
- The State of the District Debate would provide an important opportunity to work with Town and Parish Councils to strengthen knowledge and working practices in this area.
- Mid Devon already employed a Climate Change Specialist and was one of the leading Councils in the South West regarding this issue.

RESOLVED that:

The report be accepted as an update on the Council's response to the Climate Emergency, documenting progress with the Climate Action Plan (CAP) and the wider Climate and Sustainability Programme.

The guidance for officers and Members regarding climate and sustainability statements be adopted. This guidance relates to business cases and committee reports. Guidance was developed in consultation with the Net Zero Advisory Group and Corporate Managers and should now be used and maintained to help shape decisions and delivery in line with policy and statutory obligations.

(Proposed by Cllr N Bradshaw and seconded by Cllr J Wright)

Reason for the decision

Progress on Performance Indicators (PI) provided separately by Performance and Risk Reports. There are 2 main risks (to the Council): 1) that the Council does not take sufficient actions to enable it to meet its Climate Emergency declaration ambitions; and 2) that the financial implications of Climate Change are not adequately measured and reflected in the Council's decision making.

Note: * Report previously circulated.

66. **2023/2024 QUARTER 2 BUDGET MONITORING (00:49:00)**

The Cabinet had before it a report * from the Deputy Chief Executive (S151) presenting the forecast Outturn position for the General Fund, Housing Revenue Account and Capital Programme for the financial year 2023/24.

The Cabinet Member for Finance outlined the contents of the report with particular reference to the following:

- Based on quarter 2 data the Cabinet were asked to note the Outturn position for the General Fund which was a £196k overspend. This needed to be set in context with the Council having set a budget back in March with an in year savings target of £1.025m. Therefore to have delivered all the services to a high standard and on time was a remarkable achievement.
- Many other Council's were facing serious financial difficulties. Under spending by over £800k needed to be recognised and praised.
- Variances were symptomatic of economic circumstances e.g. Planning and Building Control fees were significantly lower than forecast due to the stagnation of the housing market.
- Membership numbers continued to increase in Leisure.
- Staff sickness continues to be quite high requiring more temporary staffing than expected.
- These forecasts were before the final indications of the soft closure of 3Rivers takes place. This would incur further impairment of loans The funding of this impairment would need to be paid out of service underspends, Earmarked Reserves and additional borrowing in the future, all of which would impact future budget decisions.
- The HRA was showing a healthy underspend of £485k, this was largely due to staff savings, partially offset by higher than budgeted materials.
- Regarding the Capital Programme, there was a sizeable variance against the budget given the decision to close 3Rivers. There was also significant slippage regarding the Cullompton Relief Road.

Discussion took place regarding:

- The sort of tendering process the Council went through to recruit agency staff.
- There was a process from 'Temporary' to 'Permanent' but the need for this did not often occur as most people chose to work on a temporary basis in the service areas affected most.
- Funds being used to do feasibility works in relation to Hydromills.
- The larger number within the report were in relation to the Cullompton Relief Road, the Waste depot and 3Rivers. The remainder was due to slippage in the HRA development programme.
- The long awaited announcement in relation to Council's being able to increase Planning Application fees had been announced the previous day. This could potentially increase income to the Council by £200k a year.
- There had been a well-attended Member briefing on the Budget.

RESOLVED that:

- a. The financial monitoring information for the income and expenditure for the three months to 30 September 2023 and the projected outturn position be **NOTED**;
- b. The use of Waivers for the Procurement of goods and services as included in Section 9 be **NOTED**;
- c. The estimated 2023/24 3Rivers write off of c£3.7m will be funded through a combination of Earmarked Reserves included New Homes Bonus and various sinking funds be **NOTED**. The precise make up of this will be recommended within the Cabinet Outturn report.
- d. The virement of the capital approval from the Hydromills project (currently deemed unviable) to be replaced by Investment in Solar Panels (once quantified) with the remainder being released be **APPROVED**.

(Proposed by Cllr J Buczkowski and seconded by Cllr S Keable)

Reason for the decision:

Good financial management and administration underpinned the entire document. A surplus or deficit on the Revenue Budget would impact on the Council's General Fund balances. The Council's financial position was constantly reviewed to ensure its continued financial health. Regular financial monitoring information mitigates the risk of over or underspends at year-end and allows the Council to direct its resources to key corporate priorities.

Note: * Report previously circulated.

67. **TREASURY MANAGEMENT STRATEGY MID YEAR REVIEW REPORT 2023/2024 (01:02:00)**

The Cabinet had before it a report * from the Deputy Chief Executive (S151) informing it of the treasury performance during the first six months of 2023/24, to agree the ongoing deposit strategy for the remainder of 2023/24 and a review of compliance with Treasury and Prudential Limits for 2023/24.

The Cabinet Member for Finance outlined the contents of the report with particular reference to the following:

- Changes in the Regulations required more regular reports to be presented to the decision makers of local authorities.
- Higher returns had been achieved due to an increase in interest rates and a slippage on the Capital Programme.
- No additional borrowing had been required.
- An economic summary had been provided, showing the deposits held at the end of the quarter and the yields being achieved.
- The report confirmed that the lending criteria remained appropriate.

Consideration was given to:

- The security around short term deposits and whether these had reached maturity, it was confirmed that they had.

- Reassurance was provided that the Council only borrowed from organisations with high ethical standards. This could be further strengthened as a requirement within the Treasury Management Policy approved by Council each year in February.
- Funds placed with CCLA (Churches, Charities and Local Authorities) were currently doing well.
- Some funds were only available for a finite amount of time.

RECOMMENDED to Full Council that:

- a) A continuation of the current policy outlined at paragraphs 4.0 – 4.5 be approved; and
- b) The changes to the Capital Financing Requirement, Operational Boundaries and Authorised Limits for the current year at paragraphs 5.4 – 5.5 be approved.

(Proposed by Cllr J Buczkowski and seconded by Cllr S Clist)

Reason for the Decision

Good financial management and administration underpinned the entire strategy. The Council's Treasury Management Strategy should attempt to maximise investment return commensurate with minimum risk to the principal sums invested. The Council was under a statutory duty to "have regard" to the 2011 CIPFA Treasury Management Code of Practice. The Council's own Financial Regulations included requirements as to the reporting of treasury management information. The Council considered deposit security as the paramount function in any treasury dealings or activities. It should be noted that any investment decisions would always be subject to a degree of risk. However, in complying with an agreed Treasury Management Strategy, these risks would be kept to an acceptable level.

Note: * Report previously circulated.

68. TAX BASE CALCULATION 2024/2025 (01:14:00)

The Cabinet had before it a report * from the Deputy Chief Executive (S151) detailing the statutory calculations necessary to determine the Tax Base for the Council Tax. The calculations made follow a formula laid down in Regulations.

The Cabinet Member for Finance outlined the contents of the report with particular reference to the following:

- It was reiterated that each year the Council had to set its Council Tax Base against which all Town and Parish Council's could set their precepts.
- Within the calculation were the actual numbers of properties within the district, the number of properties falling within the Council Tax Reduction Scheme, the forecast growth in properties and the likely level of collection, all of which are converted into an average amount for a Band D property.
- For 2024/25 there was projected to be 30,222.10 Band D properties which was growth of 389 on the current year and the Council expected to collect 97.5% of the precept which was up from 96.5% in 23/24.

- Although they did not affect the materiality of the report, some amendments needed to be highlighted within the report: The effective date in paragraph 3.7.1 should have been 2025 not 2024 and conversely in paragraph 3.8.2 it should have been 2024 not 2025.

Discussion took place regarding:

- The effective commencement date of an empty property in terms of collecting Council Tax.
- Discretionary relief was available via the Exceptional Hardship Fund.
- The threshold figure used to discount savings was £16k.
- The amount of Council Tax that could be applied for second homes. By law, residents needed to be given 1 years notice before Council Tax doubled to 200%.
- In Mid Devon, a lot of the properties were Band D or below.
- Some elements of the Council Tax regime were unfair.
- Only 9.8% of the Council Tax collected by MDDC actually came back to the authority for use on service provision.
- The difficulties involved in identifying second homes, although it was confirmed inspections took place.
- Concerns amongst the parishes regarding second homes which could be further discussed at the State of the District Debate.
- The rules regarding the use of second homes as holiday lets and the number of days properties could be let out for each year.

RECOMMENDED to Full Council that:

- a) That the calculation of the Council's Tax Base for 2024/25 be approved in accordance with The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 at 30,222.1 an increase of circa 389.12 Band D equivalent properties from the previous financial year.
- b) That the current collection rate of 96.5% be increased to 97.5% detailed in Section 2.

(Proposed by Cllr J Buczkowski and seconded by Cllr J Lock)

Reason for the decision

Mid Devon District Council was a Statutory Billing Authority and must set its Council Tax each year. If it were not to set a Council Tax then the Authority and all Precepting Authorities would be unable to raise money to pay for all the services they provide. This was a statutory function and was a legal requirement. The Council must now set its budget annually using Council Tax information each year in accordance with The Local Authorities(Calculation of Council Tax Base)(England) Regulations 2012 calculating the relevant amount by applying the formula set out in the above regulations. If the Council fails to carry this duty out then the Council Tax cannot legally be set. In accordance with the LGF Act 2012 above and SI 2914 of 2012 The Local Authorities (Calculation of Council Tax Base)(England) Regulations 2012.

Note: * Report previously circulated.

69. **MEETING HOUSING NEEDS SUPPLEMENTARY PLANNING DOCUMENT (ADOPTION) (01:40:00)**

The Cabinet had before it a report * from the Director of Place informing it of the outcomes of the public consultation on the Meeting Housing Needs Supplementary Planning Document, the amendments that had been made in response to comments received and to formally adopt the Meeting Housing Needs Supplementary Planning Document (SPD).

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report and made reference to the following:

- The existing Meeting Housing Needs SPD was adopted in June 2012 and was now out of date. The SPD had therefore been updated to reflect the policies of the current adopted Local Plan ensuring that the guidance was consistent with the latest national planning policy and practice guidance. Additionally, the update sought to reflect on, and positively respond to, the Council's Corporate Plan and Housing Strategy.
- The scope and content of the new Meeting Housing Needs SPD was broader than the current version. It set out a series of positive measures to support housing diversification in Mid Devon including through community led housing, custom and self-build and modern methods of construction. The SPD also provided comprehensive guidance on affordable housing matters including tenure mix, dwelling size and design considerations, housing for older people and those with disabilities as well as planning to meet the needs of gypsies, travellers and travelling show people.
- A six week public consultation on the draft SPD took place between 17th July and 25 August 2023 where a total of 11 responses were received. Officers had provided a summary of the main comments received along with a response and where appropriate an explanation of how these comments had been addressed in the final version presented for adoption.
- Once adopted, the Meeting Housing Needs SPD would be capable of being a material consideration in the determination of planning applications.

Discussion took place with regard to:

- Why the consultation had taken place when it had? It was confirmed that there had been no specific reason, it had just been the earliest opportunity mindful of the timescales of the new Local Plan.
- The allocation to key workers and how they were defined.
- Community Land Trusts, how many existed and was the fact that funding was available widely advertised? It was confirmed that all Town and parish Council's had been written to with an offer of officer support for those interested in submitting an application. Again, this could be an issue to be followed up through the State of the District Debate. It was confirmed that Government funding had been secured from the LGA.
- The benefits of self builds in terms of meeting Net Zero targets, however, self builds were costly due to material costs having gone up.

RESOLVED that The Mid Devon Housing Needs Supplementary Planning Document (Appendix 1 of this report) be adopted and is published on the Council's website together with the Strategic Environmental Assessment Screening Report (Appendix

2), the Habitats Regulations Assessment Screening Report (Appendix 3), the Statement of Consultation (Appendix 4), and its Adoption Statement (Appendix 5).

(Proposed by Cllr S Keable and seconded by Cllr S Clist)

Reason for the decision

The Meeting Housing Needs SPD provides guidance on the Mid Devon Local Plan 2013 – 2033 policies on housing. The document will reduce the risk of costs being awarded against the Council where decisions are based on its content.

Note: * Report previously circulated.

70. **ANNUAL INFRASTRUCTURE FUNDING STATEMENT: THE INFRASTRUCTURE LIST (02:00:00)**

The Cabinet had before it a report * from the Director of Place regarding the Annual Infrastructure Funding Statement; The Infrastructure List which the Council was required to maintain for the purposes of identifying those items of infrastructure that it intended to fund, either wholly or partly, through development (developer contributions, also known as Section 106 (S106) agreements).

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report and provided the following summary:

- The report related to infrastructure that could be funded partly or wholly by developer contributions.
- The report identified several types of infrastructure that were necessary to support the delivery of adopted Local Plan. These had been recorded in a list (the infrastructure list) and divided into three categories of priority; high importance, importance and desirable; based on a combination of strategic importance and a requirement to spend existing funding within a legally specified timescale. Under each infrastructure type are further details of the required infrastructure item.
- The list was not exhaustive, it was a live document that continued to evolve.
- In addition to compulsory reporting the list was a key document in informing future S106 agreements.
- The Planning Policy Advisory Group had been asked to consider this list. No changes had been suggested.

Consideration was given to:

- A possible need to have consulted with the Town and Parish Council's.
- The List needing to align with the Local Plan.
- The List was only ever a 'snapshot' at one particular time and was therefore out of date quite quickly.
- There was still a lot of work to do in terms of linking up with the Local Plan and ensuring that all available funds were accessed and used within relevant timescales.

RESOLVED that:

- a) The list of infrastructure (Appendix 1; the Mid Devon Infrastructure List) that the Council intends to fund, either wholly or partly, by developer contributions is approved.
- b) The Infrastructure List will be included within the annual Infrastructure Funding Statement (IFS) to be published on the Council's website by 31st December 2023.

(Proposed by Cllr S Keable and seconded by Cllr J Lock)

Reason for the decision

The Infrastructure List plays an important role in identifying when developer contributions can be used to assist in the delivery of infrastructure. It is an easily accessible document that sets out the Council's priorities for income from development and expenditure. Risk is multi-faceted, but publication of a clear IFS mitigates these by allowing transparency on the utilisation of S106 funds, allows monitoring of measures to be implemented to support planned development and also safeguards against the loss of S106 receipts through the passage of time.

Note: * Report previously circulated.

71. ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (02:17:00)

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

RESOLVED: That, in accordance with Part I of Schedule 12A to the Local Government Act 1972, the press and public be excluded from the meeting for item's 12 and 13, for the reason set out below:

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

(Proposed by the Leader).

72. OPTIONS REPORT FOR 5 CAR PARKING SPACES IN HALBERTON (02:42:00)

The Cabinet had before it a report * from the Deputy Chief Executive (S151) considering options relating to a number of car parking spaces in Halberton, currently being marketed by the Council's development company.

The Cabinet Member for Finance outlined the options available. Following discussion and having returned to open session, the Cabinet:

RESOLVED that:

- a) 3Rivers is instructed to release the 5 car parking spaces to MDDC ownership in part consideration of outstanding liabilities, valued at the current price being marketed.
- b) Once the spaces are within the Council's ownership, delegated authority be given to the S151 Officer to explore how they can be made available to Halberton Parish Council to manage on a Full Repairing and Insuring Lease and a further report be brought back to cabinet.

(Proposed by Cllr J Buczkowski and seconded by Cllr J Lock)

Reason for the decision

Value For Money / best value should be achieved on all asset disposals.

Note: * Report previously circulated.

73. **LEISURE POLICY AND PRICING STRATEGY (03:37:00)**

The Cabinet had before it a report * from the Corporate Manager for Council Tax, Business Rate, Benefits, Corporate Recovery, Planning & Leisure informing it of proposals to change the Leisure fees and charges strategy.

The Community Policy Development Group had **RECOMMENDED** that the fees and charges proposed within the report be approved.

The contents of the report were outlined by the Cabinet Member for Community & Leisure. Following discussion and having returned to open session, the Cabinet:

RESOLVED that the strategy to change fees and charges as proposed in the report at sections 2.8.1 and 2.8.2 be approved.

(Proposed by Cllr D Wulff and seconded by Cllr S Keable)

Reason for the decision

There is a legal obligation to notify customers with direct debits of any changes to their payments with at least 10 day notice. As we are increasing these, for some customers, we will aim to give at least 2 weeks' notice. The commercial nature of the industry and the cost of living crisis means that Mid Devon Leisure can be vulnerable to threats from; competition, substitutions and price sensitivity. It could also exclude certain priority groups the service is trying to encourage to use the facilities and get active, however the pricing strategy is trying to minimise the impact on these groups as much as possible. The service plans to ensure the marketing message around any price increases showcases the value attached to the service with the service's unique selling points to ensure we continue to grow, and maintain, participation levels at mid Devon Leisure.

Following the decision made by the Cabinet, the Cabinet Member for Community & Leisure made the following statement:

“In looking at the leisure pricing, both the Community Policy Development Group and the Cabinet gave consideration to how we can encourage greater participation, and increased activity, amongst young people by giving access to the full facilities at an affordable rate. This is particularly important given the life-long health benefits early access to health, fitness and sports can provide. This is something that Mid Devon Leisure is uniquely positioned to deliver due to the high quality of its pools and courts, fitness equipment and instructors amongst its peers.

Inflation affects us all. Whilst funding the service to ensure it continues to deliver that high quality, we need to be confident we do not put barriers up that prevent low-income users from accessing these services, and we must ensure we don't pass on the increasing costs of the service to those least able to afford it.

Mid Devon Leisure will continue to support those members of the community accessing means tested benefits via Concessionary discounting to pay and play fees and charges, in addition to discounted membership opportunities. And staff have already identified new services to offer that cater to younger people and help increase access to physical activity in fun and collaborative ways.

Additionally, we have also committed to making it easier for care leavers to access our leisure services by agreeing to offer care experienced young people (up to the age of 25) a leisure membership at an effective 100% discount rate.

We were the first district council in Devon to exempt care leavers from paying Council Tax, and this is the latest part of a wider package of support intended to provide care leavers with the best possible start in their adult lives.

It can feel like a cliché to say this, but our Mid Devon Leisure staff are our biggest asset. This is evidenced by the growth and market-leading quality of the services they design and deliver. For example, their outstanding learn-to-swim programmes and aquatics training reached second place in the Swimming Teacher Association awards just a few weeks ago. Our swimming pools are operating more effectively than our peers in both the public and private sector. I have no doubt this is largely down to the quality of our aquatic staff – and their passion to deliver for Mid Devon residents, as I have heard feedback to that effect.

But it is not just the aquatic services. Our fitness instructors, business managers, front-of-house, and support staff are all (without exception) passionate about Mid Devon Leisure and seeing our facilities thrive. Those are not my words – those are quoted from an independent report that recently evaluated every part of our leisure services.

By supporting the leisure pricing strategy, we can create stability that allows staff to innovate services further while remaining competitive and reflecting the cost-of-living

challenges our community faces. The change in national VAT treatment for Council-run leisure services will allow us to absorb inflationary increases for general memberships, and hold down increases for Concessionary users. That is a significant reinvestment in our service users. Our proposed pricing is highly competitive and protects our ability to deliver new and innovative improvements to the way people across the district are able to access fitness, leisure and community sports.

This Council will this week start to work on an ambitious plan to develop these improvements, and I welcome any feedback or suggestions from anyone who is as passionate about increasing access to fitness and leisure as I am.”

Note: * Report previously circulated

74. **SCHEDULE OF MEETINGS (04:07:00)**

The Cabinet had before it the * Schedule of Meetings for 2024/2025.

RECOMMENDED to Council that the Schedule of meetings for 2024/2025 be approved.

(Proposed by the Leader)

Note: * Schedule previously circulated.

75. **NOTIFICATION OF KEY DECISIONS (04:08:00)**

The Cabinet had before it, and **NOTED**, the Notification of Key Decisions *.

A number of additions had been made to this since the publication of the document with the agenda for this meeting:

- Strategic Grants Review
- Purchase offer for land at Post Hill, Tiverton
- Completion Notice Policy
- Council Tax Empty Premises Policy
- NDR DRR policy amendment
- Pets and Animals Policy

Note: * Notification of Key Decisions previously circulated.

(The meeting ended at 9.24 pm)

CHAIRMAN

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Tim Bridger

All public servants whether paid or elected are expected to abide by the Nolan Principles of public life. These seven principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These are important elements of public service, important for outcomes of good governance, ethical culture and legitimacy. Where in those principles does it state that intimidating members of the public arriving at meetings, suppressing debate and legitimate comment, labelling tax payers as 'scurrilous' and using threatening advice of the paid staff to those same members of the public, are acceptable behaviours under those principles?

Answer

Advice from officers is for the consideration of members of the council.

Secondly, agenda item 12, Leisure Pricing....the public are not satisfied that this discussion should be taking place without public scrutiny. To date there have been three changes of approach to the Leisure Centre refund. Firstly that it will be used to offset bad debt which was back in June time. Secondly following a Motion by Cllr Woollatt that the money would not be used in such a way and thirdly that it will be used like a previously unmentioned annual loss to the tax payer of either £1.8m or £2.1m depending on whether you include missed membership targets. The inconsistencies of this approach have only been highlighted and u-turns forced through public scrutiny. To the public, excluding item 12 from public debate looks very much like a fourth approach in as many months. That will not see value for money to the tax payer. This is precisely the sort of decision being made behind closed doors which so enraged the Lib Dems when they were in opposition but seems to be the go-to mode not only now that they have moved into the Cabinet system but decided to keep it despite the clear decision 6 months ago to move to a Committee structure.

Fourthly the options for the car parking spaces in Halberton.... the Cabinet's documents state that there are 5 parking spaces out of 6 made for sale by 3 Rivers Developments. Checking today on Right Move there is only one space remaining, however, looking at the sales, it was previously for sale at £10k and then on 6th October that was reduced to £5k which is quite a significant discount and I am sure you want to correct the impression that this is a 'fire sale' of asset. Given that MDDC revenue is affected, can the S151 Officer and the Cabinet Member for Finance give their approval for this very substantial price cut?

Answer

This item was considered later on in the agenda of the meeting and a number of factors, including value for money, were weighed when making a decision.

The Leader responded by stating that councillors absolutely complied with the Nolan Principles and if anybody had a complaint about a councillor this could be taken to Standards Committee. As regards discussing the Leisure pricing item in Part II, he hoped Mr Bridger could appreciate the sensitivities involved and the commercial nature around that particular agenda item seeing as the Council wanted to provide good value at the Leisure Centres which obviously faced a lot of competition whereas

if the Cabinet were to discuss that in the public domain he was sure Mr Bridger wouldn't want the Council to be losing revenue to it's competition.

Ian Batchelor

3 Rivers developed a site near the eastern boundary of Halberton a number of years ago for residential use. Part of the site was the creation of a car park. This was in addition to parking provision provided for the new residents of the development. This new car park, the parish was led to believe, would help alleviate parking problems in that area and make the road safer for pedestrians and road users both travelling through Halberton and emerging from the new development.

It came to the Parish Council's attention in April 2022 that the car parking spaces were being offered for sale. The concerns we had were that the unregulated sale of the spaces would not help alleviate the problems of parking at that end of the village and the area would continue to be a danger for both pedestrians and motorists. We raised our concerns with our then District councillor and planning enforcement but no satisfactory conclusions have emerged until our new councillor has attempted to look at the situation again.

I am asking on behalf of the residents of Halberton that the council is minded to right a wrong and allow the parking spaces in Mid Devon District Councils control to be offered to be used for the good of all in the area and the most needy have an opportunity to park somewhere less dangerous. We are asking for the council to look at the legality of the current sale of these parking spaces and at what good could be achieved if this space was managed by the community for the community.

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 30 October 2023
at 5.30 pm

Present

Councillors

R Gilmour (Chairman)
D Broom, E Buczkowski, A Cuddy,
G Czapiewski, M Farrell, B Holdman,
R Roberts, S Robinson, N Woollatt and
C Harrower

Apologies

Councillor(s)

F J Colthorpe

Also Present

Councillor(s)

J Buczkowski, S J Clist, G Duchesne, J Lock, L Taylor and
D Wulff

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Maria De
Leiburne (District Solicitor and Monitoring Officer), Paul
Deal (Corporate Manager for Finance, Property and
Climate Change), Angie Howell (Democratic Services
Officer) and David Parker (Democratic Services & Policy
Research Officer)

Councillors

Online

C Adcock, C Connor, J Downes, M Fletcher, A Glover,
S Keable, G Westcott and J Wright.

Officers Online

Stephen Walford (Chief Executive), Richard Marsh
(Director of Place), Dean Emery (Corporate Manager for
Income, Revenues, Benefits and Planning), Lisa Lewis
(Corporate Manager for Digital Transformation and
Customer Engagement, Sarah Lees (Democratic Services
Officer)

40 **APOLOGIES AND SUBSTITUTE MEMBERS (00:04:40)**

As Cllr G Westcott was attending via Teams, a Vice-Chairman was needed for this meeting. The Chairman proposed and it was agreed that Cllr S Robinson fulfil that role.

Apologies were received from Cllr F J Colthorpe who was substituted by Cllr C Harrower.

41 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:05:03)

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

42 PUBLIC QUESTION TIME (00:05:11)

Mr Paul Elstone asked questions relating to Agenda Item 7 – 3 Rivers – Lessons Learned.

His questions were all directed to the Chairman.

Question 1

This administration promised openness, transparency and public engagement in decision making. Could it be explained in detail why 5 documents associated with the 3 Rivers Lessons Learned agenda item were being kept secret from the public?

Question 2

The integrity of various audits and reports on 3 Rivers were being challenged by previous Council Leaders who had detailed knowledge.

Would the full circumstances of those integrity issues be fully investigated by this committee?

Question 3

Information is becoming increasingly available regarding the Council lending to 3 Rivers which was strongly believed showed what could only be classed as repeat reckless lending being fully promoted by Council Officers and then agreed by this Council.

Would this Committee fully investigate and then seek independent legal advice on this position?

Question 4

A former senior Councillor has called the 3 Rivers Lessons Learned Enquiry an officer orchestrated sham.

How, therefore, could the Mid Devon public have any confidence at all with the outcome?

Question 5

It had become clear that 3 Rivers was in a desperate financial situation in October 2022, that events had become massively worse at the Cabinet Meeting of the 31st January 2023, that it took the then Council Leader despite being incapacitated to call a halt. The Fully Independent Cabinet then further intervened to prevent further 3 Rivers investment. Despite this the Scrutiny Committee failed to undertake their legally defined duties, also, the Audit Committee. Would this Committee fully investigate the full reasons as to why?

As the questions had not been provided in advance, Mr Elstone was told that written answers would be provided.

Mr Nick Quinn had sent in questions and asked for the Chairman to read them out:

His questions related to Agenda Item 7: 3 Rivers, Lessons Learned, Session 1
With this new Council's aims of inclusion, openness and transparency in mind:

Q1: Please would you tell me who prepared the, uncredited, "*Draft Terms of Reference*" document, shown on pages 23 and 24 of your papers?

A1: *This was prepared by the Chief Executive with the approval of the Chair of Scrutiny Committee.*

Q2: Please would you tell me who prepared the, similarly uncredited, "*3 Rivers - Corporate Risk Management*" document, shown on pages 25 to 27 of your papers?

A2: *This was prepared by the Council's Corporate Performance and Improvement Manager.*

Q3: The second paragraph of the "*Draft Terms of Reference*" document, stated that "*Numerous internal and external reports had been commissioned over the years, at considerable cost to the Council.... exploring both aspects of governance and finance*". Had copies of each of these reports been provided to every Member of Scrutiny Committee, for them to read and digest as part of this review process?

A3: *Yes, external legal and financial advice received from Anthony Collins Solicitors and Bishop Fleming had been shared.*

Q4: After the Agenda and papers for this meeting had been published, a number of "*Restricted Documents*" had been added to the electronic copy of the agenda shown on the Council Website. These papers had been published late and the public had no idea what they were, or what they were about. Please would you give me the titles of each of these additional papers and the reasons why each was published late?

A4: *These part 2 documents were sent out as a complete set as soon as they were all received, so this was the earliest we could make them available. The responses were from four ex councillors who were asked to consider the seven areas identified in the Terms of Reference document.*

Mr Goff Welchman asked three questions:

Q1: He wished to enquire why this committee was only investigating the 3 Rivers Development Company back to 2018, and did not wish to apportion blame? Was the committee not aware, that under recent legislation changes, any directors found to be negligent could be prosecuted and pursued for company losses, even to the extent of losing their homes, and any other assets?

Response to question 1:

As is a matter of public record, all governance matters and financial transactions had been audited multiple times by internal and external companies. While it was therefore accepted that there may be lessons to be learnt from how the Council managed its relationship with the company on a number of issues, there was no suggestion of any Director negligence as had been referred to.

Q2: Were any Council Officers given legal advice at the outset of 3 Rivers Development Company Ltd that they should not be a Director of 3RDL whilst also having a controlling financial position on the Council and therefore responsible for signing off loans to 3 RDL?

Q3: With regard to apportioning blame, how would anyone like it if their house was burgled and the Police said that they could not investigate it due to cost?

As questions 2 and 3 had not been provided in advance, Mr Welchman was told that written answers would be provided. The Chairman commented that the Council had chosen to investigate this matter in order to be transparent. The Deputy Chief Executive (S151) commented that advice on set up was taken at the outset. Advice on Governance arrangements had been taken from Bevan Brittan Solicitors, and that advice been provided to Councillors before the company was set up. The Council had complied fully with that advice.

Mr Barry Warren asked the following questions of the Scrutiny Committee:

His questions related to Agenda item 7 on the papers and were addressed to the Chairman.

On 11th October 2023 he had received a letter in the post from the Chief Executive. In the letter it was repeatedly stated that it is written to him on behalf of the Chairman of the Scrutiny Committee. At the end of the letter it was signed as being on behalf of the Chair and the Deputy Chair.

1. Did both you and your Deputy Chair approve the wording of this letter?
2. Did you set the list of former councillors to receive this letter and who were they?
3. He was only aware of two other former Leaders receiving this letter in addition to himself. Certainly no others from the final Cabinet received copies and one of them had been a member of Cabinet from May 2019. Why were they not contacted?
4. In the penultimate paragraph, on your behalf, it stated: *The District Solicitor would be reviewing all information provided in order to ensure it met the standards of accuracy and integrity that befits the worthiness of the scrutiny committee's consideration.*
 - a) He was in a position to provide accurate information supported by evidence – even of officers giving misleading information to members. Why did you suggest that the information I could provide would need filtering by the District Solicitor?
 - b) Were you wishing to apply censorship to the work of the Scrutiny Committee?
5. Mention was made of members having the opportunity to review a ‘vast quantity of audit and financial information’.

- a) Who was going to select what members would review?
- b) Would members be directed to members' and public questions at the various times or those documents from the Leader and Cabinet that pointed out that some reports only contained information provided by Directors of 3 Rivers – one of whom was also the S151 officer?

As the questions had not been provided in advance, Mr Warren was told that written answers would be provided.

43 **MINUTES OF THE PREVIOUS MEETING (00:23:24)**

The minutes of the last meeting held on 2 October 2023 were approved as a correct record and **SIGNED** by the Chairman.

44 **DECISIONS OF THE CABINET (00:23:47)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 17 October 2023 had been called in.

45 **CHAIRMAN'S ANNOUNCEMENTS (00:23:51)**

There were no Chairman's announcements.

46 **3 RIVERS LTD - LESSONS LEARNED - SESSION 1 (00:24:59)**

Consideration was given to;

- The Anthony Collins Solicitors reports had not been shared with all the members of the Scrutiny Committee but would be.
- The role of the Scrutiny Chairman.
- What was required of the Scrutiny Committee?
- Terms of Reference – The draft submitted to the Scrutiny Committee was a reflection of all the concerns that had been raised. It was meant as something to start the debate and to give it some structure.
- Whether a report from an Officer should have been provided.
- Setting up a Task and Finish Group with its own Terms of Reference.
- What work had been done outside of the Scrutiny Committee meeting?
- The Terms of Reference were a good starting point but any Working Group should be able to adapt them in order to accommodate a better understanding, perhaps adding an addendum page stating what the group wanted to reflect back to the committee.

Cllr N Woollatt proposed and Cllr R Roberts seconded that a Working Group be set up to look into 3 Rivers Development Ltd and report back to the Scrutiny Committee.

Consideration was given to:

- A Working Group could meet informally, often and regularly.
- Still the need for a swift process with a transparent outcome.
- The quantity of the material is vast.
- The working group should concentrate on quality and not quantity.
- The status of notes that would be taken at a Working Group.
- The Working Group should look back to the start of the company.

- The purpose of the working group should be to investigate and make proposals.

This proposal was **CARRIED**

A Working Group consisting of Cllrs: Cuddy, Czapiewski, Roberts and Westcott was **AGREED**. The Lead Officer to the group would be the Policy Research Officer for the Scrutiny Committee. The group would appoint their own Chairman, decide upon frequency of meetings, who they would interview if anyone and reporting and time-scales. The group needed to have an agile approach.

A vote was taken on a proposal to accept the Terms of Reference that had been circulated before the meeting and this was **CARRIED** and Cllr N Woollatt abstained. The group would report back particularly with regard to the Terms of Reference and any addendum at the next meeting and hoped to produce a final report by the Scrutiny meeting on 18th December 2023.

(The meeting ended at 6.52 pm)

CHAIRMAN

MDDC SCRUTINY COMMITTEE MEETING 30TH OCTOBER 2023

Written responses to Public Questions not sent in advance of the meeting.

QUESTIONS: PAUL ELSTONE - A Local Resident and Council Taxpayer.

My questions relate to Agenda Item 7 – 3 Rivers – Lessons Learned.

My questions are all directed to the Chair.

Question 1

This administration promised openness, transparency and public engagement in decision making. Can it be explained in detail why 5 documents associated with the 3 Rivers Lessons Learned agenda item are being kept secret from the public?

Yes, they were published in part2 at the request of those who willingly gave their time to make their observations to the committee.

Question 2

It is known that the integrity of various audits and reports on 3 Rivers were being seriously challenged by previous Council Leaders who had detailed knowledge.

Audits that Council Executive Officers have repeatedly used to justify decisions taken.

Additionally, there are emails written and received from the Devon Audit Partnership that show their investigation report to be fatally flawed.

Will the full circumstances of these integrity issues be fully investigated by this committee?

The Audit Committee of 27th June 2023 considered a report which specifically addressed this point. The report stated: 'Those connected to the allegations were requested to supply any / all evidence of criminality to DAP... to assist in the completion of this report in a timely manner. Despite directly approaching Estone/Davey/Deed and Officers of 3RDL no evidence of criminality or fraud has been obtained.'

As such, the repeating of such claims is both misleading and inaccurate.

Question 3

Information is becoming increasingly available regarding the council lending to 3 Rivers. Information it is strongly believed shows what can only be classed as repeat reckless lending being fully promoted by Council Officers and then agreed by this Council.

Will this Committee fully investigate and then seek independent legal advice on this position?

No. No evidence exists to support such a statement.

Question 4

It is known that a former senior councillor with probably most knowledge of the 3 Rivers debacle has called the 3 Rivers Lessons Learned Enquiry an officer orchestrated sham.

How therefore can the Mid Devon public have any confidence at all with the outcome ?

The committee agreed to a draft terms of reference and decided to appoint a working group. Whether this accords with the wishes or beliefs of any former councillor is completely irrelevant.

Question 5

It had become clear to everyone that 3 Rivers was in a desperate financial situation in October 2022. That events had become massively worse at the Cabinet Meeting of the 31st January 2023.

That it took the then Council Leader despite being incapacitated to call a halt. The Fully Independent Cabinet then further intervened to prevent further 3 Rivers reckless investment.

Despite this the Scrutiny Committee failed to undertake their legally defined duties. Also, the Audit Committee.

Both committees were asleep at the wheel.

Will this Committee fully investigate the full reasons as to why?

At that time, the former council leader had been unable to command the support of a quorate cabinet, leading to a cabinet meeting on 14th February 2023 where no appointed member of cabinet attended. Following this, a motion of no confidence in the Leader and to remove him was tabled for consideration by council on 22nd February.

The subsequent cabinet did not 'intervene to prevent investment', the decision had already been made by full council.

The actions of scrutiny and audit committees over the years will no doubt be considered by the working group in due course.

QUESTIONS: GOFF WELCHMAN - A LOCAL RESIDENT AND TAXPAYER

Q2: Were any Council Officers given legal advice at the outset of 3 Rivers Development Company Ltd that they should not be a Director of 3RDL whilst also having a controlling Financial position on the Council and therefore responsible for signing off loans to 3 RDL?

Governance was established having taken advice from external solicitors.

Q3: With regard to apportioning blame, how would anyone like it if their house was burgled and the Police said that they could not investigate it due to cost?

The council has incurred, and continues to incur, cost in managing, checking and assuring the relationship with its company, via both internal and external audit, as well as via external specialists at numerous points. All such information will be made available to scrutiny members as required in order to ensure they can effectively scrutinise and report back as appropriate.

QUESTIONS: BARRY WARREN – RESIDENT AND COUNCIL TAX PAYER

My questions relate to Agenda item 7 on your papers and are addressed to you Madam Chairman for answers please.

On 11th October 2023 I received a letter in the post from the Chief Executive. In the letter it is repeatedly stated that it is written to me on behalf of the Chairman of the Scrutiny Committee. At the end of the letter it is signed as being on behalf of the Chair **and** the Deputy Chair.

1. Did both you and your Deputy Chair approve the wording of this letter?

Yes.

2. Did you set the list of former councillors to receive this letter and who were they?

Yes. Former leaders and the substantive portfolio holders.

3. I am only aware of 2 other former Leaders receiving this letter in addition to myself. Certainly no others from the final Cabinet received copies and one of them had been a member of Cabinet from May 2019. Why were they not contacted?

The views of those with the most knowledge were sought.

4. In the penultimate paragraph, on your behalf, it states: *The District Solicitor will be reviewing all information provided in order to ensure it meets the standards of accuracy and integrity that befits the worthiness of the scrutiny committee's consideration.*

a) I am in a position to provide accurate information supported by evidence – even of officers giving misleading information to members. Why do you suggest that the information I could provide would need filtering by the District Solicitor?

Regular inference is made regarding misleading information, no evidence has ever been provided to substantiate such claims. It is precisely this type of speculative claim that adds no value to the committee's lessons learned process, hence making it clear that that the District Solicitor would review any submissions for accuracy.

b) Are you wishing to apply censorship to the work of the Scrutiny Committee?

This question is an insult to the chairman, and shows a disconcerting lack of respect from a former leader of this council who ought to know better.

5. Mention is made of members having the opportunity to review a 'vast quantity of audit and financial information'.

a) Who is going to select what members will review?

No one. It will not be selected for them – the working group as established at the meeting will review such information as it sees fit.

b) Will members be directed to members' and public questions at the various times or those documents from the Leader and Cabinet that pointed out that some reports only contained information provided by Directors of 3 Rivers – one of whom was also the S151 officer?

See previous; members will not be 'directed'.

MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 5 December 2023 at 5.00 pm

Present

Councillors

E Buczkowski, C Connor, G Duchesne,
L Knight (Vice Chairman), R Roberts and
S Robinson

Apology

Councillor

L G J Kennedy

Also Present

Councillors

J Buczkowski and D Wulff

Also Present

Officers

Andrew Jarrett (Deputy Chief Executive (S151)), Paul Deal (Corporate Manager for Finance, Property and Climate Change), Matthew Page (Corporate Manager for People, Governance and Waste), Dr Stephen Carr (Corporate Performance & Improvement Manager), Paul Middlemass (Audit Manager), David Parker (Democratic Services & Policy Research Officer) and Sarah Lees (Democratic Services Officer)

Councillors

Online

J M Downes,
G Czapiewski, A Glover, L Taylor and J Wright

43. APOLOGIES

Apologies were received from Cllr Lance Kennedy.

44. PUBLIC QUESTION TIME

The following questions were asked by members of the public:

Paul Elstone

My Questions relate to Agenda Item 8 Grant Thornton Interim Audit Findings for 2022/2023:

Question 1

Page 5 of the Report - Headlines - says the following. As set out in the Value for Money section of this report the Council have made loans to its subsidiary company i.e. 3 Rivers, totalling circa £23 million.

This loan figure is higher than previously stated. Therefore, what is the exact amount of the 3 Rivers loan today?

Answer

£22.171m

Question 2

The report also says that the Council has previously recognised impairments of around £5.3 million. That its assessment in November 2023 for a further impairment of £3.7 million.

Therefore, a total impairment or write off or loss to this Council of £9 million. This as a result of its lending to 3 Rivers.

For full clarity can it be confirmed that the £9 million is the actual amount of impairment sitting on MDDC's accounts today, this as the figure seems to be rapidly escalating ?

Answer

No, the impairments to date are the c£5.3m, the c£3.7m are the likely further impairments incurred in soft closing the company. These are still estimates based on a number of commercial variables.

Question 3

Reference to Agenda item 6, Corporate Risk Register CR9a – Reputational Risk of 3 Rivers.

Despite this administration saying they will not apportion any blame in their investigation into 3Rivers, it seems officers are willing to blame the general public for asking questions even threatening criminal action. The general public are justifiably very concerned because they can see that £9m is being written off.

Amongst other things they are aware of, the S151 Officer said as early as 2019 and I quote 'We have taken on the St George's Court Scheme, there was obviously no profit in it. If 3Rivers had been offered it on a commercial basis, it would not have taken it'.

This was after he had recommended to Members that 3Rivers build this development. Also at the Cabinet meeting taking decisions involving 3Rivers the Cabinet Member for Finance asked the Chair of Scrutiny to withdraw a comment about 'cooking the books' which they declined to do.

My question is directed at Grant Thornton on this or even Bishop Fleming. Will the external auditors examine each of these points made?

Answer

In terms of the work that we are looking at as part of the audit, all audit years relating to 2021/22 and prior have already been completed, conducted and closed and in reference to our previous external auditors reports you will see, certainly in terms of the Value For Money findings, areas where we have identified a number of recommendations over a number of those early years of the company. I would draw your attention to those previous audit reports and those findings.

I can only comment about the audit year that is still open and has yet to be certified as you'll see from the update report that we have today the audit work is still very much in progress as is our Value For Money work in relation to not only 3Rivers but also wider governance and financial considerations to the Council so please be assured that we are looking at this area as part of the risk assessment that we set out in our plan earlier this year but I cannot comment anymore until that audit work has been concluded. (Julie Masci, Grant Thornton).

Nick Quinn

Regarding Agenda Item 8 – Grant Thornton Interim Audit Findings 2022/23

On page 3 of the Grant Thornton Interim Audit Findings in the third paragraph, mention is made of the Council decision on 6 September to 'soft close' 3 Rivers.

At a meeting arranged by Grant Thornton, three weeks after this decision, it was clear that *"no arrangements had been made to reconsider the accounts of the Company at that time"*.

It is also stated in the following paragraph that *"the Council has yet to agree with 3 Rivers a clear timeline for the Company's closure or set out clear action plans to manage its exit strategy"*.

It is also stated elsewhere in the report that the 2022/23 Audit has been paused.

My questions are:

Q1. Has Audit Committee received assurances that arrangements for the reconsideration of the 3 Rivers Accounts have now been put in place?

Answer

I am not quite sure what the 'reconsideration' is referring to? At the end of the day 3Rivers will have their accounts verified by an external auditor. That process has been suspended and the company have asked their external auditors for a delay in completing their accounts which I believe has been agreed. Obviously in order for Grant Thornton to complete their 22/23 audit of 'the Council' it needs to see completed accounts from 3Rivers however as I have said those accounts are delayed because there are a number of material transactions such as asset disposals that are ongoing at the moment and until those are clarified it's very difficult

for 3Rivers auditors to give a view on the accounts. So there is no 'reconsideration', there will be a 'consideration' of their accounts for the 22/23 final year. Once that's been concluded we will then consolidate them in our own 22/23 accounts and bring them in front of you as soon as we practically can. (S151 Officer)

Q2: As the Council's main Risk oversight Committee, has Audit Committee now been provided with a "clear timeline for the Company's closure and clear action plans to manage its exit strategy"?

Answer

I have not provided the Audit Committee with a clear timeline because I am following the Cabinet and Council's instruction to soft close the company as soon as practicable. Clearly senior officers and 3Rivers have had a number of discussions and now have weekly meetings to progress the soft closure. We do have a very clear close down plan which we are aiming for the vast majority of the company's activities to be closed by the end of this financial year, again clearly that kind of document would be very commercially sensitive therefore it couldn't be brought before you in a Part I capacity, we could, if you wanted to see it, provide that in a Part II report but at the end of the day I am following the instruction of full Council. I have given reassurance a few months ago now that where we can Cabinet will receive updates on a monthly basis in our budget monitoring reports of how that close down process is going clearly within the gift of Part I and Part II commerciality, so that's where we are with that at the moment. (S151 Officer).

Note: It was **AGREED** that the clerk would liaise with the Chairmen of the Scrutiny Committee and Audit Committee as to the most appropriate Committee to bring a Part II report to setting out the close down timetable for 3Rivers.

Q3: Has the 2022/23 Grant Thornton Audit been recommenced?

Answer

A thorough update will be provided to you under the Grant Thornton item later in the meeting.

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

There were no interests declared under this item.

46. **MINUTES OF THE PREVIOUS MEETING (00:16:00)**

The minutes of the meeting held on 24 October 2023 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

In agreeing the minutes a query was made as to progress in relation to appointing an independent member to the Audit Committee. It was confirmed that the S151 Officer had spoken to the Managing Director of DAP who had informed him that an advert had gone out requesting independent members who would, between them, cover Committees across all the Devon Districts. Interviews would be held in early January and any appointments would be notified to the Committee as soon as possible after that.

47. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

48. **CORPORATE RISK (00:21:00)**

The Committee had before it, and **NOTED**, a report * from the Corporate Performance and Improvement Manager and Corporate Manager for People, Performance and Waste providing it with a quarterly update on the Corporate Risk Register.

Discussion took place regarding:

- The risk ratings in the Corporate Risk Register for the Culm Garden Village (20) and the Cullompton Relief Road (25). It was understood that one was dependent upon the other and that delivery of each scheme was dependent on funding, however, it was felt that the scores should be the same in relation to both due to the severity of the risk of non-delivery in each case. A suggestion was made that the severity score in relation to the Garden Village could be increased from 4 to 5 meaning that the overall risk rating would be 25. It was explained that this was a management document and that a decision would need to be taken by Leadership Team as to any amendment.

RECOMMENDED to Leadership Team that the risk ratings in relation to the Culm Garden Village and the Cullompton Relief Road both be set at 25.

(Proposed by Cllr E Buczkowski and seconded by Cllr S Robinson)

Further consideration was given to:

- Cyber Security risks given reduced staffing levels and a need to manage resources to mitigate risks. The Committee were informed that a Business Continuity exercise had taken place in the previous week with particular service areas being tested. A report and action plan would be brought before Members in due course listing the learning points and mitigations proposed to address any weaknesses.

Note: * Report previously circulated.

49. **DAP INTERNAL AUDIT PROGRESS REPORT (00:36:00)**

The Committee had before it, and **NOTED**, a report * from the Devon Audit Partnership summarising the work undertaken to date during the current financial year.

The following was highlighted within the report:

- One audit had received 'Substantial Assurance' and nine had received 'Reasonable Assurance'.

- Work had been undertaken in relation to fraud detection as well as a review into the Single Person's Discount. A follow up audit in relation to Cyber Security was due to commence shortly.
- 2 'High' audit recommendations were outstanding and 22 'Medium'. It was felt that this was a relatively low figure for a local authority.
- It was confirmed that there had already been several applicants apply for the independent member positions being advertised by DAP.

Consideration was given to:

- It was anticipated that the independent members would attend 2 or 3 Committees each and they would observe in the first instance.
- There was some work to do in terms of updating the Council's website.
- The audit in relation to Housing Options and the increasing demands in relation to operating the Council's Homelessness Strategy. It was requested that a discussion take place at a future Audit Committee to better understand the pressures and costings in relation to this strategy and the subject as a whole. An update was requested from the Corporate Manager for Public Health, Regulation and Housing.

Note: * Report previously circulated.

50. **GRANT THORNTON INTERIM AUDIT FINDINGS REPORT FOR 2022/2023 (00:45:00)**

The Committee had before it, and **NOTED**, a report * from the External Auditors providing its Interim Findings for the 2022/2023 audit on the Council's Financial Statements.

The following was highlighted within the report:

- The report set out the interim position of the external audit for 22/23 which was dependent upon receipt of an independent audit of 3Rivers. The audit on the Council's accounts could not be completed until this had taken place. Questions relating to the assets and liabilities of 3Rivers remained outstanding. Until these were known and audited upon, Grant Thornton were unable to issue an opinion on the Council's consolidated accounts.
- Government was in the process of trying to restore hard statutory deadlines, the details of which were not yet known. If matters in relation to 3Rivers remained outstanding by the Government's yet to be determined deadline this could have an impact on Grant Thornton's opinion of the Council's accounts. Clarity was needed from Government as soon as possible.
- Outside of 3Rivers the Council's accounts were viewed in a positive light with few matters to bring to the Committee's attention. Some small adjustments were needed to building valuations and a tightening up needed in relation to journal processes.
- A final Value For Money report would be brought to the next Audit Committee.
- Once company assets had either been sold or transferred back to the Council then an audit of 3Rivers could go ahead quite swiftly. It was anticipated that this would take place by the end of the financial year.
- It was confirmed that only 10 Councils out of approximately 350 Council's nationally had had their accounts for the previous financial year signed off.

Note: * Report previously circulated.

51. **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (00:10:00)**

The Committee had before it, and **NOTED**, the items identified in the work programme for the next meeting. It was also requested that the following come to a future meeting of the Committee:

- An update in relation to the cost pressures facing the Council in delivering the Homelessness Strategy.
- A possible Part II report in relation to the 3Rivers soft closure timetable (noting that this may be better placed going to the Scrutiny Committee).
- Update on the Financial Regulations.

It was **NOTED** that the Statement of Accounts for 2022/2023 would not be coming to the next meeting in January and neither would Grant Thornton's Audit Findings for 2022/2023 as a result of this. An introduction to Bishop Fleming would also now be postponed to a more appropriate Committee date.

(The meeting ended at 6.11 pm)

CHAIRMAN

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MINUTES of a MEETING of the COMMUNITY POLICY DEVELOPMENT GROUP
held on 28 November 2023 at 2.00 pm

Present

Councillors

B Holdman (Chairman)
C Connor (Vice Chairman), D Broom,
G Czapiewski, G Cochran, A Cuddy,
A Glover and C Harrower

**Apologies
Councillor(s)**

S Robinson

**Also Present
Councillor(s)**

G Duchesne and S Robinson

**Also Present
Officer(s):**

Richard Marsh (Director of Place), Zoë Lentell (Economic Development Team Leader), Angie Howell (Democratic Services Officer) and Sarah Lees (Democratic Services Officer)

**Councillors
Online**

J Buczkowski

33 APOLOGIES AND SUBSTITUTE MEMBERS (03:30)

Apologies were received from Cllr S Robinson. Cllr D Wulff attended as her substitute.

34 PUBLIC QUESTION TIME (03:50)

There were no members of the public present.

35 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (04:00)

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

The following declarations were made:-

- Cllr G Cochran declared he was a Councillor representative for CHAT.
- Cllr B Holdman declared he knew the majority of the organisations applying for grants today.
- Cllr C Connor declared she had dealings with CHAT.

- Cllr A Glover declared she had a tour of Tiverton Museum and over the years had dealt with CHAT.

36 **CHAIRMANS ANNOUNCEMENTS (05:40)**

The Chair reminded the Policy Development Group of the strict timeframe the Policy Development Group would be working to today.

37 **STRATEGIC GRANTS REVIEW 2023 (07:12)**

The Group received the *Strategic Grants Review 2023 report from the Economic Development Team Leader.

Members had been asked to recommend:-

- The Strategic Grant Funding Awards for 2024/2025 embracing the range of benefits that voluntary and community organisations provided for the District and its residents.
- To set a funding period before the next funding awards were due for renewal.

Cllr D Wulff, the Cabinet Member for Community and Leisure presented the report. The Economic Development Team Leader highlighted the following:-

- The allocation of £138,500 to support organisations in Devon had been reduced to £120,000.
- It was clear that MDDC were dedicated to seeking to support the work of community orientated organisations within the Mid Devon community.
- That despite ongoing financial pressure, grants had been awarded since 2017 and continued to be so.

Note: *Report previously circulated

Cllr A Cuddy arrived at 14:20.

Cllr C Harrower arrived at 14:33.

38 **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (18:11)**

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

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

(Proposed by the Chairman)

39 **GRANTS PAYMENTS TO EXTERNAL ORGANISATIONS (PART B RECORDING - 00:01)**

Members received presentations from organisations explaining how the grant funding would be spent, the work that they had achieved and how in turn they would support the work of the Council.

The Community Policy Development Group **RECOMMENDED** to Cabinet that the:-

- (i) Current funding settlement should run for a two year period.

(Proposed by Cllr C Connor and seconded by Cllr C Harrower)

- (ii) Category Groupings to be changed as follows:-

Group 1 funding to be reduced by 10% for:-

Citizens Advice Bureaux

CHAT Mid Devon

Mid Devon Mobility

Group 2 funding to be reduced by 15% for:-

Grand Western Canal

INVOLVE

Tiverton Museum of Mid Devon Life

Tourist Information Service

(Proposed by Cllr C Connor and seconded by Cllr C Harrower)

Note: These proposed arrangements accord with the reduced funding amount of £120,000 per annum set out earlier within this report.

- (iii) Community Policy Development Group would review the grants awarded following the two year period.

(Proposed by the Chairman).

(The meeting ended at 5.43 pm)

CHAIRMAN

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MINUTES of a MEETING of the COMMUNITY POLICY DEVELOPMENT GROUP
held on 5 December 2023 at 2.15 pm

Present

Councillors

B Holdman (Chairman)
D Broom, G Cochran, C Connor (Vice
Chairman), A Cuddy, A Glover, C Harrower
and S Robinson

Also Present

Councillor(s)

R Gilmour and D Wulff

Also Present

Officer(s):

Paul Deal (Corporate Manager for Finance, Property and
Climate Change), Dr Stephen Carr (Corporate
Performance & Improvement Manager) and Angie Howell
(Democratic Services Officer)

Councillors

Online

J Buczkowski, G Duchesne and L G J Kennedy

40 APOLOGIES AND SUBSTITUTE MEMBERS (03:04)

There were no apologies.

41 PUBLIC QUESTION TIME (03:12)

There were no members of the public present.

42 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (04:50)

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

There were no declarations of interest.

43 MINUTES OF THE PREVIOUS MEETING (05:00)

The Minutes of the Meeting held on the 24th October were approved as a correct record and **SIGNED** by the Chairman.

44 CHAIRMANS ANNOUNCEMENTS (05:38)

The Chairman made the following announcements:-

- The Special Meeting of the Community Policy Development Group (PDG) on the 28th November was held on that day to ensure that Members of the PDG had plenty of time to discuss and consider the Strategic Grant Awards. There would have not been time to discuss and consider this item at today's meeting.
- The next meeting to be held on 23rd January 2024 would have several reports to discuss and the meeting was proposed to begin at 1.30pm rather than 2.15pm. Members were asked to advise the Clerk if they were able to attend at that time.

45 DEVON AND CORNWALL POLICE UPDATE (06:39)

Police Sergeant Simon Andrews gave an update to the Community Policy Development Group on anti-social behaviour and informed the Group that the team had been involved in a number of initiatives that had been relevant to mainly Tiverton but also Cullompton and Crediton, in particular these were:-

- An intensification week targeting county lines establishing drug gangs mainly travelling down from Manchester.
- An operation looking at knife crime and Police Officers had executed warrants and set up a knife amnesty at the station and blades had been handed in there.
- There had been Business Crime intensification week where local and rural businesses were contacted.
- A special meeting was held at the Town Hall in relation to business crime in the town centre.
- As benches had been removed in Tiverton, this had disrupted the drinkers but had moved them to off street areas around local business. The Police had been working with local businesses in the area regarding this.
- There had been recent anti-social behaviour incidents which had all been dealt with and people had been arrested.
- Monthly meetings would be set up to help identify anti-social behaviour to try and deal with incidents more quickly.
- Most of the issues dealt with were related to mental health and domestic violence.
- There were more visible patrols and there would be 2 new officers attached to the team shortly.
- The reopening of the Tiverton Police Station which was now open and staffed Monday to Saturday 10am-3pm and the importance of people accessing this service.
- Councillors were encouraged to contact the Police with any concerns they had.

The Clerk would forward Police Sergeant Simon Andrew's details to all Members.

46 **DEVON ENERGY PARTNERSHIP (53:49)**

Alex Munro the Director of Devon Energy Partnership Ltd gave a presentation to the Community Policy Development Group to look at ways to help communities reduce costs and address climate change. The presentation highlighted:-

- How clients could cut costs, reduce waste and improve their energy efficiency.
- The energy price inflations and why UK electricity prices were so high.
- How solar panels could help to reduce energy costs and save money in the long term.

The Clerk would forward Alex Munro's details to all Members.

Notes:- Cllr C Connor left the meeting at 3.45pm

47 **PERFORMANCE DASHBOARD (01:38:17)**

The Corporate Performance and Improvement Manager provided the Community Policy Development Group with a verbal update on performance for Quarter 2.

The Group asked for the following information:-

- For further information on the number of Environmental Protection Service requests received in the year so far.
- Regarding complaints, the Group requested clarification on the target timescales for responding to complaints.

Dr Carr would forward these details to the Community Policy Development Group.

The information presented was **NOTED**.

48 **WORK PROGRAMME (01:48:10)**

The Chairman informed the Policy Development Group that the following changes had been made to the work programme:-

- 23 January 2024 – removal of the Devon Serious Violence Strategy which will now go directly to Cabinet.
- 23 January 2024 – CCTV Policy had moved to 26th March 2024 meeting.

(The meeting ended at 4.05 pm)

CHAIRMAN

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MINUTES of a MEETING of the ENVIRONMENT POLICY DEVELOPMENT GROUP
held on 7 November 2023 at 5.30 pm

Present

Councillors

M Fletcher (Chairman)
B Fish (Vice Chairman), C Adcock,
C Harrower, G Czapiewski, B Holdman,
S Robinson and G Westcott

Apologies

Councillor(s)

Also Present

Councillor(s)

D Broom, E Buczkowski, J Buczkowski, L Taylor, J Wright
and D Wulff

Also Present

Officer(s):

Matthew Page (Corporate Manager for People, Governance and Waste), Paul Deal (Corporate Manager for Finance, Property and Climate Change), Luke Howard (Environment and Enforcement Manager), Darren Beer (Operations Manager for Street Scene), Jason Ball (Climate and Sustainability Specialist), Sarah Lees (Democratic Services Officer) and David Parker (Democratic Services & Policy Research Officer)

Councillors

Online

N Bradshaw, S J Clist, A Cuddy, A Glover, L Knight, J Lock
and J. Poynton

Officers Online

Dr Stephen Carr and Dean Emery

32 APOLOGIES AND SUBSTITUTE MEMBERS (0:03:27)

There were no apologies

33 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0:03:38)

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

None were declared.

34 **PUBLIC QUESTION TIME (0:03:54)**

There were no questions from members of the public

35 **MINUTES OF THE PREVIOUS MEETING (0:04:07)**

The minutes of the previous meeting, held on Tuesday 10 October 2023, were approved as a correct record and **SIGNED** by the Chairman.

36 **CHAIRMAN'S ANNOUNCEMENTS (0:04:27)**

The Chairman had no announcements to make.

37 **PERFORMANCE DASHBOARD (0:04:36)**

The Performance and Risk Manager explained the Dashboard. The “In Focus” box gave additional information specific to the Environment PDG. In response to a question as to why so many areas were highlighted in red, the Performance and Risk Manager explained that for instance;

- the Electric Fleet Vehicles had only been delivered in August so only two months of data was available;
- the main reason for Solar Panel Performance being below target was the delayed installation of a solar array at Exe Valley Leisure Centre.
- In terms of Finance, the reward from the Devon Share Saving Scheme had recently been received, so approximately £350,000 had not entered the dashboard yet.
- With regard to the use of agency staff, during the Covid Pandemic and post-pandemic period a lot of agency staff had been used, that use would reduce but there would probably be a need for agency staff in any event.
- With regard to Street Scene and Open Spaces the price received per ton of cardboard and other materials had reduced.
- The target figure for zero hours was an aim, we were on target but not there yet.
- Outturn against budget are overspends, but Capital projects was showing underspends.

The solar array at Exe Valley was subject to arrangements with the contractors and no update was yet available.

The next dashboard in the quarterly series would be available in the next quarter.

The report was **NOTED**.

38 **CLIMATE AND SUSTAINABILITY UPDATE (0:17:44)**

The Climate and Sustainability Specialist gave a verbal update and highlighted:

- The new Zed Pod projects had won an industry award for partnership work, community outreach and engagement.
- The Council has been awarded £660,000 from the Brownfield Land Release Fund (BLRF2) for an extra 50 Zed Pod homes at 6 locations. Councillors requested an opportunity to visit the Z-Pods.
- The Government had made decisions to fund Railway Stations at Cullompton and Wellington.

- The Government had committed to the M5 junction 27 improvements.
- Mid Devon District Council had put in a second bid for funds to decarbonise facilities at Culm Valley Leisure Centre.
- A Training Workshop had been delivered for Planning Officers on Biodiversity Net Gain.
- There had been a district Landscape Character review workshop.
- Leases had been signed for Electric Vehicle (EV) charge points at three car parks - William Street at Tiverton, Market Street at CREDITON and Forge Way at Cullompton. A revenue share 5% of gross income would come to the Council.
- Conversations with landowners bidding for funding for flood alleviation work.
- There had been a swimming pools fund bid to reward / support energy efficiency investments.
- Public Sector Decarbonisation Scheme. Latest bid submitted to fund Culm Valley energy efficiency improvements and renewable energy installations.
- LEVI funding – as mentioned in the previous minutes for the October meeting this was for EV charging particularly on street e.g. from bollards, street lights or pavement gullies. The Climate and Sustainability Specialist encouraged Town and Parish Councils to nominate sites quickly to benefit from LEVI. The LEVI funding and 'call for sites' was hosted by Devon County Council.

The update was **NOTED**.

39 **REVIEW OF BIN IT 123 AND THE WAY FORWARDS (0:31:09)**

The Group had before it, and **NOTED**, a report* from the Corporate Manager for People, Governance and Waste.

The Chairman congratulated the Waste Management Team on their success with the scheme.

The following was highlighted within the report:

- Following the most recent Government announcement regarding Simpler Recycling, the Corporate Manager for People, Governance and Waste stated that he did not envisage the current three weekly collection scheme changing and that it was in the Council's interest to make sure that its current scheme worked as effectively as possible.
- The report showed the improvement achieved since the implementation of three weekly collections in October 2022 regarding both a rise in recycling rates and a reduction in residual collection rates.
- Both of these are required to reduce the Councils carbon footprint and help it achieve its carbon net zero commitment. In the 21/22 national figures the Council was ranked in the top 35 of more than 200 Councils and Mid Devon District Council hopes to further improve its position in future 22/23 and 23/24 statistics.
- It was the team's aim to ensure residents removed food waste from the residual waste collected and place it in the food caddy.
- Although the majority of households are complying with the scheme, 12% were putting out extra side waste and these residents required further education.

Consideration was the given to the following comments and questions:

- Whether families could be educated to use recyclable nappies – this was signposted on the website but greater emphasis could be applied.
- Whether uncooked food could go in the food waste caddy? – It was confirmed that all food, without packaging, should go in the blue food waste caddy. A campaign about food waste had gone to the residents of Teignbridge District Council and Mid Devon District Council could use the same campaign.
- Plastic packaging should be recycled at supermarkets soft plastics collections.
- Vulnerable residents – were Mid Devon District Council reaching them? Recycling Advisors would be going out into communities over the next few months to advise and support residents.
- Did Mid Devon District Council have any plans to start accepting plastic film?
- How could residual waste be reduced? Much of it could be recycled.
- The Environmental Protection Act 1990 s.46 contained legislation to enforce recycling. However, if waste was left piling up within the curtilage of a property then that was not an offence. District Council Officers could use other elements of the legislation to enforce and encourage householders to dispose of their rubbish properly.
- At the same time as educating the public, could excellence in recycling be celebrated?
Stickers were already used to explain why waste was not being taken, could a “Star” sticker be used to reward good practice?
- Why did the recycling centres refuse to accept households black waste? – If households had exceptional waste then if they contacted Customer Services on 01884 255255 then that waste could be collected.
- The Cabinet Member for Environment and Services commented that discussions about how to reduce waste and collaborative working with other authorities was already underway. In the graph at 2.4 of the report, 50% of the waste could easily be recycled within Mid Devon at no extra charge to the Council.
- Within the education programme being put together, the point should be made to the public that if the Councils in Devon didn’t spend £5m on collecting waste then what other services could be funded using that £5m?
- Education: The Street Scenes team were going into Primary Schools and talking to Key Stage 2 children (year 3 upwards). Mid Devon District Council contribute Resource Future who were specialist advisors from Bristol who go into schools to get involved in pupil engagement.
- Specialist campaigns around Christmas and other times of the year.
- Working with the Communications Team – radio advertising etc.
- Enforcement procedures – case by case basis.
- Households in challenging circumstances – the team encouraged Members to let them know if they were aware of residents needing support.

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

40 **QUARTER 2 ENVIRONMENT ENFORCEMENT STATISTICS (01:10:17)**

The Group had before it, and **NOTED**, a report* from Environment and Enforcement Manager.

Consideration was given to:

- Police and Criminal Evidence Act Training had been given to Enforcement Officers.
- Headline statistics on Car Parking use.
- The significant drop in fly tipping over the previous 12 months but a growth in commercial fly tipping.
- Working with a small selection of businesses about their residual waste.
- Abandoned vehicle statistics
- Making car parking more climate friendly – Mid Devon District Council were bringing in Electric Vehicle (EV) charging points.
- Efficiency of collecting Fly tips – 2 men per hour making 116 man hours.
- The average call out time between call out and collection depended upon whether the Enforcement Team had to get involved to see whether waste could be identified – the collection was usually carried out within days.
- The core reasons for commercial fly tipping were generally people who have a waste carriers licence but then didn't pay the waste charge and dump the waste.
- The public should report incidents via the Mid Devon App or to Customer Services.

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

41 **FLY TIPPING POLICY REVIEW (01:23:26)**

The Group had before it, and **NOTED**, a report* from Environment and Enforcement Manager and Corporate Manager for People, Governance and Waste.

RECOMMENDED to Cabinet that:

1. Delegated authority be given to the Environment and Enforcement Manager in respect of determining FPN value.
2. The fly tipping policy be amended to allow for
 - A sliding scale in respect of fly tipping Fixed Penalty Notice (FPN) amount, with the minimum being £400 and maximum amount £1,000.
 - A sliding scale in respect of breach of duty of care for household waste fixed penalty with the minimum being £150 and the maximum amount £600.
3. The fly tipping policy be amended for general updating purposes.

(Proposed by the Chairman)

Consideration was given to:

- The changes Central Government had made. – New legislation dated 31st July 23, the District Council could now fine a maximum of £1,000 rather than £400.
- Not all fly tipping was the same and the officer sought permission to apply the fines policy in a proportionate way using a sliding scale.

- Impacts of Fly Tipping – the team were proactive in tackling it.
- Commercial Fly Tippers would be prosecuted through the courts where the fines were unlimited.
- Record keeping in respect of Prosecutions.
- Whether there was a way for a householder to check that the waste they had paid someone to take to the re-cycling centre had actually arrived at the centre.
- The increase in fines worked as a deterrent as the disposal cost was close to the old fixed penalty fine of £400.
- Reciprocal arrangement between counties regarding waste centres – this was a Devon County Council matter.

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

42 **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (01:38:47)**

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

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

(Proposed by the Chairman)

43 **2024 - 2025 - FEES AND CHARGES (PART B RECORDING 0:00:27)**

The Group had before it, and **NOTED**, a report* from the Deputy Chief Executive (S151).

RECOMMENDED to Cabinet the proposed Fees and Charges for 2024/2025.

Consideration was given to:

- In 2023/2024 a complete review had been undertaken.
- September's Consumer Price Index (CPI) stood at 6.7%. That was the proposed uplift value applied to the majority of fees and charges for 2024/25. Where any proposals were exceeded, the justification would be presented to the relevant PDG.
- The take up for compostable sacks had plateaued.
- With regard to the shared savings with Devon County Council on residual waste, the Officer was trying to find out what would happen post 2026.
- Devon County Council – bulk waste charge has increased significantly.

Note: *report previously circulated and attached to the minutes (Figures in Part II only).

44 **WORK PROGRAMME (PART B RECORDING 0:00:48)**

Items considered for future meetings were:

- Green Standards in Planning – the Planning Policy Advisory Group would look at this as part of the Local Plan review. There would be room for discussion and cross pollination between groups via the Net Zero Advisory Group.
- Solar panels and renewable energy as sustainable income streams.

Note: * Work Programme previously circulated

(The meeting ended at 7.28 pm)

CHAIRMAN

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MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 21 November 2023 at 2.15 pm

Present

Councillors

C Adcock (Chairman)
J Cairney, S Chenore, A Glover, F W Letch, N Letch,
S Robinson and H Tuffin

Apology

Councillor

C Harrower

Also Present

Councillors

D Broom, J Buczkowski, C Connor, R Gilmour and D Wulff

Present

Officers

Paul Deal (Corporate Manager for Finance, Property and Climate Change), Claire Fry (Operations Manager for Housing Management Services), Mike Lowman (Building Services Operations Manager), Dr Stephen Carr (Corporate Performance & Improvement Manager), Lisa Harber (Neighbourhood Team Leader), Rosie Williams (Building Services Office Manager), Carole Oliphant (Member Services Officer), Laura Woon (Democratic Services Manager), David Parker (Democratic Services & Policy Research Officer) and Sarah Lees (Democratic Services Officer)

40 Apologies and Substitute Members

Apologies were received from Cllr C Harrower.

41 Public Question Time

No members of the public had registered to ask a question.

42 Declaration of Interests under the Code of Conduct

Councillor A Glover declared a Personal Interest as she was a Council tenant.

43 Minutes

The minutes of the meeting held on 26 September 2023 were approved as a correct record of the meeting and signed by the Chairman.

44 **Chairman's Announcements**

The Chairman thanked the officers for providing the reports to the meeting.

45 **Quarter 2 performance dashboard (00:05:00)**

The Corporate Performance and Improvement Manager provided the Group with a verbal update on performance in the housing area for quarter 2. To aid discussion two dashboard slides were presented giving a visual representation of the important figures in relation to the General Fund and the Housing Revenue Account. It was confirmed that all aspects of social housing were covered by the slides, including those properties that were empty and unfurnished.

The information presented was **NOTED**.

46 **Mid Devon Service Delivery Report: Q1 and Q2 2023-24 (00:10:00)**

The Group had before it, and **NOTED**, a report * from the Corporate Manager for Public Health, Regulation and Housing continuing the previous arrangement to provide a quarterly update to Members on enforcement and other activity undertaken by Mid Devon Housing (MDH), albeit in a new format for 2023/24 onwards.

The contents of the report were outlined and the following was highlighted:

- The new housing regulations required Mid Devon Housing to provide effective assurance to their governing bodies on activities within their area which is why the performance report was before Members.
- This report showed the outturn position and included benchmarked data.
- It was confirmed that senior managers were moving forwards with service improvements.

Consideration was given to:

- The number of days it was taking to turn around each void property.
- The challenge facing the service in terms of staff recruitment. Currently the vacancy rate was running at 15% and some posts had been vacant for 2 years.
- Results from the Tenancy Satisfaction Measures survey would be available in the New Year.
- A small proportion of properties did not meet the decent homes standard. There were a number of reasons for this including tenant refusal to have repair or enhancements works undertaken. Plans were in place to undertake heating upgrades for some properties with solid fuel in the spring or when the weather improved.
- It was confirmed that as far as Building Services were concerned none of housing stock had any reinforced autoclaved aerated concrete (RAAC).

Note: * Report previously circulated.

47 **Damp & Mould Review 2023(00:20:00)**

The Group had before it, and **NOTED**, a report * from the Corporate Manager for Public Health, Regulation and Housing summarising the findings of a review of the prevalence, causes and effects of damp and mould affecting Mid Devon Housing (MDH) council housing stock and is a follow up to the MDH Damp and Mould Review 2022 and the introduction of a new Damp and Mould Policy 2023.

Discussion took place with regard to:

- Whether there was any support in place for people with a disability or who fell into the vulnerable category? It was confirmed that there was a handyman service although this could be cost prohibitive. Information as regards to vulnerability was collected at the beginning of each tenancy but a picture was built up through every contact with the tenant and the system flagged. It was something that the service was working on and a Working Group tasked with looking at this had been established.
- As the climate was getting wetter the prevalence of Damp and Mould was increasing, it was no longer just a winter problem.
- There was no longer a financial incentive for the Council to install solar panels.
- The officer responsible for the Damp and Mould area had networked with colleagues in other authorities and organisations to gain and share a bank of knowledge and understanding which the service was now benefitting from. Positive input ventilation (PIV) systems have been installed now reporting no mould and a further 33% seeing a significant reduction as a result of the advice received from MDH.
- Damp and Mould had been made a focus for the Neighbourhood Teams which was leading to more reporting and intervention. This was a positive step forwards and a better knowledge base was being built up.

Note: * Report previously circulated.

48 **Mid Devon Housing Tenancy Inspection Policy Review (00:40:00)**

The Group had before it a report * from the Corporate Manager for Public Health, Regulation and Housing. The Tenancy Inspection Policy aimed to ensure that tenants were aware of the circumstances when Mid Devon Housing (MDH) will seek access to their properties and the tenant's responsibility in providing that access. Furthermore, it sets out the approach to obtaining access to the Council's tenanted properties, including gardens and outside areas and explained the type of information collected and the action to be taken when concerns were raised. There had been a Tenancy Inspection Policy in place for several years with the most recent version adopted in July 2016. It was therefore due for review.

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

- It was confirmed that the policy had been in existence for many years but had required some updating due to a small number of minor changes including references to the relevant legislation and the need to keep data updated.
- It was good practice to undertake inspections so as to understand any vulnerabilities or whether tenants needed any extra help.

- The policy also mentioned tenancy fraud which the Council took a strong line on. There were many different types of tenancy fraud including subletting, benefit fraud and falsifying information at the application stage. Depending on the seriousness this could carry a heavy fine or even a prison sentence. It had a huge impact and took properties away from people with registered housing need.

Discussion took place regarding:

- If Councillors had any concerns they should feed these back to the Neighbourhood Officers who would undertake an investigation in collaboration with Devon Audit Partnership. Councillors should not undertake an investigation themselves.
- The apparent lack of powers that officers had to resolve issues that were found in our neighbourhoods. Mention was made of the Community Protection Notice which was one tool that could be used to stop a person aged 16 or over, business or organisation committing anti-social behaviour which was spoiling the community's quality of life.
- Intensive housing management techniques, including working with other agencies, were often very effective in dealing with neighbourhood disturbance. It was a very complex area with many issues, such as mental health, needing to be born in mind.
- Tenancy fraud was a concern, however, as soon as officers were alerted, investigations are carried out as appropriate. Tenancy fraud was less prevalent in rural areas.

RECOMMENDED to the Cabinet that the updated Tenancy Inspection Policy and Equality Impact Assessment contained in Annexes A and B respectively is approved.

(Proposed by Cllr F Letch and seconded by Cllr J Cairney)

Reason for the decision

The Council was required to make the best use of its housing stock which included managing it efficiently and taking steps to prevent tenancy fraud to avoid any financial losses. In accordance with the Localism Act 2011, the Council was required to publish a clear and accessible policy which outlined its approach to tenancy management which included reference to the prevention of tenancy fraud. The Council had a Tenancy Policy and used tenant inspections as a means of preventing fraud. Failure to provide housing management staff with the appropriate policies could result in a less consistent and effective service.

Note: * Report previously circulated.

49 **Tenure Review Project Plan**

The Group had before it, and **NOTED**, a report * from the Corporate Manager for Public Health, Regulation and Housing providing a draft project plan relating to a review of tenure used by Mid Devon Housing (MDH).

The following was highlighted within the report:

- As a landlord, the Council had been using flexible tenancies since 2013. The need to make best use of the housing stock influenced the decision to introduce this form of tenure, however, the use of flexible tenancies could be problematic. Not only could it sometimes be intrusive for tenants but there was also a considerable administrative burden upon the service.
- Flexible tenancies were issued for a fixed term and therefore it was more difficult to vary the terms and conditions of each one. However, good practice and the requirements relating to consultation dictated that these tenants should also be consulted on tenure reform and any proposed changes to the tenancy agreement so that their views could be taken into consideration. It was therefore suggested that, not only would it be helpful to set up a Member Working Group but also a Tenant Focus Group in order to encourage as much participation as possible.
- For this reason, the project plan set out a timetable which would result in the adoption of a new tenancy agreement in November 2024.

Consideration was given to the various methods of tenant engagement from using social media and holding face to face events around the district. MDH continued to try to be proactive and adaptive in its approach to tenant engagement.

It was **AGREED** to set up a Working Group to review the outcomes arising from the use of flexible tenancies, to receive relevant data and other evidence to inform discussion. The group would meet three times and would be required to review feedback from tenants. It would then make recommendations relating to tenure reform back to the Homes Policy Development Group. The Group appointed Councillors: A Glover, N Letch and H Tuffin to the Working Group.

Note: * Report previously circulated.

50 Identification of items for the next meeting

No additional items were identified as needing to come forward to the next meeting other than those already identified in the work programme.

(The meeting ended at 3.30 pm)

CHAIRMAN

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MINUTES of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 16 November 2023 at 5.30 pm

Present

Councillors

J M Downes (Chairman)
G Cochran, A Cuddy, B Fish, M Fletcher,
L Knight, N Letch, R Roberts and
G Westcott

Apology

Councillor

M Farrell

Also Present

Councillors

D Broom and J Buczkowski

Also Present

Officers

Richard Marsh (Director of Place), Matthew Page (Corporate Manager for People, Governance and Waste), Paul Deal (Corporate Manager for Finance, Property and Climate Change), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Dr Stephen Carr (Corporate Performance & Improvement Manager), Luke Howard (Environment and Enforcement Manager), Adrian Welsh (Strategic Manager for Growth, Economy and Delivery), Zoë Lentell (Economic Development Team Leader), Laura Woon (Democratic Services Manager), David Parker (Democratic Services & Policy Research Officer) and Sarah Lees (Democratic Services Officer)

Councillors

Online

E Buczkowski, A Glover, S Keable, J Wright and D Wulff

34 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr M Farrell who was substituted by Cllr L Knight.

35 **PUBLIC QUESTION TIME**

Mrs Kate Clayton-White

After attending Full Council meetings and Economy PDG meetings earlier this year we managed to persuade you to reconsider your outrageous proposed increases for

our allocated parking spaces. We were delighted to hear you set up a working group involving town traders and other interested parties who have already produced a report update for this meeting which recommends that the Council supports traders by offering some free parking before Xmas however allocated spaces charges aren't actually mentioned at all.

One of our main concerns had been the fact that previously, the decision making process including discussion of fees which resulted in a 115% increase for our allocated space, was concealed in part 2 minutes, i.e. in secret. On 22nd February this year at the full Council meeting I asked what was so commercially sensitive about raising car parking charges that the decision making process had to take place in secret. The answer I received was 'The majority of the council's fees and charges were considered together by Cabinet and therefore the decision was taken to consider all fees in part 2 session. Future review of car parking fees will take place in normal part 1 session'.

Note, my question – why was it necessary to discuss these matters in secret – wasn't actually answered – nor was it when I asked again on 4th April.

The agenda for today's meeting suggests that discussion of fees and charges for 2024/25 will take part in part 2 session. If this includes the proposed car parking increase then this would directly contradict what was promised, in writing, in your answer to my question in February and make a mockery of this new administration's vow to be more transparent than the last.

So my questions are:

1. Are car parking fee increases going to be discussed, as originally promised, in normal part 1 sessions? If not, why not?
2. Why were such discussions previously deemed to be commercially sensitive and hidden in part 2?
3. Where in the Parking Consultation Terms of Reference and pressing matters (Car Park Working Group update report 3.3) will the needs of allocated space fee payers be considered?

Answer

The Corporate Manager for People, Governance and Waste stated that the Terms of Reference for the Working Group could be added to at any time as they were still being developed. They were not set in stone. The Group were very keen to talk to business leaders and community groups to further inform their discussions and this would be taking place. The Chairman further informed those present that no recommendations were being made this evening based on the work of the Working Group, the report included with the agenda was just providing an update. The main focus of the proposals regarding fees and charges for this evenings meeting were based on inflation based rises.

It was recognised that the car parking issues had not been handled in a way which current Members were happy with last year and that things would be managed very differently going forwards. He reiterated the fact that inflationary increases had now been delegated to the S151 Officer and all other matters would be discussed openly.

The Chairman of the Working Group stated that they had only met once and had not yet prioritised the Terms of Reference. The main objective was to ensure that, having consulted with the community, there were practical recommendations regarding fees going forwards.

Paul Elstone

(Answers were provided by the Cabinet Member for Finance in each case)

Question 1

This item is being discussed in secret, but the report has been published and Paragraph 2.2 says it is proposed to increase Fees and Charges by the September Consumer Price Index inflation rate of 6.7%.

Everybody knows that inflation is coming down. It was on the news headlines yesterday that the rate had dropped to 4.6% and for this Council to set an increase at 6.7% is excessive by any reasonable measure.

Fees and Charges should only go up by any increase in the cost of the service and only last month the Council was being told that costs are being cut.

In the secret papers, have the Officers provided costs of the services that charge these Fees and Charges to prove that an increase of 6.7% is necessary for each item?

Answer

The appendices only include the recommended fees and charges and the additional income generated.

I would highlight again that as part of the fee setting during the last review of fees and charges, delegated authority was given to the Deputy Chief Executive to increase fees and charges by at least inflation.

In regards to the inflation point being used, it is important to recognise that it has been higher than this earlier in the year. The September figure represents the mid-point for the year and is also the latest CPI available at the time of drafting the proposal, and is the Central Governments measure used when calculating national schemes such as pensions and business rates.

Question 2

Expert institutional financial forecasting and including the UK Governments own anticipates that CPI inflation will drop to around 3% by the middle of next year and down to the Government's 2% target by the middle of 2025. Therefore, further the challenging the justification for the excessive 6.7% price rise that this Committee is asked to approve.

Will this Committee fully factor this into its decision making and during the secret debate ?

Answer

I've addressed the question around the inflation rate as part of my previous answer,

You are asking the PDG to consider your comments in their deliberations, I can't speak on their behalf, but I am sure they will do.

Question 3

In the secret papers, have the Officers provided costs of implementing this increase across all the Fees and Charges ?

Answer

The appendices only include the recommended fees and charges and the additional income generated. The cost of implementing any change to the fees and charges are relatively minimal, largely the cost of advertising and printing new tariffs.

Question 4

When this Committee votes on the recommendation to take back to Cabinet will this vote be conducted in public?

Answer

Yes, there will be a vote in public session,

Question 5

What Fees / Charges are being considered?

Answer

Car Parking and the Panier Market.

36 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

There were no interests declared under this item.

37 MINUTES

The minutes of the previous meeting, held on 5 October 2023, were approved as a correct record and **SIGNED** by the Chairman.

38 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make:

39 BUSINESS SUPPORT PROGRAMME - GUEST SPEAKER (00:20:00)

Mr Rob Evans, from Devon County Council had been invited to attend the meeting to provide an update on the Business Support Programme.

The presentation included the following information:

- What the Business Support Programme was and how businesses could sign up to it.
- It provided, general business support, green business support, start up support, job creation and job safeguarding support.
- Support would be delivered through 1-2-1's, workshops, events, enterprise clubs and through a new self-learning platform.

- There had been 32 Mid Devon referrals to date, against a target of 89. The focus would now be ensuring businesses were targeted that would achieve the specific programme outcomes.
- Shared Prosperity Fund Agri-Events project.

Consideration was given to:

- The proactive attempts to reach out to business via such means as providing work hubs, contact with libraries, sending out flyers, working with local authorities etc.
- Success being measured in terms of outcomes.

It was requested than an update be provided to the Group in 6 months time and that top level information (including relevant links) be sent to all Members so that they could share it with their networks.

40 **CAR PARKING CONSULTATIVE GROUP UPDATE REPORT (00:30:00)**

The Group had before it a report * from the car Parking Working Group. This Group had been founded in response to concerns regarding the decision making process in relation to car parking tariff increases proposed in 2023 as well as the lack of consultation with local business leaders and representatives. This decision to create the group was made in March 2023 by this PDG to better inform future proposals on parking charges in the years to come.

The Chairman of the Working Group, Cllr Guy Cochran, outlined the contents of the report and provided the following summary:

- The Working Group was open to any suggestion in terms of underused locations that could be used as possible car parking areas or for other uses that could generate some income.
- The need to look ahead, mindful that cycling was on the increase for example.
- The Working Group were meeting again on 4th December 2023.
- A further update would be provided in due course.

The Chairman of the Policy Development Group stated the need for interested parties to contact either this Group or the Working Group so that their views could be heard and they could get involved. He was keen to stress that in the past the Finance Officers had presented options the Group as part of the budget process with little other opportunity for Member or public involvement. This new approach would provide ample opportunity for involvement and he welcomed this.

Note: * Report previously circulated.

41 **QUARTER 2 PERFORMANCE DASHBOARD (00:37:00)**

The Group were presented with a performance dashboard slide showing performance against targets in the Economic Development area in the financial year to date.

Discussion took place regarding:

- The need to present the financial data in a slightly different way so as to be easier to understand and a more accurate reflection of the 'economic' health of the Council. It was explained that this slide was a work in progress and that it could be tailored so as to be more helpful to the PDG Members. At the moment it was not very helpful to see 'zero' as a target.
- The Group requested to see the net impact figures going forwards.
- It was still important to see the slippage on capital projects, the biggest one being the Cullompton Relief Road.
- The risks in relation to 3 Rivers should be removed from this area.
- The entire Corporate Risk area would be reported to the Audit Committee.
- The Chairman requested that 'RAG' be amended to say 'RISK'.
- The risk scoring system was explained to those who had not come across it before.
- The difference between the risk scores of the Cullompton Garden Village and the Cullompton Relief Road was explained, one was dependent on the other but the risk on the Garden Village had increased owing to a lack of clarity on Government grant funding to support the Council in its work.
- It was confirmed that 6.25% of commercial premises were currently voids.

42 **SHARED PROSPERITY FUND AND RURAL ENGLAND PROSPERITY FUND PROGRESS UPDATE (00:52:00)**

The Group had before it, and **NOTED**, a report * from the Director of Place updating Members on the progress under the Shared Prosperity Investment Plan and the Rural England Prosperity Fund (Year 2: 2023/2024).

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

- Project delivery had focussed on, 'Love your Town Centre', 'Field to Fork', 'Visitor Economy', 'Work Hubs', and 'Business Innovation and Growth'.
- The report provided summary information in relation to each project as well as achievements to date against the targets set.
- Updates would be brought to the March 2024 PDG meeting regarding several promotional campaigns such as the 'Swan Sculpture Trail' and the 'Walking Festival', the webpage for the latter having now gone live.

Consideration was given to:

- It took approximately one month from application to grant offer for Shopfront Scheme applicants should they be successful. It was confirmed that grants were paid on completion of the works.
- Applications Under all grant schemes needed to be of high quality and comply with certain criteria. The team were able to provide guidance and support in advance of applications being submitted if needed. The team also needed to hear from individuals and businesses if there were issues preventing them from filling in the necessary forms correctly.
- Lots of different types of business support was available.
- The team worked very closely with Planning regarding reviews of the Local Plan.

- The chief priority was to get all the available funding out to businesses wherever possible.
- Applicants submitting planning applications were contacted and made aware of any relevant schemes in order to support business growth.

Note: * Report previously circulated.

43 **ECONOMIC DEVELOPMENT TEAM UPDATE (01:15:00)**

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

The following was highlighted within the report:

- Businesses are able to access green business advice through the Prosper business support programme. The Team will use the LGF to extend the green business support through the provision of capital grants to help businesses implement actions that reduce their carbon emissions. The introduction of the grant scheme will enable businesses to apply the knowledge gained from the support workshops, generating additional impact from those support interventions.
- The Green Business Grant will offer up to 50% of the cost of any works, to the maximum value of £5,000.
- Town Centre Health – footfall was lower in September 23 compared to the previous year. The reasons were not clear but it was hoped these would pick up during the festive period.
- The team also continued to support job fares.
- The Building Grants Scheme was progressing well as was the cultural programme.

Note: * Report previously circulated.

44 **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (01:20:00)**

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

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

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

(Proposed by the Chairman).

45 **2024/2025 FEES AND CHARGES (01:23:00)**

The Group had before it a report * from the Deputy Chief Executive (S151) presenting to Members the proposed Fees and Charges for 2024 / 2025.

The contents of the report were outlined and a summary provided of the proposed Fees and Charges for the following financial year. Following discussion and having returned to open session, the Economy Policy Development:

RECOMMENDED to the Cabinet that the delegated inflationary increase of 6.7% on Fees and Charges for 2024 / 2025 be approved.

(Proposed by the Chairman)

Reason for the decision

The current budget for the General Fund shows a potential deficit of £765k, with an increasing funding deficit projected in future years. Were Members to decide to reject any of the proposals, then additional savings of the same value would be required to deliver a balanced budget.

Note: * Report previously circulated.

46 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:44:00)**

The following items were identified by the Group for discussion at future meetings:

- J27 update, particularly in relation to the Destination Management Plan
- Opportunities to increase income through advertising on MDDC property

(The meeting ended at 7.24 pm)

CHAIRMAN

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 8 November 2023
at 2.15 pm

Present

Councillors

L J Cruwys (Chairman)
G Cochran (Vice Chairman), S J Clist,
F J Colthorpe, G Duchesne, R Gilmour,
B Holdman, M Jenkins, F W Letch and
N Letch, S Robinson

Apologies

Councillor(s)

M Farrell

Also Present

Councillor(s)

D Broom, G Czapiewski, S Keable, J Lock,
G Westcott and D Wulff

Also Present

**Councillor(s)
online**

J Buczkowski, M Farrell, A Glover

Present

Officers:

Maria De Leburne (District Solicitor and
Monitoring Officer), Richard Marsh (Director
of Place), Dean Emery (Corporate
Manager), Angharad Williams (Development
Management Manager), Adrian Devereaux
(Area Team Leader), Daniel Sims (Planning
Officer), Joanne Pope (Commercial Team
Leader Public Health), Janet Wallace
(Public Health), Angie Howell (Democratic
Services Officer) and Sarah Lees
(Democratic Services Officer)

43 APOLOGIES AND SUBSTITUTE MEMBERS (03:50)

Apologies were received from Cllr M Farrell who was substituted by Cllr S Robinson.

44 PUBLIC QUESTION TIME (04:20)

All public questions received referred to Application 22/00907/FULL – Retention of
disused quarry for use as two firing ranges at Devon and Cornwall Constabulary,
Pondground Quarry, Holcombe Rogus

Robert West

First question: as part of the 2004 Application, Devon and Cornwall state that the site will be used once a fortnight. Are you aware of this, and if so, do you consider “historical use” just that, or rather 70 days, which increase occurred following cessation of Planning Permission?

Second question: do you have confidence in the guidance given to you by the EHO relating to noise and its impact?

- Your decision must be based on Planning issues
- To quote from the DEFRA Noise Policy Statement:
 - noise has no adverse effect so long as the exposure does not cause any change in behaviour, attitude or other physiological responses of those affected by it..... increasing noise exposure will at some point cause the ‘significant observed adverse effect’ level boundary to be crossed and result in a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present
- Are you confident that the (brief) visits made by the EHO to site reflect actual usage of site over a prolonged period?
- Are you confident that the visits made by the EHO to site, and the judgements made subsequently, objectively identify:
 - actual live firing volume and duration (the EHO observations conflict with the experience of local residents)
 - any possible “adverse affects and material changes of behaviour” in the case of local residents (and animals)

Alison Hill

I would like to ask the Committee if you are confident that the CIEH guidelines really do not apply in this case, as directed by the EHO and advised in the Case Officer’s report, when the two reports from the acoustic experts provided by the objectors (Parker Jones and LF Acoustics) say completely the contrary. Furthermore are you aware that there is widespread evidence that other planning authorities have used the CIEH guidelines in determining similar cases as they are considered to be the nearest applicable standard for firing ranges.

Are you confident that you have been presented with a fair, balanced and unbiased noise assessment? The Case Officer’s report includes approximately 350 lines from the EHO’s opinions on the impact of the shooting noise and criticisms of the objector’s noise reports but does not include ANY extracts from the Parker Jones or LF Acoustics reports despite them being qualified acoustics experts who challenge the EHOs opinions on many grounds.

As to the noise report from Acoustic Consultants Limited provided by the applicant, which says the CIEH guidelines don’t apply in the Pondground application, are you aware that these same experts specifically used the CIEH guidelines in assessing another application for a firing range in a disused quarry?

No mention is made of this contradiction in the Case Officer's Report despite it being raised in a letter dated 20th September 2023 from LF acoustics on behalf of the objectors.

In summary, do you back the opinions of the EHO which are almost exclusively subjective with regard to the impact of the shooting noise referring to it variously as distant pops, like a burst of exploding fireworks, no worse than a human shouting or a car revving close by, OR will you rely on the assessment of noise readings by two qualified acoustics experts who agree that the CIEH guidelines are most relevant and on that basis there is a significant adverse impact created by the Pondground shooting?

Corine Hancock

Why were the public not allowed on the arranged site visits?

Do you feel the site is secure and will stop kids from entering?

Why did the police firing range not show up on anyone's house searches when purchasing their houses?

Why have the police had a full day to talk to the committee and the community have only got three minutes?

How do you suppose I carry on running my Holiday Let business with the sound of firing going on all day long?

Why is this not been considered as a new application?

James Dexter

This concerns the firing range application. Is the committee fully aware that from 2012 to 2014 when permission was in place, the average number of bullets fired on site was 14,665 per calendar year. From 2015 to 2021 after permission had lapsed, the average number of bullets rose to 51,726 per year. In the calendar year of 2021 the police's own shooting records show that 113,730 bullets were fired. Therefore any condition that only specifies a number of days of use is not sufficient in mitigating the impact. For example, these same records show that in 2015 the Marines were on site for only 11 days and yet they managed to fire 47,900 bullets. Can the committee be fully satisfied that a mere restriction on the number of days would mitigate the harm?

Emma Ball

Are the committee satisfied that the condition relating to security fencing would meet the tests as such a fence would potentially be greater than permitted development rights and would require consultation upon.

Ruth O'Brien

Are the committee fully informed of their duty to take the best interests of the children as a primary consideration? Have the officers undertaken the proper assessment of this important legal consideration?

Juliette Durance

In light of the advice received from Historic England and having listened to the recorded evidence of the shooting noise impact on the setting at Greenham Barton, listed Grade 1 and therefore of exceptional special interest, what course of action do the Committee propose to take, especially since the applicant has said it is not possible to take any measures reduce the noise levels?

Robert Chislett

Are the committee aware that the local planning authority granted permission for a tourism use next to the site during the period operating unlawfully and that paragraph 187 of the National planning policy framework states “existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established?” Are they fully aware that this would not include unlawful uses?

Lance Kennedy

I am a resident and rate payer of the Cranmore ward and living on the canal a regular user of the same.

Are the committee aware of the importance of all weather training when carrying out the duties of a firearms officer, I myself used the range in question on its opening day 45 years ago?

Are the committee further aware that the weapons in use then were by design, as open chamber weapons louder than their modern closed chamber counterparts in continuance of the weapons use is the committee aware that during the early period of training it was a requirement to be ambidextrous having to draw aim and fire six rounds with the strong hand, reload with four rounds and use the weak hand in under 20 seconds this was followed by quiet periods of evaluation?

Are the committee aware of the need to preserve proficiency in both weapon use and split second decision making under conditions of stress created by the varying climate of outdoor use combined with indoor training. A fact I was grateful for when faced with that split second decision on a dark night many years ago?

Will the committee consider the impact of a controlled use environment of say 1000hrs to 1600hrs on three days a week at approved times of the year as opposed to a working quarry should the presented opportunity present itself?

The Chair advised that the questions would be answered during the application.

45 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (28:03)

Members were reminded of the need to declare any personal or pecuniary interests where appropriate.

Cllr G Cochran - 22/00907/FULL declared that he was a retired Police Officer for Devon and Cornwall Police and was a former armed services member and had responsibility in the past for the installation and maintenance of MOD rifle ranges.

Cllr F J Colthorpe - 22/00907/FULL declared she had received various correspondence.

Cllr F Letch 22/00907/FULL declared he was a member of the Devon Wildlife Trust.

Cllr Clist declared that Plan 3 - 23/01255/LBC fell into his portfolio position although he had no involvement regarding this and that he had also received emails and correspondence regarding Application No. 22/00907/FULL.

Cllr G Duchesne - 22/00907/FULL declared she was a member of the Grand Western Canal Joint Advisory Committee.
She was also a member of the Devon Wildlife Trust.

Cllr R Gilmore - 22/00907/FULL declared she had received correspondence.

Cllr L Cruwys 22/00907/FULL declared he had received mail and was also the Chairman of the Grand Western Canal Joint Advisory Committee.

46 MINUTES OF THE PREVIOUS MEETING (31:05)

The minutes of the previous meeting held on 27 September 2023 were agreed as a true record and duly signed by the Chairman.

47 CHAIRMAN'S ANNOUNCEMENTS (31:37)

The Chairman reminded all members of the Planning Training taking place on 14 November at 2.00pm.

48 MEETING MANAGEMENT (32:05)

The Chair announced that he would be discussing Plan 4 – (22/00907/FULL – Retention of disused quarry for use as two firing ranges at Devon and Cornwall Constabulary, Pondground Quarry, Holcombe Rogus) as the first item on the Plans List.

49 WITHDRAWALS FROM THE AGENDA (32:21)

There were no withdrawals from the Plans List.

50 THE PLANS LIST (32:31)

The Committee considered the application on the *Plans List.

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

- a. Application 22/00907/FULL - Retention of disused quarry for use as two firing ranges at Devon & Cornwall Constabulary, Pondground Quarry, Holcombe Rogus.

The Area Team Leader outlined the contents of the report by way of a presentation which highlighted the following:-

- The site comprised two firing ranges and associated welfare buildings.
- That shooting restrictions had been put in place.
- The site would be used by Devon and Cornwall Police for the training of firearms officers to supplement their main shooting range in Exeter.
- The applicant had instructed an acoustic consultant to measure noise and the Public Health Team had recommended a Noise Management Plan which was submitted as part of the application. On review of this, the Public Health Team requested that the number of days shooting be reduced from the initial proposal of 141 days down to 70 days.
- A Members site visit had taken place in September to look at the shooting range and to experience the noise.
- The planning permission was temporary for seven years.
- Concerns had been received regarding the impacts of heritage assets. However the Conservation Officer had commented that it was less than substantial harm to the setting of nearby heritage assets and considered that public benefits outweighed the harm.
- The Local Highways Authority had raised no objections to the use of the site.
- In light of concerns raised regarding site security the applicant had confirmed that they would be happy to install further security fencing and no shooting would occur until this had been installed.
- The police were happy to enhance their communication with the Parish and would seek to provide a Liaison Officer to work with the school.

In response to the public questions the Area Team Leader answered as follows:-

Robert West

Answer to Q1 - The earlier planning permissions were a material consideration. There were no conditions restricting shooting times in the earlier planning permissions and the reference made to once a fortnight was in response to a question on the application form for the portable welfare building relating to employment. The full response was N.A. Site will be visited by 20-25 officers on average once a fortnight. There were no times/days shooting listed on the application form with no restrictions placed in the planning permission.

Answer to Q2 - Yes we have confidence with the Public Health Officer in dealing with this matter. They are a professional and an employee of the Council.

Alison Hill

Answer - This question relates to noise and how it should be measured. The Public Health Officer is in attendance who I will pass over to comment. However with respect to the reference made to how Acoustic Consultants Ltd (ACL) responded to a nearby application, it has been confirmed that their 2012 report was for a rifle range for recreation and teaching and was a planning application for formal use. In this report ACL referred to the CIEH guidance although did note that it was not specifically for this purpose and identified differences between the scheme and clay target shooting.

Therefore in their opinion this is not a comparable site to Pondground and the use of a specific guidance document on one site does not invalidate the conclusions drawn on another.

Corin Hancock

Answer to Q1 - The arranged site visit on the 5th September 2023 was for a Committee site visit to enable Members to fully understand the use. The earlier site visit in August 2022 was arranged for the benefit of Council Officers to fully understand the proposals which included Ward Members and Members of the Parish Council being invited. Some residents were also in attendance on the day.

Answer to Q2 - There is a condition recommended for security fencing.

Answer to Q3 - This would be a conveyancing matter rather than planning.

Answer to Q4 - It is committee procedure in respect to the time allowed to speak. It was also a Committee site visit.

Answer to Q5 - It would not be all day long, with days and hours controlled through planning condition.

Answer to Q6 - It is a new application. The application has been made on the basis of a retention of use as the use has been carried out on site since 1978 with earlier planning permissions being material planning considerations.

James Dexter

Answer - I would first note that in addition to the condition outlining the Noise Management Plan requirements setting hours and days available for shooting, there is a condition which restricts the use only for Devon and Cornwall Police. Within the report the numbers of rounds shot are outlined and Members will have noted that on the Member site visit, 1250 rounds were shot by the Police.

Emma Bell

Answer - The matter of the security fence is outlined within the officer report and a query over the use of a condition to finalise details was addressed in the response to the Barrister Opinion, point SC12 in Appendix 1, page 103. Whilst permitted development is possible for enclosures of 2m in height where not adjacent to a highway, in respect to security fences, the applicant has confirmed that they are committed to provide these within the submitted information and approval of final details are possible through this application. Conditions for enclosures/boundary treatments are common and accepted within the wider planning context. The condition imposed would ensure further security fencing is installed to address concerns raised through the planning process of the site being too accessible.

Ruth O'Brien

Answer - The matter of impact of noise on residents which includes children has been addressed within the committee report and in respect to impact on children at the primary school, this has also been addressed in the response to the Barrister's Opinion at SC 8 and SC9 on Pages 101 and 102. As noted in the responses from officers, the matter has been assessed.

Juliette Durance

Answer - This question appears to be directed to Members as to what course of action they want to take. However, I would comment that the report to Planning Committee discusses heritage matters and the duties of the Council under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant policies of the Development Plan. With respect to Greenham Barton, this is one of the three Grade I listed properties identified in the objection referred to in the update sheet. The case being whether noise intrusion from the shooting has a harmful impact affecting tranquillity. Greenham Barton is approximately 1.12km away (NE) from the site. The view of the Conservation Officer is that the proposal would not harm the setting of the Grade I listed properties given the distances involved, topography and drop off of noise from the site. As such it is not considered that there was a need to consult Historic England or amenity societies, the latter only being required to comment on demolition of listed buildings rather than setting. Historic England were made aware of this application by a third party so were formally consulted and they raised no objection to the development, rather advising that the council needed to ensure they had all the information to make an assessment to the impact which is considered to be the case.

Robert Chislett

Answer - The matter of impact on holiday businesses in the area have been addressed within the report and the response to the Barrister Opinion within Appendix 1. It is noted that the last planning permission lapsed in 2014 but as demonstrated through the figures provided, shooting has continued throughout until 2022 with the use of Pondground Quarry as two firing ranges being historic, benefiting previously from 5 earlier planning permissions. The use outlined and the recommended conditions including Noise Management Plan are considered to prevent any unreasonable restrictions being placed on existing businesses.

Lance Kennedy

Answer - I note the comment from Lance Kennedy and would advise that the need for this use is contained within the report and clearly demonstrated, hence the recommendation to support.

Consideration was given to:-

- Noise levels and that this could be dealt with by Environmental Health if residents were being affected by the noise levels if the application was approved.
- The difficulty with placing a security fence around the quarry due to the steep topography of the site and its constraints of the quarry.

- The mental health of children attending local schools.
- The impact of the designated listed heritage sites.

A proposal to approve the officer's recommendation was not supported.

It was therefore **RESOLVED** that planning permission be refused.

(Proposed by Cllr S Clist and seconded by Cllr R Gilmour)

Reason for refusal:-

1. The impact of the proposal on amenity of the existing residents within the settlement of Holcombe Rogus and neighbouring residents, including the impact to health and safety of the public given the site is not secured due to the steep topography of the site and its constraints. The proposal is therefore not in accordance with the Mid Devon Local Plan policies DM1 and DM4.
2. The impact of the proposal results in harm to the tranquillity of the open countryside experienced in addition to the impact on the harm of the designated listed heritage assets within the area as a result of the noise emitted by the proposed use of the site. The proposal is therefore not in accordance with the Mid Devon Local Plan policies S1, S9, DM1, DM4 and DM25.

Notes:-

- (i) Emma Forward spoke as the objector.
 - (ii) Sergeant Iain Freestone spoke as the applicant.
 - (iii) Cllr F Freeman spoke on behalf of the Parish Council.
 - (iv) Cllr J Lock and Cllr G Westcott spoke as Ward Members.
 - (v) Cllr G Cochran, Cllr F J Colthorpe, Cllr L Cruwys and Cllr F Letch requested that their votes against the refusal be recorded.
- b. Application 23/00711/HOUSE - Removal of outbuilding and retention of a replacement garden structure at 7 Silver Street, Thorverton, Exeter.
 - c. Application 23/01166/LBC - Listed Building Consent for the removal of outbuilding at 7 Silver Street, Thorverton, Exeter.

The Planning Officer outlined the contents of the report by way of a presentation which highlighted the following:-

- The proposal was for listed building consent for the removal of outbuildings to the rear garden.
- This would also include removal of the existing structure as this abutted the listed curtilage wall.

It was therefore **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr S Clist and Seconded by Cllr R Gilmour)

Reason for the Decision as set out in the report.

Notes:-

- (i) Cllr F J Colthorpe declared that the applicant was a Councillor and that she was aware of this application.
- d. Application 23/01255/LBC - Listed Building Consent for repairs to roof at 5 St Paul Street, Tiverton, Devon.

The Conservation Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- That this was a Grade II Listed Building which was owned and managed by Mid Devon District Council.
- The proposal would include the replacement of broken roof slates with new ones.

It was therefore **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by the Chairman).

Reason for the Decision as set out in the report.

(The meeting ended at 5.30 pm)

CHAIRMAN

MINUTES of a MEETING of the PLANNING COMMITTEE held on 22 November 2023 at 2.15 pm

Present

Councillors

L J Cruwys (Chairman)
G Cochran (Vice Chairman), F J Colthorpe,
G Duchesne, R Gilmour, B Holdman,
M Jenkins, F W Letch, N Letch and D Wulff

Apologies

Councillor(s)

S J Clist

Also Present

Councillor(s)

D Broom, C Connor, J Poynton, A Glover

Also Present

Officer(s):

Philip Langdon (Solicitor), Dr Stephen Carr (Corporate Performance & Improvement Manager), Angharad Williams (Development Management Manager), Christie McCombe (Area Planning Officer), Jake Choules (Planning Officer), Tim Jarrett (Arboricultural Officer), Janet Wallace (Public Health), Brian Hensley (Devon County Council Highway Authority), Angie Howell (Democratic Services Officer) and Sarah Lees (Democratic Services Officer)

Councillors

Online

J Buczkowski

51 APOLOGIES AND SUBSTITUTE MEMBERS (03:37)

Apologies were received from Cllr S Clist who was substituted by Cllr D Wulff.

52 PUBLIC QUESTION TIME (04:00)

Robert Theed referred to Application 23/00636/FULL)

Q1. Why was the Public Health comment from July 13th not mentioned in the officers report. This comment includes important information regarding the expected background noise level in rural locations, which is contrary to that of the Noise Report. Specifically the following sentence:

“We know that in remote rural areas the background noise level during the evenings and into the night is around 18-22dBa, not the assumed 25-30dBa in the report.”

The latest Noise report did amend the assumed noise level to 20-25dB, but this is still contrary to those from Public Health. Whilst there is an overlap between the noise report and those stated by Public Health, it is the high estimate of 25dB that the Noise report uses in its assumptions on expected sound levels above background which lies outside those stated by Public Health.

The assumed level of sound attenuation (insulation) of the barn used in the Noise Report analysis are “likely to be limited to circa 5-10dB.” However it appears to be the maximum level of 10dB that is used in subsequent calculations to arrive at the final sound level at the sensitive receptors. In the comments from the 10th May Public Health state “building itself affords little or no noise insulation properties.” and clearly a value of 0dB is used in the calculations done as part of the 13th of July comments from Public Health. The 85dB Internal sound level limit from the latest Noise Report still results in a sound level of 33dB at the nearest sensitive receptor when using the 0dB attenuation assumption. Even at a more generous value of 5dB for attenuation which wasn't previously used by Public Health we would expect a value of 28dB at the nearest sensitive receptor. Note that at the top of the aforementioned background sound level assumption of 22dB, both of these estimates are more than 5dB above background which is the guideline limit mentioned in the Noise Report itself, specifically the following.

“The most appropriate UK guidance document for the control of music noise at events is c, produced by The Noise Council. This document states the following at Note 5 of Table 1, at Section 3.1: ‘For indoor venues used for up to about 30 events per calendar year an MNL (music noise level) not exceeding the background noise by more than 5dB(A) over a fifteen minute period is recommended for events finishing no later than 2300 hours.’”

Q2. Why were Public Health and the planning officer happy to accept the sound limit of 85dB at the venue when it clearly results in more than 5dB above background sound levels when using assumptions they themselves have stated? Specifically more likely between 6-15dB above background under those assumptions or a more than doubling of the perceived sound level at the nearest sensitive receptor.

Jo Treweek referred to Application 23/00636FULL

Q1. Horseriding is a really important local activity and access to quiet lanes with low levels of traffic is a particular feature of this area (increasingly rare) that has attracted many horseriders and equestrian businesses to base themselves here. As Chair of our local riding club (Kentisbeare Riding Club), I want to know what consideration has been given to risk of accidents when wedding guests' vehicles on assumed/ planned access routes to the venue meet horseriders on the narrow and currently quiet lanes our members are accustomed to use, as well as other local equestrian businesses, including a racing yard?

Q2. When deciding on conditions to limit disturbance, what consideration has been given to the local Serotine bat roost at Stowford. This is a priority species. Under the provisions of the Environment Act, national and local priority species and habitats should be a material consideration when determining planning applications. Has disturbance been considered at all or commented on by ecologists?

Q3. Please explain how introducing a new and significant source of noise and light pollution can possibly be considered compatible with DM22 and the need to safeguard the special features of the Blackdown Hills AONB, including peaceful enjoyment of the landscape and dark night skies? Health and safety provisions to limit noise after 11 are irrelevant in this regard.

Q4. If we are to accept un-necessary noise and light pollution affecting the AONB, shouldn't we expect strict controls on both? Where are the conditions requiring modern, downward directed lighting or restricting outside lighting, even light displays? It is concerning that we are expected to take this on trust.

Q5. For those of us who enjoy walking in the AONB, taking in the views, this building is already a disruptive element, visible from miles around, hence the level of objection. It stands out starkly on entering Kentisbeare Village and is also an obvious intrusion from most of the footpaths along the Blackdown Hills escarpment. It couldn't be more prominent, and this is without its attendant traffic, noise and light during events.

Please explain, therefore, how it is possible to conclude it is inconspicuous and should be considered innocuous in the landscape?

Q6. Given its impacts on the AONB, why is this proposal being treated as if it is a standard application, without any special consideration being given to safeguarding the AONB? In this context is not appropriate for the planning system to take tangible action to limit cumulative impacts of noise and light pollution?

Godfrey Whitehouse referred to Application 22/02374/MFUL

Thank you for the opportunity to ask a question in relation to the Dean Hill Two Tree Solar Farm application Ref 22/02374/MFUL.

I am a retired chartered engineer who specialised in energy efficiency and renewable energy.

I refer you to the short supporting comment that I submitted on 1st November. If it is not included in the reports pack, I have copies here if needed.

My question is as follows:

The Energy and Climate Intelligence Unit (ECIU) states that

"Between 24GW and 39GW of the Government's 70GW solar energy target is likely to be generated by ground mounted panels, compared to between 7GW and 22GW that is expected to be delivered by rooftop solar installations."

Would you agree that roof mounted solar cannot deliver the scale of solar energy that we require and that field scale installations such as the Dean Hill proposal are an essential part of the energy mix for tackling climate change?

Nick Smith referred to Application 23/00636/FULL

Were permission to be given for the change of use and events take place based on the restriction applied to the application, e.g. limits on number of events per year, noise levels, time limitation on noise etc., what safeguards are in place to ensure

these restrictions are adhered to, where is the onus to demonstrate the restrictions are kept to and what redress is there should the restrictions be broken?

Carrie Martindale referred to Application 23/00636/FULL

Q1: Why hasn't a proper noise survey been carried out?

All we have as residents to go on is a biased 'Noise Management Plan' that has been bought and paid for by the applicant and is therefore in favour of the change of venue going ahead; and the experience of an event held there by the applicant last summer.

I live in the hamlet of Stowford Water, 500km away from the proposed venue, and we found the wedding held at the venue during last summer extremely disruptive and an unacceptable level of noise.

Was it tranquil? No. Was it an acceptable level of noise for a family with 3 very small children? No. Would I be happy to accept this kind of noise (and possibly worse) on a weekly basis throughout the summer? Absolutely not.

The level of noise that emanated from that barn to our house was such that we could hear conversations, along with banging music.

Q2: Why is it presumed to be acceptable that local residents can put up with this level of noise up until 11pm throughout the summer months? Does this presume that we are not able to spend time in our (currently) peaceful gardens on a summer afternoon and evening? Are we not allowed to sleep with our windows open? A one-off event is one thing but the prospect of having to put up with this every weekend is heartbreaking.

Stuart McFadzean referred to Application 23/00636/FULL

Q1 Do you accept that DM9 is not met? Your report is ambiguous on this point.

Q2 We are told that DM22 sets a higher bar than DM9. What does this mean?

Q3 What features of the character and appearance of this location are relevant if we are to judge whether the proposal respects them?

The proposal affects the AONB. The Blackdown Hills Partnership reminds us that tranquillity and remoteness of the AONB are some of the special qualities for which it was designated.

Q4. Is the tranquillity of the setting of this proposal a relevant aspect of the character of this location and therefore an aspect of its character that must be respected in order for DM22 to be satisfied?

Q5. What acoustic numeric parameters define tranquillity?

Q6. Do these parameters have the same value at 9 pm, 10 pm, 11 pm and 12am?

Q7. Do the noise conditions recommended by your public health team ensure that Tranquillity is measurably achieved?

Q8. If Tranquillity cannot be measurably achieved, how is it to be respected? How can this be conditioned and enforced? Your plan requires this if DM22 is to be met.

Para 4.91 supporting Policy DM27 Protected Landscapes states that 'Development should not in any way undermine the special qualities that led to the designation of this landscape as AONB. We thus therefore have the requirements to promote (DM9), respect (DM22) and not in any way undermine the special qualities (DM27) of the place in which this building sits.

Q9. How do you judge if the special qualities of the AONB are not in any way going to be undermined by this development if your report provides you with no analysis of this question.

Q10. Is the Vision in your local plan material to the determination of this application?

Q11. Your Vision requires you to 'maintain attractive countryside'. What are the attractive features of this countryside location and how does this proposal maintain them?

Q12. Do the attractive features of this location include this shed?

Your Vision requires you to 'ensure that social and environmental benefits of development are optimised'.

Q13. Could a development in this location that harms the special qualities of the AONB have optimal environmental benefits?

Q14. Could a development that harms successful neighbouring businesses have optimal social benefits?

Q15. Could a development that diminishes the integrity of the asset of the AONB for future generations have optimal social benefits?

Policy S1k requires that landscapes including the Blackdown Hills AONB are protected and enhanced and that there is no noise or visual harm to the natural environment.

Q16. Does this proposal cause no noise or visual harm to the natural environment?

Q17. Does this proposal cause some noise or visual harm to the natural environment?

Q18. Policy S1h requires good sustainable design that respects local character, heritage, surroundings and materials. What design features of this proposal satisfy these requirements? Are these features 'good'?

Q19 How are the Design Principles of DM1 met when DM 9 is not met?

Justin Gillett – referred to Application 23/00636/FULL

I have heard that there will be measures put in place to stop noise beyond 11pm.
How will this be policed effectively?

The Chair advised that the questions would be answered during the application.

53 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (24:56)

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

54 MINUTES OF THE PREVIOUS MEETING (26:00)

The minutes of the previous meeting held on 8th November 2023 were agreed as a true record and duly signed by the Chairman.

55 CHAIRMAN'S ANNOUNCEMENTS (26:20)

The Chair congratulated Angharad Williams, Development Management Manager in being shortlisted for the "Inspiration Leader of the Year" National Award by the Royal Town Planning Institute.

56 WITHDRAWALS FROM THE AGENDA (27:08)

There were no withdrawals from the Plans List.

57 THE PLANS LIST (27:24)

The Committee considered the application in the *Plans List.

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

- a) 23/00523/HOUSE - Erection of two storey extension at 10 Willow Walk, Crediton, Devon.

There being no discussion on this item it was **RESOLVED** that planning permission be granted subject to conditions.

(Moved by the Chairman)

- b) 23/00636/FULL - Change of use of barn to wedding/events venue and retention of access track at Land and Buildings at NGR 307827 108901, Pirzwell Ponds, Kentisbeare.

The Principal Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The proposed development was for the change of use of agricultural barn to wedding/events venue and retention of an access track.

- The site was in the open countryside approximately 300m outside of the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and 1km from the village of Kentisbeare.
- The Application was called in by Cllr A Glover to assess the impacts on noise, traffic and visual impacts.
- Car parking had been provided which met the requirements of Policy DM5 and the Highways Authority. Planting was considered to screen the parking area however as there would only be 25 events per year the car park would rarely be used and it was felt that this would detract from the open nature of the landscape.
- A revised Noise Management Plan had been received which Public Health were satisfied with.
- The number of events had been restricted to 25 per annum, prevented music after 11pm, prevented amplified music outside and it was stated that the barn must be vacated by midnight.
- Fireworks or camping would not be permitted.
- There were no physical changes proposed to the building and given the constraints of the Noise Management Plan, the character of the AONB was also considered as protected.

In response to the public questions the Principal Planning Officer answered as follows:-

There were numerous related questions which have been grouped together to give answers.

Question on DM9/DM22

There was a difference between positively contributing to the area's character and not being harmful, it was considered that whilst the building was not necessarily positive, it was neutral and not harmful. There was some policy conflict with DM9 due to this but officers consider DM22 it more relevant and sets a higher bar for development by requiring a business plan for example. We therefore considered that the balance weighs in favour of granting permission.

Question about the vision of the Local Plan and whether the development maintains an attractive countryside and protects landscapes

As set out in the officer report, officers were satisfied that this was the case.

Similarly, questions on visual impact and design

The building was already in situ and there were no physical changes proposed, officers were satisfied that the proposal would not result in a significantly adverse visual impact.

Question on features of the area/AONB

The impact upon the AONB had been considered despite the site not actually being within the AONB area and this was addressed in detail in the officer report and in the AONB Officer comments.

The site was outside of the AONB but the features including the tranquillity of the area and dark skies had been considered hence the conditions relating to noise assessments and external lighting.

There was a question about what acoustic parameters define tranquillity, this was not objectively defined in the policy by decibel levels or similar.

Question on enforceability of conditions

Officers were satisfied that the conditions met the tests set out in the National Planning Policy Framework (NPPF). There was a question about who the onus was on to demonstrate compliance with the conditions and the wording of the conditions puts the onus on the applicants but the Local Planning Authority would have the ability to make checks.

Question about traffic and the highway network including impact on horse riding

The Highway Authority were satisfied that the development was acceptable in terms of impacts on the local highway network. The conditions had been used to secure visibility spays and the transport assessment.

Question on working with the Parish Council

The Parish Council and public were consulted on the application and the comments had been taken into account.

Question on ecology and lighting

There was a condition ensuring the development proceeds in accordance with the ecology survey which was undertaken by a suitably qualified ecologist and as mentioned before there was a condition controlling any external lighting.

Why was Public Health's comment of 13th July not in the report?

This was a mistake on my part, it was missed because the comment did not pull through on our system but the comment is publically viewable on the portal. However, the most recent Public Health comments were in the report.

Specific question about the decibel levels within the noise report and the credulity of the noise report

From the Planning Officer perspective, we were guided by the relevant qualified professionals in these departments and note that Public Health had no objections.

The Public Health Officer also advised the following:-

- A Noise Management Plan was submitted by the applicant which was scrutinised by Public Health.
- The Environment Health Team would be the first port of call should there be any complaints.

The County Highways Officer advised the following:-

- There was little difference between a Transport Assessment and a Transport Statement but an Assessment was generally more detailed and used for major schemes.

Consideration was given to:

- The number of car parking spaces that would be required.
- Noise management and possible insulation of the barn or screening to reduce the noise.
- The traffic impact due to the increased vehicles attending each event.

It was therefore **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr F J Colthorpe and seconded by Cllr G Cochran)

Reason for the Decision – as set out in the report.

Notes:-

- (i) Katie Parsons spoke as the Objector.
 - (ii) Mr Webber and James Webber spoke as the Applicant.
 - (iii) Cllr Edd Southerden spoke on behalf of Kentisbeare Parish Council.
 - (iv) Cllrs J Poynton, A Glover and C Connor spoke as Ward Members.
 - (v) Cllr B Holdman declared he had received correspondence.
- (c) 23/01141/FULL - Variation of condition 13 of planning permission 22/00868/MFUL (Removal of condition 13 of planning permission 17/01142/FULL - further noise assessments) relating to the submission of a noise assessment at Land at NGR 299621 112764 (Red Linhay), Crown Hill, Halberton

The Principal Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The proposed development was for the variation of condition 13 which required a noise assessment to be submitted.
- Initially the applicant sought to remove Condition 13 entirely but through negotiations with the applicant it had been agreed that the condition wording be varied.
- The LPA and applicant did not agree to the exact wording of the condition but it was down to the LPA to impose conditions where necessary.
- There was some disagreement about the exact wording of the condition.
- The conditions gave the applicant one month to submit a Noise Assessment.

Cllr G Duchesne read out questions from a member of the public which the Case Officer answered by explaining:-

- Officers were satisfied that the suggested conditions met the six tests of planning conditions as set out in the NPPF.
- If a complaint was submitted then the Enforcement Team would investigate if the time limits had not been adhered with and action could be taken.

- In this particular case the Case Officer would check if the noise assessment had been submitted.
- If details were to be submitted to discharge the conditions, they would be publically viewable on the portal under that application.

It was therefore **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr F Letch and seconded by Cllr G Duchesne)

Reason for the Decision – as set out in the report.

Notes:-

- (i) Cllr G Duchesne spoke as the Ward Member.
 - (ii) Cllr M Jenkins arrived at 16:35.
- (d) 02374/MFUL - Construction and operation of a solar photovoltaic (PV) farm together with associated works, equipment and infrastructure at Land at NGR 301974 110937, Dean Hill Road, Willand.

The Area Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The site measured 60.37ha and comprises agricultural land near Dean Hill Road, Willand with the village of Halberton located approximately 1.3km to the west of the site.
- A site visit was undertaken on 14 November 2023.
- Queries and issues had been raised through the application process all of which had been addressed.

Susan Grant a member of the public asked if a site visit had been arranged for Members.

The Area Planning Officer confirmed that a site visit had recently taken place by all Members of the Planning Committee.

It was therefore **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr R Gilmore and seconded by F Letch)

Reason for the Decision – as set out in the report.

Notes:-

- (i) Nicola Whittingham spoke as the Objector.
- (iii) Max Lomax, Low Carbon spoke as the Applicant.
- (iv) Cllr A Glover spoke as the Ward Member.
- (v) Cllr B Holdman declared he had received correspondence.

- (vi) Cllr F Letch declared he was a member of the Devon Wildlife Trust.
- (vii) Cllr G Duchesne declared she was a member Halberton Parish Council.
Cllr F J Colthorpe declared she had received various emails.
- (viii) Cllr G Duchesne abstained from voting.

58 **MEETING MANAGEMENT (03:02:47)**

The Chair announced that the Committee would be discussing Item 11 on the agenda next.

59 **PERFORMANCE DASHBOARD (03:02:58)**

The Corporate Performance and Improvement Manager provided the Planning Committee with a verbal update on performance for Quarter 2.

The information presented was **NOTED**.

60 **TREE PRESERVATION ORDER - 23/00003/TPO - STRATHCULM ROAD, HELE, DEVON (03:05:30)**

The Committee had before it a *report presenting the Tree Preservation Order (TPO) 23/00003/TPO for land at Strathculm Road, Hele, Devon. Devon

The Arboricultural Officer outlined the contents of the report by way of a presentation which highlighted the site location plan and photographs of the site and the tree. He also outlined the following:-

- The Tree Preservation Order (TPO) was for 1 copper beech tree.
- This was requested from the Hele Conservation Society following the recent sale of land.
- The tree was growing within a green space on the corner of Station Road and Hele Road and was very visible when approached from both directions.
- An objection had been received from the land owner as the land had recently been sold free of TPOs.
- The points raised in the objection were not sufficient to outweigh the contribution from the tree.

It was **RESOLVED** that: the Tree Preservation Order be confirmed.

(Proposed by Cllr F Letch and seconded by Cllr F J Colthorpe)

Reason for the Decision – as set out in the report.

Notes:-

*Report previously circulated copy attached to the minutes.

- (ii) Jonathan Hall spoke as the Objector.

61 MAJOR APPLICATIONS WITH NO DECISION (PART B 16:39)

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

The Committee agreed that:

- (i) Application 23/01406/MFUL, Land at NGR 271242 108982 (South Of Nymet Mill Farm), Nymet Rowland to remain as determined by Committee.
- (ii) Application 23/01440/MOUT, Land at NGR 304098 107284, Newlands Farm, Cullompton Devon to be determined by Committee and a Committee site visit to be arranged.
- (iii) Application 23/01446/MFUL, Ashmoor Stud Ashfields, Stoodleigh Tiverton Devon, EX16 9QF to remain as delegated.
- (iv) Application 23/01351/MFUL, Land at NGR 304444 114510, North of A361, Junction 27 Westleigh, Devon to remain as determined by Committee.

Note: *List previously circulated, copy attached to the minutes.

62 APPEAL DECISIONS (PART B 22:38)

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

Note: *List previously circulated, copy attached to the minutes.

(The meeting ended at 5.44 pm)

CHAIRMAN

MINUTES of a **MEETING** of the **LICENSING COMMITTEE** held on 1 December 2023 at 10.30 am

Present

Councillors

J Cairney (Chairman)
A Cuddy (Vice Chairman), C Adcock,
D Broom, F J Colthorpe, L J Cruwys,
J M Downes, M Farrell and L G J Kennedy

Apologies

Councillor(s)

J Frost

Also Present

Officer(s):

Deborah Sharpley (Legal Services Solicitor), Harriet Said (Team Leader (Commercial), Public Health), Alan Drake (Specialist Lead (Licensing)) and Angie Howell (Democratic Services Officer)

Councillors

Online

S Chenore, G Westcott

9 APOLOGIES AND SUBSTITUTE MEMBERS (04:23)

Apologies were received from Cllr J Frost and Cllr S Chenore attended as his substitute online.

10 PUBLIC QUESTION TIME (04:43)

There were no members of the public present and no questions were asked.

11 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (05:18)

There were no declarations of interest received.

12 MINUTES OF THE PREVIOUS MEETING (05:44)

The minutes of the 30th June 2023 were **APPROVED** and signed by the Chairman.

13 LICENSING UPDATE REPORT (06:12)

The Committee had before it, and **NOTED**, the Service Update.

The contents of the report were outlined by the Team Leader, Commercial, Public Health and highlighted the following:

- The report provided an overview of the activity carried out by the Licensing Team during the first half of 2023/2024.
- Mid Devon District Council had a total of 406 licensed premises under the Licensing Act 2003. During quarter 1 and 2 of this year the Licensing Team dealt with applications from 10% of the total number of licenced premises in the District.
- The Service had received a large number of Temporary Event Notices (TENs), totalling 225 in first two quarters of the year.
- Discussions had taken place with organisers of the Mid Devon Show, who were looking at the option to apply for a premises licence for the whole site rather than continuing with multiple TENs.
- 15% of the TENS received were for the Mid Devon Show.
- Licensing Officers had conducted 15 inspections of licenced premises resulting from complaints or information received that indicated a non-compliance.
- There had been 1 application considered during the first half of 2023/24 by the Licensing Sub-Committee. The Hearing outcome was removal of the Designated Premises Supervisor (DPS) and a period of suspension during a weekend in October 2023. A new DPS was now in place.
- Due to an amendment in the Statutory Guidance, all new applications had to consider the potential of a terrorist event taking place.
- Following a consultation, the Government had now commenced a number of changes to the late-night levy.
- Provisions in relation to pavement licences in the Business and Planning Act 2022 had been extended by regulations until 30 September 2024.
- A review of the Licensing Policy occurred every five years and this would be coming in the next 12 months.

Consideration was given to:-

- Public safety around spiking drinks and a request from the Committee to invite Top Stoppers to give a presentation at a future meeting.
- The obstruction of pavements and the effect upon people with sight problems when café's place tables on the pavements and businesses place A Frames outside with a request from the Committee for an update on legislation at the next meeting.
- Writing to the premises involved in the application above to confirm the weekend that it closed in October 2023.

Note: * Report previously circulated.

(The meeting ended at 10.59 am)

CHAIRMAN

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 1 December 2023 at 11.30 am

Present

Councillors

J Cairney (Chairman)
A Cuddy (Vice Chairman), C Adcock,
D Broom, F J Colthorpe, L J Cruwys,
J M Downes, M Farrell and L G J Kennedy

Apologies

Councillor(s)

J Frost

Also Present

Officer(s):

Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Deborah Sharpley (Legal Services Solicitor), Harriet Said (Team Leader (Commercial), Public Health), Alan Drake (Specialist Lead (Licensing)) and Angie Howell (Democratic Services Officer)

Councillors

Online

S Chenore, A Glover and G Westcott

9 APOLOGIES AND SUBSTITUTE MEMBERS (03:38)

Apologies were received from Cllr J Frost and Cllr S Chenore attended as his substitute online.

10 PUBLIC QUESTION TIME (03:54)

There were no members of the public present and no questions were asked.

11 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (04:03)

There were no declarations of interest received.

12 MINUTES OF THE PREVIOUS MEETING (04:17)

The minutes of the 30th June 2023 were **APPROVED** and signed by the Chairman.

13 **REGULATORY UPDATE REPORT (04:49)**

The Committee had before it, and **NOTED**, the Service Update.

The contents of the report were outlined by the Team Leader, Commercial, Public Health and highlighted the following:

- The report provided an overview of the activity carried out by the Licensing Team during the first half of 2023/2024.
- Mid Devon District Council currently had 125 licensed vehicles within the District and 134 licensed drivers.
- The Licensing Team were currently working with a new operator who would bring more than 40 drivers and over 70 vehicles across from Exeter. This would include 9 wheelchair accessible vehicles.
- A total of 45 taxi inspections were carried out in the first half of the year.
- There were currently 41 animal related licences within the District.
- Animal welfare inspections for the granting of licences were carried out by a contractor. However, a Licensing Officer was currently undertaking the qualification and the taught component of this course would be completed by December 2023 followed by a period of experiential learning. This would enable the Licensing Team to deliver inspections in the future.
- There were 45 Mobile Home Sites across Mid Devon, 30 of which were touring sites.
- New legislation in 2021 required a fit and proper person to manage sites where there were permanent residential pitches. The Licensing Team were currently re-engaging with site owners to ensure that all site owners had identified a fit and proper person to manage the site.
- There were currently no timetable for the new non-surgical cosmetic licensing provisions to come into force.
- The new Health and Care Act received royal assent on 28th April 2022. Practitioners would now need to be licensed to perform specific procedures and the premises from which they operate would also need to be licensed. This was likely to impact on the service when the new licensing framework was rolled out.
- The Regulatory Sub-Committee held 2 Hearings in the first half of 2023/24.

Note: * Report previously circulated.

14 **HACKNEY CARRIAGE AND PRIVATE HIRE (TAXI) POLICY UPDATE (21:48)**

The Committee had before it and **NOTED**, a report for the Hackney Carriage and Private Hire (Taxi) Policy Update.

The contents of the report were outlined by the Team Leader, Commercial, Public Health and highlighted the following:

- That Members of the Regulatory Committee consider the draft proposed policy document.

- That Members of the Regulatory Committee authorise for a formal consultation of that draft proposed policy for a period of 3 months from January 2024.
- There had been, since drafting the proposed policy, significant changes in terms of guidance to local authorities that had not taken into account the proposed policy. These changes would be addressed in the consultation documents.
- It was proposed that a three month consultation be carried out with individuals and organisations starting in January 2024.
- As part of the consultation there would be separate engagement sessions with Members and the trade.
- Following the consultations the changes would be reported back to the Regulatory Committee for further consideration in Spring 2024.

Consideration was given to:-

- The fact that the Council had an aging taxi fleet the majority of which were registered prior to new standards on emissions.
- Alternative ways to power vehicles without using fossil fuels and to reduce emissions.
- The impact of increased training and additional requirements on the taxi trade from a costs perspective and the need to consider public safety.
- The aspiration of having taxis available 24 hours a day.

The Committee **APPROVED** a formal consultation of the draft proposed policy for a period of 3 months from January 2024.

(Proposed by Cllr F J Colthorpe and seconded by Cllr J Cairney)

Notes: (i) * Report previously circulated.
(ii) Cllr G Westcott left the meeting at 12.00.

(The meeting ended at 12.08 pm)

CHAIRMAN

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Mid Devon District Council STANDARDS TASK & FINISH GROUP (Council Procedure Rules Review)

Findings and Recommendations Report

Executive Summary

1. The Task & Finish Group recommends to the Standards Committee (for recommendation onto full Council) that the following amendments be made to the Constitution:
 - (a) The Council Procedure Rule 25.2 be suspended to allow the following amendments to be made to the Constitution at its next meeting.
 - (b) Subject to any further changes to recommendations (c), (d) and (g) below, the Council Procedure Rules be amended as outlined in Appendix B to this report.
 - (c) The Council Procedure Rules regarding Member Questions be amended as set out in Appendix B Rule 10.
 - (d) The Council Procedure Rules regarding Public Questions be amended as set out in Appendix B Rule 8.
 - (e) Members' Business remain on full Council but Members be asked to take account of the guidance on its use set out in this report at paragraph 4.4.
 - (f) The requirement for the Planning Committee to consider an Implications Report (if it proposes to determine an application contrary to policy and officer recommendation) before decision confirmed, be removed.
 - (g) The rules on Substitute Members be amended so that trained substitutes may come from any group where there is no other trained Member in the permanent Members' political group.
 - (h) The practice at full Council for Chairs to have to read out minutes of each committee (including PDGs and Cabinet) be stopped.
2. The Task & Finish Group recommends to the Standards Committee (for its resolution) that Motion 577 not be supported.

Report Detail

1. Introduction

- 1.1 The Task and Finish Group ("T&FG") was set up by its parent Standards Committee on 9 February 2022 to review the Council's Procedure Rules ("CPRs"). All group leaders¹ and a Standards Committee representative were appointed to the T&FG. The Group has been chaired by Cllr Eginton.

¹ Cllr Eginton (Conservative) April to May 2022 and Chair of T&FG; Cllr Deed (Independents Group); Cllr Evans (Conservative) Feb to April 2022; Cllr Clist, Deputy Leader (Lib Dems); Cllr Lloyd (Greens); Cllr Warren (Non Aligned Group)

- 1.2 The CPRs are set out in the Constitution Part 4, Section 1². Although the CPRs were the focus, the Panel noted that there are various other procedure rules covering different meetings and processes for the Council's member decision making and also that some matters raised for consideration did not form part of the CPRs. Consequently it has commented on procedural matters beyond the CPRs where it considered appropriate to do so without detracting from its terms of reference³.
- 1.3 The group also sought the views of other Members. The Chair of the Planning participated in the discussion on proposed changes to the Planning Committee. His investigations into the manner in which other councils' planning committees operated was welcome. In undertaking its review the Group also sought clarification on Motion 577⁴ from the mover of the motion⁵. Following on from the T&FG's preliminary findings on 1 April 2021, the T&FG requested that each group leader⁶ consult their own groups, to seek their group's views of the T&FG's proposed recommendations and identify any other issues for consideration. No other issues or objections were identified beyond those included in Appendix A.
- 1.4 The T&FG has considered all representations made to it before reaching its final recommendations which are set out in this report. The recommendations are supported by the Members of the T&FG unanimously with the exception of Recommendation 2 (Motion 577) which the Non-Aligned Group Leader considered should be accepted.

2. Current Council Procedure Rules

- 2.1 The T&FG noted that the CPRs cover the procedures applicable to full Council meetings but also some elements of the other committees and Policy Development Groups. Where other rules apply (being ones specific to specified committees or PDGs) these are listed below for information.

Full Council	All Council Procedure (Rules 1 to 27)
Cabinet	Council Procedure Rules 5-8, 11, 16.1 (other than 16.4 and 16.5) , 19, 20.1, 21 - 25 All Cabinet Procedure Rules (Rules 1 – 3)
Scrutiny	Council Procedure Rules 4 – 8, 11, 16.1 (other than 16.4 and 16.5), 19, 20.1, 21 - 25 Scrutiny Committee, Audit Committee, Standards Committee and Policy Development Group Procedure Rules (1 - 3, 5 – 7, 10 - 21, 23 – 26)
PDGs	Scrutiny Committee, Audit Committee, Standards Committee and Policy Development Group Procedure Rules (1 - 2, 4 - 6, 8, 10, 12, 14 - 15, 18, 22, 23)
Audit	Scrutiny Committee, Audit Committee, Standards Committee and Policy Development Group Procedure Rules (1 – 2, 5 – 6, 8, 10, 12, 14, 26)
Standards	Scrutiny Committee, Audit Committee, Standards Committee and Policy Development Group Procedure Rules (1 - 2, 5 - 6, 9 – 10)
Planning	Council Procedure Rules 5-8, 11, 16.1 (other than 16.4 and 16.5) , 19, 20.1, 21 – 25

² See [Constitution - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/constitution)

³ Agenda for Standards Committee on Wednesday, 9th February, 2022, 6.00 pm - [MIDDEVON.GOV.UK](https://www.middevon.gov.uk/standards-committee)

⁴ A Motion "to improve public accountability and to address the inequality of rights of Members of the Council, when compared to members of the public. This Council resolves that: When an enquiry is made by a Member at any formal meeting (verbally, or in writing) and a substantive answer is not given at that meeting, a written response shall be sent to the enquiring member within 10 days. Wherever possible, any written questions submitted in the absence of the Member shall be submitted in advance of the meeting, but a failure to do so will not invalidate that enquiry. A copy of the question(s) and answer(s) will be circulated to members of the committee (or Full Council) and will also attached to the minutes".

⁵ See Appendix A

⁶ This includes the Deputy Group Leader for the Liberal Democrats.

- 2.2 The T&FG recognised that as a whole the CPRs were not always easy to follow and that in itself had created some confusion in the rules as was apparent in the Scrutiny Committee in February 2022. The rules have developed overtime and in response to for example ad hoc amendments having been made overtime whether by individual motions or organisational or legislative changes which did not take account of other rules, some inconsistencies and gaps have crept into the CPRs. Consequently, on considering all the rules, the T&FG concluded the rules should be redrafted in their entirety as set out in Appendix B. With the exceptions set out below, the amendments do not materially change the existing rules. It is considered that the redraft serves to make the rules easier to follow by for example use of sub-headings, more consistency in wording and grouping of issues.
- 2.3 As indicated above, the T&FG also considered in detailed parts of the rules which have raised particular concerns in recent times. Amendments to these rules were highlighted to the political groups. Should any of these recommendations of the T&FG not be resolved, the Monitoring Officer will make appropriate amendments to Appendix B.
- 2.4 For completeness, the T&FG is aware that the Council's current Procedures Rules do not allow amendments to be made without such having been moved and stood adjourned (without discussion) to the next ordinary meeting of the Council⁷. This rule seeks to avoid ad hoc amendments being made 'on the hoof' to the CPRs. However, in instances where the changes have been fully considered in advance (as in the current case), this rule simply delays the Council's decision making. To avoid this unnecessary delay, it is therefore recommended that the relevant CPR be suspended for the meeting of full Council. As this technical requirement is an example of where the rules serve no useful purpose, the redraft of the CPRs in Appendix B accommodates an amendment to the relevant rule to ensure that future proposed CPR amendments which have been the subject of detailed consideration by the Standards Committee (as the committee responsible for overseeing the Constitution) there is requirement for the moved amendment to stand adjourned⁸.

Recommendation 1(a): The Council Procedure Rule 25.2 be suspended to allow the following amendments to be made to the Constitution at its next meeting.

Recommendation 1(b): the Council Procedure Rules be re-drafted as outlined in Appendix B.

3. Members' Questions

- 3.1 The T&FG reflected on the current rules in response to some, albeit limited, concerns about Members' ability to raise questions in Cabinet and / or that the public had more rights than Members to ask questions of a committee or the Cabinet. It also considered the specific representations by the mover of

⁷ Existing CPR 25.2

⁸ See Appendix B at Rule 20.2

Motion 577 which Council had referred to the Standards Committee for consideration.⁹

- 3.2 The group appreciated from the detailed advice sent to all Members¹⁰ in February 2022 that all Members are entitled to speak at full Council; all Members may at full Council ask questions in line with the existing CPR 13; and that councillors who were not members of a particular body did not have any general rights to speak (or therefore ask questions) but could seek the Chair's agreement to do so. It was noted that in addition, Cabinet members could attend Scrutiny Committee meetings where their decisions were 'called in', for the purpose of explaining the decisions under review (but could be asked by the committee to leave¹¹); and when a PDG is considering policy development and review matters, again given their role, relevant Cabinet members were (and should be) allowed to speak¹².
- 3.3 It was also noted that the provisions regarding non-member requests of chairpersons to "speak" proceed on the basis that the questioner is present at the meeting. It was recognised that the public had a right to ask questions only if they were present (remotely or in person) at meetings. Similar to Members' position, in their absence, the public could ask the Chair to read out their question, but the Chair was not required to do so.
- 3.4 The group appreciated that as Members are appointed by their groups to committees (or in the case of ungrouped members direct), as a result of a resolution of full Council, it followed that they only had rights to speak (and vote) if they were appointed to that particular body. If that were not the case, potentially all Members would be able to participate in all committees, potentially creating full Council style participation but for the absence of a right to vote.
- 3.5 After considering the various views on the matter, the T&FG concluded that the existing provisions were largely appropriate. The T&FG were satisfied that non-members' involvement in meetings should remain a matter for Chair's discretion. In response to concerns in the Motion about Member Questions not always being answered in public at meetings, the group considered that it would be helpful to extend the advance notice requirement by one working day – this is currently included in the relevant redrafted rule.

Recommendation 2: Motion 577 regarding Member Questions not be accepted.

Recommendation 1(c): Council Procedure Rules regarding Public Questions be amended as set out in Appendix B Rule 10.

4. Public Questions

- 4.1 The T&FG considered that the right of the public to ask questions (as was the case at full Council) should not be extended to all meetings as proposed. This view was formed because (with the exception of Planning

⁹ See Appendix A Document 1

¹⁰ Letter from MO to all Members dated 11 Feb 2022

¹¹ Existing Committee Procedure Rule 19(h)

¹² Existing Committee Procedure Rule 18(a)

Committee) the excluded committees were limited to those performing a quasi-judicial function (i.e. licensing and standards subcommittee hearings).

- 4.2 The group noted from research undertaken by the Planning Chair and experience across the country, that it was not common place to have public questions at Planning Committee. Instead, as was most often the case for planning committees, interested parties had a specific right to speak. It was noted that the additional 'public question time' right potentially prejudiced planning applicants and prolonged meetings. The rights were only available to residents or businesses based in the district, thereby not open to applicants who were looking to develop in the district for the first time. Further the rights were mainly used by objectors to make lengthy representations where questions were simply added at the end of speeches, thereby prolonging meetings; with 'questioners' using the opportunity to cover points that should have (or had already) been made by them in the course of the statutory consultation period. In support of retaining public questions for Planning Committee, the group noted that on occasion new points were raised by members of the public, but the main advantage of retaining public questions was that the committee was seen to listen to the public and take account of their views on policy and material planning considerations before planning applications were determined.
- 4.3 More generally, it was also recognised that it was often impossible for the Chair (to whom questions were in fact directed and should respond) and difficult for officers (who often answered for the Chair) to answer public questions in committee if advance notice had not been given of the questions.
- 4.4 After considerable debate (and a change from its preliminary view) the group considers that the Council should retain public questions at Planning Committee, with some changes to help address the understandable concerns and improve the use of public questions in the decision making process as well as to effectively engage the public in council work. The proposed redraft of the rule (see Appendix B Rule 8) seeks to improve the general understanding of the rules in the interests of transparency and openness. Further, to help ensure questions can more likely be satisfactorily answered in public at meetings, it recommends that the informal requirement for advance notice of questions from the public be formalised. In response to concerns about how questions have been used in Planning Committee, although it first concluded that there should be a limit to the number of words to 100, to avoid questions becoming lost in a lengthy submission as is currently prevalent in Planning Committee particularly by objectors to planning applications, on reflection it didn't consider such would assist.

<p>Recommendation 1(d): Council Procedure Rule regarding Public Questions be amended as set out in Appendix B Rule 8.</p>
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5. Members' Business

- 5.1 Some concerns had been expressed about the use of Members' Business (a standard item on full Council agendas) to make comments which were for example, misleading at others' expense nor matters over which the Council had powers, knowing that there was no right to discuss or respond to the points made at the meeting. It was also noted that overtime such a standard agenda item at full council meetings had become less common place amongst councils.
- 5.2 In terms of considering why the item should remain, the group recognised that the item provided an opportunity for Members to raise good news and points of general public interest; and further that the provisos (e.g. time limits, number of questions, exclusion of matters already covered at the same meeting) were there to ensure that this standard agenda item was manageable.
- 5.3 The group concluded that with some informal guidance for Members from the Monitoring Officer and 'firm and fair' chairmanship, concerns raised about the potential misuse of Members' Business would be sufficient but the matter would be kept under review.
- 5.4 In considering what to include in that guidance the following points are considered relevant, particularly given that there is no right to respond at the time to comments even ones which may inadvertently or otherwise amount to a breach of the Code of Conduct (e.g. by bringing the office or Council into disrepute).
- (a) The ambit of Members' Business is set out in the Council's Procedure Rules.
 - (b) Members may together use the time permitted, to each make (only) one statement or raise one question, lasting no more than two minutes each.
 - (c) Members' Business can only be included on the full Council agenda for up to 15 minutes in total and so no-one group of Members should seek to monopolise that time – the Chair may for example use his discretion to select which Members may speak in that time or stop Members who misuse the agenda item.
 - (d) Each statement / question may only concern a matter over which the Council has powers or duties or which affects the District; and has not been otherwise before the Council for consideration at the same meeting.
 - (e) The topics which may be covered in the relevant statement or question is wide. However the key thing to note is that the matter concerns council business not personal or political group business.
 - (f) The use of Members' Business must be compatible with other parts of the Constitution in particular the high standards of conduct expected of elected members. Members must not for example bring the Council into disrepute or be disrespectful to others.
 - (g) Whilst ensuring that the item doesn't turn into a debate in itself, the Chair may exercise his discretion to rule that inappropriate

comments be withdrawn by the relevant member, an apology given to the Council, or for a short point of correction or clarification to be made in response.

Recommendation 1(e): Members' Business should remain on full Council agendas but Members be asked to take account of the guidance on its use in paragraph 4.4.

6. Planning Committee Procedures

- 6.1 The following procedural matters specific to the Planning Committee whilst outside of the CPRs were identified for consideration during the T&FG's meetings:
- (a) Value of public questions with separate public rights to speak in committee given quasi-judicial role of Planning Committee;
 - (b) Value of implication reports;
 - (c) Potential conflict between ward member vs committee planning interests;
 - (d) Concerns about length of meetings and how meetings might be more concise without adversely affecting quality of decision making.
- 6.2 Item (a) was raised due to concerns about the procedures applicable to planning committee meetings. As noted in Section 4 above, the appropriateness of retaining Public Questions (given the specific public speaking rights at committee) were considered in detail.
- 6.3 Turning to item (b) the group had experience of the use of Implications Report in Planning Committee, which sought to provide a cooling off period for the committee to reflect on the grounds for determining an application contrary to policy and officer recommendation before a decision was confirmed. It did not form part of the CPRs but was a well-established process at the Council. It was reported that in practice particularly in the last 12 months or so, the reports had only delayed decision making and the committee had not changed its view, it being considered as a result by the senior planning officers and committee that there was no value in continuing with the practice. The members of the group noted with appropriate advice that it was reasonable to expect the costs implications to be advised upon and considered reasons to be identified by the advising officers and the committee at the meeting when applications are debated. Furthermore the group noted that in the event that it emerged subsequently that there is no reasonable prospect of the appeal being successfully defended, a further timely committee report may still be requested by the committee to help minimise the costs' risks.
- 6.4 Regarding (c) it was highlighted that members of the Planning Committee were undertaking a quasi-judicial role, rather than a ward representation role. There would often be conflicts between those roles (e.g. where planning policy supported a development but local residents who the member was duty bound to represent, objected). This had been evident on

several occasions at the Council. In response to such, it was noted that some authorities discouraged or prevented such Members from voting in planning committees. Such Members instead spoke as ward members, having a specific time allocated to them to do so before the committee debated the application and did not participate as a committee member. Concern had also been raised that ward members who were not members of the committee were prejudiced by not being a member of the committee, as they had less rights (to speak) on an application than committee members, therefore prejudicing their residents in comparison to those residents whose member was on the committee.

- 6.5 Although the T&FG recognised the clear case for changing the rules, it considered that Members fully appreciated the potential for conflict and the requirement in the Code not to use their position to improperly advantage or disadvantage another. Consequently, it was considered that such was sufficient to ensure that all members of the committee upheld their overriding responsibility to promote district planning interests above their local ward interests when sitting on the Planning Committee. In conclusion the group did not consider any change was needed.
- 6.6 The group touched upon a variety of other changes that might help cut down on the length of meetings where such did not prejudice the quality of the debate in Planning Committee. These included use of 'call in powers' of Members and the number of deferrals arising from the view that substantive information was not provided in sufficient time for Members to consider such or new information was needed to address concerns raised in committee. These matters were ones which concerned the operation of planning process and have not as such been considered by the T&FG. Whilst noting some issues with the current delegation to the Development Management Manager and Director of Place, it considers that Members would welcome a briefing by the Development Management Manager / Head of Place on the use of ward member call in of applications to committee.

Recommendation 1(f): The requirement for the Planning Committee to consider an Implications Report (if it proposes to determine an application contrary to policy and officer recommendation) before decision confirmed, be removed.

7. Miscellaneous Amendments to the CPRs

- 7.1 In considering the rules on Committee Substitutes, the group recognised that it was not always possible for members of small groups to identify a replacement where training was a requirement particularly in planning, but also other quasi-judicial committees. Consequently, the group proposes that in such instances substitutes may come from other political groups.
- 7.2 It was noted that the historic practice to present Committee and Cabinet minutes to full Council was not a specific requirement for full Council agendas. The group considered that agendas should still include all the minutes. This will ensure that questions may continue to be raised of the Chairs by Members without notice.

Recommendation 1(g): The rules on Substitute Members be amended so that trained substitutes may come from any group where there is no other trained Member in the permanent Members' political group.¹³

Recommendation 1(h): The practice of full Council for Chairs to have to read out minutes of each committee (including PDGs and Cabinet) be stopped.

10 June 2022

District Solicitor and Monitoring Officer
on behalf of the Task & Finish Group

¹³ See Appendix B Rule 3.1(b)

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 18 October 2023 at 6.00 pm

Present

Councillors

A Glover (Chairman)
F J Colthorpe, J Frost, S Keable, L Knight,
S Robinson, L Taylor, N Woollatt and
D Wulff

Apologies

Councillor(s)

M Fletcher

Also Present

Councillor(s)

G Czapiewski and Smith

Also Present

Officer(s):

Stephen Walford (Chief Executive), Maria De Leburne (District Solicitor and Monitoring Officer), David Parker (Democratic Services & Policy Research Officer) and Sarah Lees (Democratic Services Officer)

13 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Matt Fletcher who was substituted by Cllr Jamie Frost.

14 PUBLIC QUESTION TIME

Nick Quinn

Regarding Agenda Item 6 – Annual Report of the Monitoring Officer.

Paragraph 5.1 states that there were 12 complaints against Councillors in 2022/23 but none went to formal investigation.

Since nothing came of these complaints, Members might think they were petty, but this is unlikely as the formal complaints procedure is daunting and not be taken lightly.

You must provide: Your Full Name, Address, Phone Numbers and Email details.
Give details of: Who the complaint is against; What happened; Where and When; Names and Contact Details of Witnesses and any other evidence to support of the complaint.

You also have to give: The outcome you want.

You can ask that your personal details are not shared, but if the Monitoring Officer does not accept your reasons, you have to withdraw the complaint.

I see 4 of the 12 did that.

So 8 people felt strongly enough about something to risk identification and pursue their complaint formally - but not a single one made it to formal investigation.

The report says some of the complaints were about Respect, Bullying, Reputation and Communication – which raised “*important and complex questions*”, but it does not say how these were answered.

In fact there is nothing in this report about outcomes:

- no specific advice given to certain Councillors;
- no additional General Guidance or Training for all Councillors.
- no revisions to the Code of Conduct;

Nor is there anything about how the Complainant outcomes - whether they were satisfied, or not.

Q1: Will Standards Committee please consider asking for more information about the formal complaints, and their outcomes, to be included in future reports?

Q2: Will Standards Committee please consider asking for feedback information from the complainants to be included in future reports?

It was stated that these questions would be addressed during the debate under item 6 – Annual Report of the Monitoring Officer.

15 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

16 **MINUTES**

The minutes of the meeting held on 21 June 2023 were approved as a correct record of the meeting and **SIGNED** by the Chairman subject to the following context being added to minute number 9 to explain the proposed deferment:

Cllr N Woollatt **MOVED**, seconded by Cllr Mrs F J Colthorpe that this item be deferred to the next meeting so that the information needed to enable the committee to monitor and check that the constitution had been updated, could be provided.

17 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

18 **ANNUAL REPORT OF THE MONITORING OFFICER FOR 2022/23 (00:16:00)**

The Committee had before it, and **NOTED**, a report * from the District Solicitor and Monitoring Officer providing it with an overview of the preceding year.

Consideration was given to:

- Receiving information in the future regarding the breakdown of complaints, for example, the number of Town and Parish Councillor complaints compared to the number of District Councillor complaints. It was explained that whilst the

Monitoring Officer had to be very careful about what information was put into the public domain this sort of information would be useful and would help the Committee to identify trends which could help in providing other Councils with advice.

- Whether the Council just accepted the findings of investigations or whether there was an opportunity to challenge them? It was explained that the Monitoring Officer's decision was final. It was also explained that just because a case may not go forward to a formal investigation it didn't mean the complaint wasn't looked into. The Monitoring Officer is responsible for drafting decision letters and sending them through to complainants after consultation with the Independent Person. They then had an opportunity to appeal under the judicial review system and take a case through the courts should they wish.
- The grounds for a case requiring a Hearing were all set out in the Constitution, however, LGA Good Practice stated it was better to try and deal with issues informally wherever possible. A great deal of work was required for a formal investigation.
- Since current information provided to the Committee was very high level it was suggested that going into Part II would sometimes be very beneficial in order for the Standards Committee to receive more detail. The Monitoring Officer stated that she would be happy to do this if the case warranted it in future and to expand on the information supplied in addition to providing a more in depth breakdown.
- There was some concern that the Constitution had not been updated since February 2023. It was explained that the delay had been due to some resource issues and there had been a lot of amendments to update the Constitution with. However, these had now been done and the updated Constitution would be uploaded to the website in the very near future.
- It was suggested that the Committee may find it helpful to receive information regarding the 'Thresholds for Intervention' so that more could be learned about the difference types of response and action needed as a result of a complaint depending on its nature.
- An industry expert in the Standards field had recently complimented the Council on the robustness of its procedures in dealing with complaints.

RESOLVED that the Annual Report of the Monitoring Officer be **NOTED** and circulated to all Town and Parish Councils for information.

(Proposed by Cllr S Keable and seconded by Cllr D Wulff)

Note: (i) * Report previously circulated.

(ii) The member of the public asking questions in relation to this item, having listened to the debate, was content not to receive written responses as he felt the issues had been addressed.

19 **RECOMMENDATION G OF THE TASK AND FINISH GROUP (COUNCIL PROCEDURE RULES) (00:40:00)**

At the previous meeting, the Standards Committee had deferred further consideration of Recommendation G of the Task and Finish Group to this meeting.

Recommendation G had been worded as follows:

“The rules on Substitute Members be amended so that trained substitutes may come from any group where there is no other trained Member in the permanent Members’ political group”.

Discussion followed with regard to:

- A previous Motion being dismissed on the grounds of needing balance.
- The problematical nature of such a change.
- A comparison had been made with other similar council’s and all required substitution of Members from the same political group.
- The suggestion may have been helpful as regards the Planning Committee due to it needing to be apolitical but it would not be appropriate across the rest of the Council’s committees.

RECOMMENDED to Full Council that Recommendation G of the Task and Finish Group on Council Procedure Rules not be supported.

(Proposed by the Chairman)

Note: Cllr J Frost abstained from voting.

20 **MOTION 577 (00:50:00)**

At the previous meeting, the Standards Committee had deferred further consideration of Motion 577 to this meeting.

The wording of Motion 577 had been as follows:

Motion 577 (A Wilce 16.11.2021)

A Motion to improve public accountability and to address the inequality of rights of Members of the Council, when compared to members of the public.

The Council resolves that:

When an enquiry is made by a Member at any formal meeting (verbally, or in writing) and a substantive answer is not given at that meeting, a written response shall be sent to the enquiring member within 10 days.

Wherever possible, any written questions submitted in the absence of the member shall be submitted in advance of the meeting, but a failure to do so will not invalidate that enquiry.

A copy of the question(s) and answer(s) will be circulated to members of the Committee (or Full Council) and will also be attached to the minutes.

Discussion took place with regard to:

- The discussions held by the Task and Finish Group who had originally recommended that Motion 577 not be supported.

- The need to remove the word 'substantive' from the original motion given one person's 'substantive' answer might be different from another person's.
- Ambiguities involved as to when a question was a question and when it was not.
- Officers already offered to provide written responses if they did not have the answers immediately to hand during a meeting.
- A need to make the original Motion clearer.

| RECOMMENDED to Full Council that Motion 577:

(i) Be amended to read as follows:

'When an enquiry, to which an answer is required, is made by a Member at a formal meeting and an answer cannot be given at that meeting, a written response shall be sent to the enquiring Member within 10 days.

A copy of the question(s) and answer(s) will be circulated to members of the committee (or Full Council) and will also be attached to the minutes'

(ii) The Motion, as amended, be supported.

(Proposed by Cllr N Woollatt and seconded by Cllr L Knight)

Note: Cllr J Frost abstained from voting.

21 **UPDATE ON THE BOOK OF MOTIONS (01:00:00)**

The Committee **NOTED** a verbal update regarding the Book of Motions.

It was stated that discussion had taken place during the previous meeting about making the Book of Motions more accessible to the public. It was explained that it was possible to view this on the website under 'Councillors & Democracy', 'Meetings, Minutes and Agenda's' and then by clicking on 'The Library' and then 'Book of Motions'. However, this was not ideal and not immediately evident to members of the public, therefore the Modern.Gov software suppliers, Civica, had been contacted to see if there was a better way of doing this. Democratic Services were still waiting to hear from them but would continue to liaise with Civica in order to find a satisfactory resolution to this outstanding issue.

It was confirmed that the Book of Motions was now updated after every full Council meeting stating what the Council's decision had been in relation to each Motion presented to it. However, further work needed to be undertaken by the Democratic Services team in completing the additional columns which had been added showing whether or the Constitution had been updated so that a full and updated version of the document was available to the public as soon as possible after each Council meeting.

22 **COMPLAINTS (01:05:00)**

The Committee **NOTED** a verbal update from the District Solicitor & Monitoring Officer which provided an update on complaints received since 21 June 2023. A small number had been received since the last meeting with the core theme of each

falling under the 'respect' heading. To have provided any further details would have meant having to go into Part II.

23 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:07:00)

The Committee requested that the following be on the agenda for the next meeting:

- The Council's Governance Arrangements
- Code of Conduct Complaint Appeal Procedure and Guide to Making a complaint about a Councillor review
- Update on the Book of Motions
- Amendments to the Constitution following Motions approved by Council (deferred from the Standards Committee meeting of 21 June 2023)

(The meeting ended at 7.11 pm)

CHAIRMAN

Document 1

From: Cllr Ashley Wilce <awilce@middevon.gov.uk>

Sent: 21 March 2022 09:29

To: Karen Trickey <ktrickey@middevon.gov.uk>

Subject: Re: Questions re your Motion 577 to be returned by 27 March

Good Morning Ms Trickey

Please see insertions

Regards,

Cllr Ashley Wilce

TOTALLY Independent Member for Cullompton North

From: Karen Trickey

Sent: 13 March 2022 08:48

To: Cllr Ashley Wilce

Subject: Questions re your Motion 577 to be returned by 27 March

Dear Cllr Wilce

I refer to your motion *“to improve public accountability and to address the inequality of rights of Members of the Council, when compared to members of the public”* for which you requested that the Council resolve:

1. *When an enquiry is made by a Member at any formal meeting (verbally, or in writing) and a substantive answer is not given at that meeting, a written response shall be sent to the enquiring member within 10 days.*
2. *Wherever possible, any written questions submitted in the absence of the Member shall be submitted in advance of the meeting, but a failure to do so will not invalidate that enquiry.*
3. *A copy of the question(s) and answer(s) will be circulated to members of the committee (or Full Council) and will also attached to the minutes.”*

The Task & Finish Group (Council Procedure Rules) has considered your motion regarding changes to Member Questions within the context of the relevant Council Procedure Rule which of course only applies to full Council. The only point covered in your motion which has yet to be accommodated in some form within that context is the attachment of the question and answer to the minutes of full Council. The group has asked that I contact you to request that you clarify what you intended in your motion, it being recognised of course that your motion goes further than member questions at full Council given the references to *“any formal meeting”* and also *“members of the committee (or Full Council)”*.

I have set out some specific questions which might help you to explain what you intended and which will in any event assist the group’s final consideration of your motion particularly

within the context of Cabinet, PDG and committee meeting rules. Please would you let me have your response (whether to the specific queries below or otherwise) asap but no later than 27th March, so that I can consider them and relay them to the group at its next meeting on 1st April.

Questions: Regarding the application of your motion to “any formal meeting” it is understood that you are referring to public Cabinet, PDGs and committee meetings (for which unlike full Council meetings, there aren’t specific rights for any / all members to ask questions). With that in mind:

- i. *Were you primarily seeking to ensure that answers to any member questions (not substantively answered at the meeting) are attached to the minutes within 10 days (or even 10 working days)?*

Yes

- ii. *Referring to the second numbered point above in your motion, it is understood you were only referring to a question from a member who is not at the meeting. You refer understandably to (i) the question being in writing and (ii) that written question being submitted in advance of the meeting. However, you pre-fix it with only “whenever possible”. Could you explain the situations you had / have in mind where any written questions submitted by an absent member would not be submitted in advance to the Chair? If you meant something else, please explain.*

I did not want the fact that there was no 'notice' (or short notice) of the written question, to prevent that question being put, provided that it related to an Agenda item. See Q below.

- iii. *Did you intend that the member question and answer (when a substantive answer is not given at the meeting), would be attached to the minutes in all cases i.e. when a verbal question (regardless of its content) which is not on notice is raised in the meeting, rather than for example simply for written questions on notice?*

Yes, i.e. any question asked publicly, will be answered publicly, however it was put.

- iv. *Would the following wording which could be added to the existing rules which apply to Cabinet, PDGs and committee cover what you intended (noting that the group has already considered full Council rules): “when a question on an agenda matter is raised by a Member at a public meeting which cannot be substantively answered at the meeting, a written response shall be provided to the Member (and copied to all members of that committee / PDG or the Cabinet) within 10 working days by the Chairman (or such other person as he shall refer the matter) and attached to the minutes of the meeting” ?*

No - a response is not necessarily a substantive answer - a dodge that has been frequently used in the past.

If not, is there any other variation to your motion wording which you consider taking account of the points of clarification above, would better cover what you intended?

The constitution is unclear - do members have an absolute right to submit written questions in advance, or are there restrictions; if so, what are the restrictions, please?

Document 2

From: Cllr Graeme Barnell <gbarnell@middevon.gov.uk>

Sent: 11 March 2022 17:15...

Subject: Proposed rules of procedure

.... As part of the deliberations of the short life on committee procedures I'm concerned we have rules to ensure:-

1. All members have the right to speak and ask questions at all MDDC meetings at which they have right to attend including Cabinet and all policy and advisory committees.
2. Members of the public have the right to ask questions at all MDDC meetings at which they have right to attend.
3. Answers to members questions at all Committees are published either with the minutes of subsequently on the MDDC website.
4. Access of all members to place an item on the agenda of Scrutiny Committee is not diminished.
5. Rules are established that allow all members to request agenda items on any meeting to which they are entitled to attend. Ditto members of the public.

Document 3

Council Procedure Rule summary	[T&FG proposed change of CPRs as at 1 April 2020]	Response from Non-Aligned Group as at 18 April (in italics)
<p>Full Council:</p> <p>Right of members to speak and ask questions at meetings they attend</p>	<p>Retain as it is subject amends for clarity / ease of understanding</p> <p><i>See notes under relevant section below.</i></p>	<p>The T&FG concluded with some redrafting and additions for clarity/ ease of understanding of the current right at full council, the rule should be retainedⁱ; and in the case of all other meetings, non-members' involvement in meetings should remain a matter for chair's discretion subject to ward members being able to speak in person at planning committee. <i>Agreed in principal by most but some do feel that any Member should be allowed to speak if they wish to contribute at most meetings [Planning excluded except for Ward Members.]</i></p>

ⁱ Members' Questions

- 0.1 **Questions without notice:** At a meeting of the Council, other than the Annual Meeting, a Member of the Council may ask the Leader, a Cabinet Member or the Chairman of a committee any question without notice upon an item of the report of the Cabinet or a committee when that item is being received or under consideration by the Council. *Agreed.*

- 0.2 **Questions on notice:** A Member may ask the Chairman of the Council, the Leader, a Cabinet Member or the Chairman of any committee any question which:
- concerns the Council's powers / duties or which otherwise affects the District;
 - relates to matters on which the Council has or may determine a policy; *This is felt to be too restrictive as there may be legitimate questions members wish to raise which might not be a matter of policy.*
 - the Member has provided written notice of the question to the Chief Executive no later than noon, two clear days preceding the meeting; *[Practically does this mean noon on the Sunday before a Full Council meeting on the Wednesday?]*
 - the question has first been discussed at a meeting of the Cabinet or committee and the Member is not satisfied with the adequacy of the answer contained in the relevant Minutes; *Considered to be too restrictive and could prevent legitimate questions and issues being raised. Most Councils give members the right to ask questions as at (a) above without any restriction that it has previously been discussed.*
- and
- the question is not (in the opinion of the Chairman of Council taking account of the advice on the matter from the Chief Executive, Monitoring Officer or Member Services Manager):
 - scurrilous, improper, capricious, irrelevant or otherwise objectionable (e.g. spurious, vexatious);
 - substantially the same as a question which has been put at a meeting of the Council in the past six months;
 - one which requires the disclosure of confidential or exempt information and the question is not to be raised in closed session;
 - one which contains expressions of opinion; *[Are members not entitled to express an opinion as the reason for the question?]* or
 - one which relates to questions of fact.
- 0.3 **Questions relating to urgent business:** A Member of the Council may, with the advance permission of the Chairman, put to him, the Leader, a Cabinet Member or the Chairman of any committee any urgent question on notice under paragraph 0.2 without complying with sub paragraph 0.2(c) above, provided that:
- the Chairman in his absolute discretion is satisfied that the matter raised in the question is of such urgency that compliance with sub paragraph 0.2(c) is precluded nor should its consideration be delayed until the next meeting of the Cabinet or appropriate committee; and
 - a copy of the question has been delivered to the Chief Executive no later than 9am the day before the Council meeting.
- 0.4 **Order of Questions on notice**
- Questions under Rules 0.2 and 0.3 shall be taken at the appropriate point in the relevant committee report or in the absence of such, at the Members' Questions agenda item.
 - Questions and written answers shall be printed in order of receipt and circulated amongst the Members at the commencement of the Council meeting. *[How or when do the public become aware that their representative has raised such a question?]*
 - No discussion shall be allowed upon questions or answers save as is permitted under Rules 0.5 - 0.8 below.
- 0.5 **Form of Response**
- The Chief Executive shall arrange for copies of on notice questions and answers to be sent to Members not present at the Meeting of the Council.
 - An answer may take the form of:
 - a direct oral answer at the meeting;
 - where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - where the reply cannot conveniently be given orally, a written answer circulated within 10 working days to the questioner. *[Where do other members or the public see the answers please?]*

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- 0.6 Supplementary question:** One relevant supplementary question to an answer to a question on notice shall be allowed to the original questioner but may be disallowed or not answered if the Chairman of the Council considers it in breach of paragraph 0.2(e). *[Should we include that the Chairman should give reasons?]*
- 0.7 Length of Speeches:** A Member asking a question under Rules 0.1 - 0.3 and a Member answering such a question may speak for no longer than three minutes unless the Chairman consents to a longer period.
- 0.8 Time Allowed for Questions**
- (a) The time allowed for consideration of all questions at full Council under Members' Questions agenda item which are submitted under this **Rule 0** *[Do we have a typo?]* shall not, without the consent of the Council exceed 30 minutes.
 - (b) At the conclusion of the answer to the question under consideration at the expiry of 30 minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Chairman shall continue with the meeting unless the Council resolves otherwise at the meeting.
 - (c) Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council with written answers to be **forwarded to all Members** *[What about the public? Will the questions and answers be published alongside the minutes?]*



Report for: Full Council

Date of Meeting:	12 December 2023
Subject:	Treasury Management Strategy Mid-Year Review Report 2023/24
Cabinet Member:	Cllr James Buczkowski, Cabinet Member for Finance
Responsible Officer:	Andrew Jarrett, Deputy Chief Executive (S151)
Exempt:	N/A
Wards Affected:	All
Enclosures:	Appendix A – Economic Commentary from our Treasury Advisors (Link Group)

Section 1 – Summary and Recommendation(s)

To inform the Cabinet of the treasury performance during the first six months of 2023/24, to agree the ongoing deposit strategy for the remainder of 2023/24 and a review of compliance with Treasury and Prudential Limits for 2023/24.

Recommendation(s):

- 1. The Cabinet are asked to recommend to Council approval of:**
 - a) a continuation of the current policy outlined at paragraphs 4.0 – 4.5 be agreed; and**
 - b) the changes to the Capital Financing Requirement, Operational Boundaries and Authorised Limits for the current year at paragraphs 5.4 – 5.5.**

Section 2 – Report

1.0 Introduction

- 1.1** CIPFA's Code of Practice for Treasury Management recommends the annual setting of a Treasury Management Strategy and best practice dictates a half yearly update on treasury performance. This report will not only update Members on the treasury performance over the first six months of 2023/24, but will also seek approval for the ongoing deposit strategy.

2.0 Treasury Performance 01/04/2023 to 30/09/2023

- 2.1 The table below shows the Council's overall treasury management position for the first six months of 2023/24.

Treasury Position	Average Interest	Total Interest as at 30/09/2023	Forecast Year-End Position
Temporary Investments and Deposits	4.90%	£510k	£1,183k
CCLA Dividends	4.63%	£116k	£216k
Loans to Subsidiary Company	5.96%	£601k	£1,200k
Loans to Redlands Primary Care*	3.51%	£37k	£73k
Total		£1,264k	£2,672k
Split Between:			
General Fund		£1,009k	£2,081k
Housing Revenue Account		£255k	£591k

*The Council made two loans in 2021 totalling £2.175m towards the construction of a new GP surgery in Crediton.

- 2.2 The General Fund 2022/23 budget for all investment activity is £1,073k and for the Housing Revenue Account is £400k.

3.0 Economic Update

- 3.1 The Council's treasury advisor, Link Group, provided the following forecasts on 25 September 2023 (PWLb rates are certainty rates, gilt yields plus 80bps):

Link Group Interest Rate View	25.09.23													
	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26	Sep-26	Dec-26	
BANK RATE	5.25	5.25	5.25	5.00	4.50	4.00	3.50	3.00	2.75	2.75	2.75	2.75	2.75	
3 month ave earnings	5.30	5.30	5.30	5.00	4.50	4.00	3.50	3.00	2.80	2.80	2.80	2.80	2.80	
6 month ave earnings	5.60	5.50	5.40	5.10	4.60	4.10	3.60	3.10	2.90	2.90	2.90	2.90	2.90	
12 month ave earnings	5.80	5.70	5.50	5.20	4.70	4.20	3.70	3.20	3.00	3.00	3.00	3.00	3.00	
5 yr PWLB	5.10	5.00	4.90	4.70	4.40	4.20	4.00	3.90	3.70	3.70	3.60	3.60	3.50	
10 yr PWLB	5.00	4.90	4.80	4.60	4.40	4.20	4.00	3.80	3.70	3.60	3.60	3.50	3.50	
25 yr PWLB	5.40	5.20	5.10	4.90	4.70	4.40	4.30	4.10	4.00	3.90	3.80	3.80	3.80	
50 yr PWLB	5.20	5.00	4.90	4.70	4.50	4.20	4.10	3.90	3.80	3.70	3.60	3.60	3.60	

- 3.2 Bank Rate now appears to have peaked at 5.25%, as weaker August CPI inflation, the recent loosening in the labour market and the downbeat activity surveys appear to have convinced the Bank of England that it has already raised rates far enough. It is expected that Bank Rate will remain at 5.25% until the second half of 2024.
- 3.3 Please refer to Appendix 1 for the economic commentary provided by the Council's treasury advisors (Link Group).

4.0 Investment Portfolio

- 4.1 In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity, and to obtain an appropriate level of return which is consistent with the Council's risk appetite (SLY Principle). Increases to Bank Rate throughout the last two years led to large increases in rates offered by banks and building societies, with current rates far exceeding levels seen over recent years. These increases appear to have levelled off, with the full benefit of the higher interest rates to be seen in the second half of 2023/24.
- 4.2 The Council's investment portfolio as at 30 September 2023 was made up of short term investments/deposits to the value of £25.26m, comprising of £25.00m in fixed term investments and £0.26m in NatWest call accounts. In addition to this, the Council also holds £5.00m in the CCLA commercial property fund.
- 4.3 Short term investments/deposits held as at 30 September 2023 are as follows:

Institution	Principal (£)	Rate	Start Date	Maturity Date
Thurrock Council	2,000,000	3.55%	25/10/2022	24/10/2023
NBK International PLC	2,000,000	5.02%	02/05/2023	02/11/2023
NBK International PLC	1,000,000	4.97%	15/05/2023	15/11/2023
Lloyds Bank PLC	4,000,000	5.35%	01/08/2023	01/11/2023
NBK International PLC	2,000,000	5.87%	02/08/2023	02/02/2024
Santander	2,000,000	5.45%	15/08/2023	15/11/2023
Goldman Sachs International Bank	2,500,000	5.84%	29/08/2023	29/02/2024
Goldman Sachs International Bank	2,500,000	5.64%	01/09/2023	01/12/2023
DMO	5,000,000	5.17%	28/09/2023	02/10/2023
City of Liverpool	2,000,000	5.70%	29/09/2023	31/05/2024

- 4.4 The Council received an average return of 4.90% on investments during the first six months of 2023/24, up from 0.89% at the same point in the previous year. Returns during the early part of 2023/24 were slightly weakened by maturing investments made before Bank Rate hit its current high of 5.25%, and so this rate isn't representative of the interest rates on offer during that time. Performance is expected to improve slightly in the second half of 2023/24 following increases to interest rates throughout the first half of the year.
- 4.5 The Council currently has £5m deposited with the CCLA (Churches, Charities and Local Authorities) Local Authorities' Property Fund, which pays dividends quarterly. For the first two quarters of 2023/24, dividends of £116k (4.63%) were received, up from £92k (3.68%) for the same period in 2022/23. The dividend payout has risen in the first two quarters of 2023/24, having remained consistent since early 2021, and there has been a small decrease in fund value of £61k during the first half of 2023/24. The Council's share in the fund is now valued at £4.578m.

5.0 Borrowing Requirements and Prudential Indicators

- 5.1 The Council has no short-term borrowing but has existing PWLB loans of £32.349m as at 30 September 2023, in addition to £1.981m in finance leases.
- 5.2 The Council's revised capital financing requirement (CFR) for 2023/24 is £49.475m. The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (external borrowing) or from internal balances on a temporary basis (internal borrowing). The balance of external and internal borrowing is generally driven by market conditions. Table 5.6 shows the Council has forecast borrowings at 31 March 2024 of £33.450m, and so will have utilised £16.025m of cash flow funds in lieu of borrowing to finance the CFR of £49.475m shown in table 5.5.
- 5.3 There has so far been no new borrowing in 2023/24, and it is expected that there will not be a need for new borrowing before the end of the financial year. This is a reduction in the level of borrowing forecast at the start of the year, which originally stood at £12.500m, and is mainly due to slippage in the Capital Programme.
- 5.4 The Treasury Management Strategy Statement (TMSS) for 2023/24 was approved by Cabinet on 07 February 2023. The underlying TMSS approved previously requires revision in light of a revised deliverable Capital Programme for 2023/24. The proposed changes are set out below:

Prudential Indicator 2023/24	Original £000	Q1 Updated Forecast £000	Revised Prudential Indicator £000
Authorised Limit	107,000	67,000	60,000
Operational Boundary	98,000	58,000	51,000
Capital Financing Requirement	96,793	56,147	49,475

- 5.5 The table below shows a breakdown of the revised CFR.

Prudential Indicator – Capital Financing Requirement	2023/24 Original Estimate £000	Q1 Updated Forecast £000	2023/24 Revised Estimate £000
CFR – Non Housing	14,223	9,832	9,508
CFR – Housing	51,934	43,791	39,967
CFR – Loans to Subsidiary Company**	30,636	2,523	0
Total CFR	96,793	56,147	49,475
Net movement in CFR*	25,814	(8,446)	(15,117)

*In-year movement calculated against 2022/23 CFR (estimated at £70,979k when the original 2023/24 estimate was calculated, now known to be £64,592k – 2022/23 Treasury Outturn).

**Following the decision to soft close 3 Rivers Developments Limited (Full Council 06 September 2023), all future financing assumptions have been removed from the CFR.

- 5.6 The table below shows the expected debt position at 31 March 2024, which determines the Operational Boundary and Authorised Limit shown in 5.4 above.

Prudential Indicator – External Debt	2023/24 Original Estimate £000	2023/24 Revised Estimate £000
Borrowing	43,873	31,373
Other Long Term Liabilities*	2,037	2,077
Total Debt (Year End Position)	45,910	33,450

* Includes finance leases

6.0 Annual Investment Strategy

- 6.1 Any fixed term investments in the market place (except Debt Management Office [DMO]) are restricted to a maximum term of two years (previously one year). The Council's substantial commitments (particularly the monthly precepts to Devon County Council, the Police and Fire Authority) constrain the term of investments. The Cabinet of 7 February 2019 resolved to diversify the investment portfolio to include non-UK banks with a minimum Sovereign Fitch rating of AAA (highest possible rating).
- 6.2 The Council will continue to have regard to the MHCLG's Guidance on Local Government Investments ("the Guidance") issued in April 2018 (3rd Edition) and CIPFA's Treasury Management in Public Services Code of Practice and Cross Sectorial Guidance Notes ("the CIPFA Treasury Management Code").

7.0 Lending Criteria and Counterparty Limits

- 7.1 The current policy allows the lending of funds to be deposited with major UK banks and building societies with an investment period no longer than two years and where the counterparty is required to meet the following ratings requirements: Banks (Fitch F1, F1+) and for building societies based upon a minimum Fitch rating of F1 and an asset base level of at least £1bn. The maximum lending limit to any group counterparty is £5m. The policy includes investments with CCLA property fund and money market funds with a limit of £2m on this option. Note that delegation was provided to the S151 officer and Finance Portfolio Holder in 2011/12 to make reactive decisions when market conditions changed due to volatility in rating changes when our own bankers, NatWest, were downgraded, along with other part nationalised banks. We do not invest any term deposits with the Royal Bank of Scotland Group and only have our call accounts with them.
- 7.2 Officers would recommend a continuation of the existing policy for investments with banks and building societies, property funds and money market funds.
- 7.3 In addition to these fixed term deposits, the Council also uses an instant access liquidity account with NatWest (the Council's banker) to sweep any small surplus funds which cannot be placed by our brokers. Again, this account will be subject to the same £5m maximum deposit level, plus the balance of any grant fund.

- 7.4 The Council will also continue to lend to:
- Local Authorities, Police, Fire & Rescue, Parish Councils and other Public Bodies
 - UK Government (including gilts, Treasury Bills and the DMADF)
 - Other Bodies.
- 7.5 The investments that can be made to the organisations stated in paragraph 7.4 will not be constrained to a maximum deposit of £5m due to their lower level of risk. However, other bodies have a monetary limit of £3m.
- 8.0 Conclusion**
- 8.1 The first half-year performance has seen a significant improvement on 2022/23, with slight increases expected through the second half of the year as interest rates on temporary investments and deposits reach their peak. Investment income continues to be bolstered by the interest received from 3 Rivers Developments Limited, which still outstrips interest rates available elsewhere. The Council's investment in the CCLA property fund has seen quarterly dividends exceed pre-pandemic levels, having declined at the start of the Covid-19 pandemic.
- 8.2 The positive Treasury performance reported above currently excludes any implications associated with the soft closure of 3Rivers. This will be formalised in the end of year outturn accounts.

Financial Implications: Good financial management and administration underpins the entire strategy. The Council's Treasury Management Strategy should attempt to maximise investment return commensurate with minimum risk to the principal sums invested.

Legal Implications: The Council is under a statutory duty to "have regard" to the 2011 CIPFA Treasury Management Code of Practice. The Council's own Financial Regulations include requirements as to the reporting of treasury management information.

Risk Assessment: The Council considers deposit security as the paramount function in any treasury dealings or activities. It should be noted that any investment decisions will always be subject to a degree of risk. However, in complying with an agreed Treasury Management Strategy, these risks would be kept to an acceptable level.

Impact on Climate Change: There are no Climate Change implications relating to the content of this report.

Equality Impact Assessment: It is considered that the impact of this report on equality related issues will be nil.

Relationship to Corporate Plan: Maximising investment return whilst minimising risk of credit default enables the Council to finance the delivery of its Corporate Plan objectives.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 06/11/2023

Statutory Officer: Maria De Leiburne
Agreed on behalf of the Monitoring Officer
Date: 06/11/2023

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 06/11/2023

Performance and risk: Stephen Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 06/11/2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Kieran Knowles, Principal Accountant & Procurement Manager
Email: kknowles@middevon.gov.uk
Telephone: 01884 24(4624)

Background papers: Treasury Management Strategy Statement 2023/24 (Council 08/03/2023)

Appendix 1

1.0 Economic Commentary from our Treasury Advisors (Link Group)

1.1 The first half of 2023/24 saw:

- Interest rates rise by a further 100bps, taking Bank Rate from 4.25% to 5.25% and, possibly, the peak in the tightening cycle.
- Short, medium and long-dated gilts remain elevated as inflation continually surprised to the upside.
- A 0.5% m/m decline in real GDP in July, mainly due to more strikes.
- CPI inflation falling from 8.7% in April to 6.7% in August, its lowest rate since February 2022, but still the highest in the G7.
- Core CPI inflation declining to 6.2% in August from 7.1% in April and May, a then 31 years high.
- A cooling in labour market conditions, but no evidence yet that it has led to an easing in wage growth (as the 3myy growth of average earnings rose to 7.8% in August, excluding bonuses).

1.2 The 0.5% m/m fall in GDP in July suggests that underlying growth has lost momentum since earlier in the year. Some of the weakness in July was due to there being almost twice as many working days lost to strikes in July (281,000) than in June (160,000). But with output falling in 10 out of the 17 sectors, there is an air of underlying weakness.

1.3 The fall in the composite Purchasing Managers Index from 48.6 in August to 46.8 in September left it at its lowest level since COVID-19 lockdowns reduced activity in January 2021. At face value, it is consistent with the 0.2% q/q rise in real GDP in the period April to June, being followed by a contraction of up to 1% in the second half of 2023.

1.4 The 0.4% m/m rebound in retail sales volumes in August is not as good as it looks as it partly reflected a pickup in sales after the unusually wet weather in July. Sales volumes in August were 0.2% below their level in May, suggesting much of the resilience in retail activity in the first half of the year has faded.

1.5 As the growing drag from higher interest rates intensifies over the next six months, we think the economy will continue to lose momentum and soon fall into a mild recession. Strong labour demand, fast wage growth and government handouts have all supported household incomes over the past year. And with CPI inflation past its peak and expected to decline further, the economy has got through the cost-of-living crisis without recession. But even though the worst of the falls in real household disposable incomes are behind us, the phasing out of financial support packages provided by the government during the energy crisis means real incomes are unlikely to grow strongly. Higher interest rates will soon bite harder too. We expect the Bank of England to keep interest rates at the probable peak of 5.25% until the second half of 2024. Mortgage rates are likely to stay above 5.0% for around a year.

1.6 The tightness of the labour market continued to ease, with employment in the three months to July falling by 207,000. The further decline in the number of job vacancies from 1.017m in July to 0.989m in August suggests that the labour market has

loosened a bit further since July. That is the first time it has fallen below 1m since July 2021. At 3.0% in July, and likely to have fallen to 2.9% in August, the job vacancy rate is getting closer to 2.5%, which would be consistent with slower wage growth. Meanwhile, the 48,000 decline in the supply of workers in the three months to July offset some of the loosening in the tightness of the labour market. That was due to a 63,000 increase in inactivity in the three months to July as more people left the labour market due to long term sickness or to enter education. The supply of labour is still 0.3% below its pre-pandemic February 2020 level.

- 1.7 But the cooling in labour market conditions still has not fed through to an easing in wage growth. While the monthly rate of earnings growth eased sharply from an upwardly revised +2.2% in June to -0.9% in July, a lot of that was due to the one-off bonus payments for NHS staff in June not being repeated in July. The headline 3myy rate rose from 8.4% (revised up from 8.2%) to 8.5%, which meant UK wage growth remains much faster than in the US and in the Euro-zone. Moreover, while the Bank of England's closely watched measure of regular private sector wage growth eased a touch in July, from 8.2% 3myy in June to 8.1% 3myy, it is still well above the Bank of England's prediction for it to fall to 6.9% in September.
- 1.8 CPI inflation declined from 6.8% in July to 6.7% in August, the lowest rate since February 2022. The biggest positive surprise was the drop in core CPI inflation, which declined from 6.9% to 6.2%. That reverses all the rise since March and means the gap between the UK and elsewhere has shrunk (US core inflation is 4.4% and in the Euro-zone it is 5.3%). Core goods inflation fell from 5.9% to 5.2% and the further easing in core goods producer price inflation, from 2.2% in July to a 29-month low of 1.5% in August, suggests it will eventually fall close to zero. But the really positive development was the fall in services inflation from 7.4% to 6.8%. That also reverses most of the rise since March and takes it below the forecast of 7.2% the Bank of England published in early August.
- 1.9 In its latest monetary policy meeting on 20 September, the Bank of England left interest rates unchanged at 5.25%. The weak August CPI inflation release, the recent loosening in the labour market and the downbeat activity surveys appear to have convinced the Bank of England that it has already raised rates far enough. The minutes show the decision was "finely balanced". Five MPC members (Bailey, Broadbent, Dhingra, Pill and Ramsden) voted for no change and the other four (Cunliffe, Greene, Haskel and Mann) voted for a 25bps hike.
- 1.10 Like the US Fed, the Bank of England wants the markets to believe in the higher for longer narrative. The statement did not say that rates have peaked and once again said if there was evidence of more persistent inflation pressures "further tightening in policy would be required". Governor Bailey stated, "we'll be watching closely to see if further increases are needed". The Bank also retained the hawkish guidance that rates will stay "sufficiently restrictive for sufficiently long".
- 1.11 This narrative makes sense as the Bank of England does not want the markets to decide that a peak in rates will be soon followed by rate cuts, which would loosen financial conditions and undermine its attempts to quash inflation. The language also gives the Bank of England the flexibility to respond to new developments. A rebound in services inflation, another surge in wage growth and/or a further leap in oil prices

could conceivably force it to raise rates at the next meeting on 2nd November, or even pause in November and raise rates in December.

- 1.12 The yield on 10-year Gilts fell from a peak of 4.74% on 17th August to 4.44% on 29th September, mainly on the back of investors revising down their interest rate expectations. But even after their recent pullback, the rise in Gilt yields has exceeded the rise in most other Developed Market government yields since the start of the year. Looking forward, once inflation falls back, Gilt yields are set to reduce further. A (mild) recession over the next couple of quarters will support this outlook if it helps to loosen the labour market (higher unemployment/lower wage increases).
- 1.13 The pound weakened from its cycle high of \$1.30 in the middle of July to \$1.21 in late September. In the first half of the year, the pound bounced back strongly from the Truss debacle last autumn. That rebound was in large part driven by the substantial shift up in UK interest rate expectations. However, over the past couple of months, interest rate expectations have dropped sharply as inflation started to come down, growth faltered, and the Bank of England called an end to its hiking cycle.
- 1.14 The FTSE 100 has gained more than 2% since the end of August, from around 7,440 on 31st August to 7,608 on 29th September. The rebound has been primarily driven by higher energy prices which boosted the valuations of energy companies. The FTSE 100's relatively high concentration of energy companies helps to explain why UK equities outperformed both US and Euro-zone equities in September. Nonetheless, as recently as 21st April the FTSE 100 stood at 7,914.

Report for: Full Council

Date of Meeting:	11 th December 2023
Subject:	Tax Base Calculation 2024/25
Cabinet Member:	Cllr James Buczkowski Cabinet Member for Finance
Responsible Officer:	Andrew Jarrett s151 & Deputy CEO
Exempt:	None
Wards Affected:	All
Enclosures:	None

Section 1 – Summary and Recommendation(s)

This paper details the statutory calculations necessary to determine the Tax Base for the Council Tax. The calculations made follow a formula laid down in Regulations.

Recommendation(s): Cabinet recommend to Council:

- 1. That the calculation of the Council's Tax Base for 2024/25 be approved in accordance with The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 at 30,222.1 an increase of circa 389.12 Band D equivalent properties from the previous financial year.**
- 2. That the current collection rate of 96.5% be increased to 97.5% detailed in Section 2.**

Section 2 – Report

1.0 Introduction

- 1.1 Every year each billing authority is required to calculate and approve its Band 'D' Equivalent Council Tax base. For 2024/25 this technical calculation is as follows:

2.0 The Collection Rate calculation (A)

- 2.1 It is necessary to estimate a 'collection rate', which is the proportion of Council Tax due that will actually be paid. It is recommended that a collection rate of 97.5% be estimated for the year 2024/25, which is an increase on the previous year's collection rate.
- 2.2 Any variation from the collection rate of 97.5% is pooled in a collection fund, which is distributed in the next financial year to all Precepting Authorities.
- 3.0 Calculation of the relevant amount (B)**
- 3.1 ***Number of Properties per Valuation Band.*** The starting point will be the total number of properties within Mid Devon set out in the Valuation List.
- 3.2 **Less Exemptions.** Properties are exempt from Council Tax under certain circumstances. The calculated tax base uses the information currently held in deciding the level of exempt properties that are likely to apply for 2024/25.
- 3.3 **Add Appeals, new properties and deletions from the Valuation List.** The Valuation Officer has dealt with the vast majority of Council Tax appeals to date and so no further allowance is believed to be necessary at this time. At the **02 October 2023** we have estimated a net increase in properties within Mid Devon of **103** properties to go live on or before 1st April 2024 and a further **326.4** properties during the financial year, totalling **429.4**. This estimate is based on the current number of reports outstanding with the Valuation Officer.
- 3.4 **Disabled Allowance (move down a Band).** Where a disabled resident has made structural alterations to their property to help with their disability or they use a wheelchair internally at the premises, the property is entitled to a reduction and is afforded by moving the property to the next lowest band. Existing Band A properties are also entitled to a reduction by reducing the 6/9ths charge down to 5/9ths Charge.
- 3.5 **Less 25% Discounts - Single Persons Discounts.** If only one (adult) person lives in the dwelling as their "sole & main residence" then a discount of 25% is allowed.
- 3.6 **Less 50% discount.** A discount of 50% is allowed where two or more persons who can be disregarded for Council Tax purposes occupy the property, e.g. care workers.
- 3.7 **Second homes.** Second Homes now pay full Council tax.
- 3.7.1 The Levelling up and Regeneration Bill has received Royal Assent, this gives Billing Authorities the ability to charge a premium of up to 100% on second homes so the Charge Payer will have to pay 200% of the Council Tax Charge with effect from the 1st April 2025. If Cabinet approve the premium, an advert will need to be put in the public domain to comply with the terms of the bill.
- 3.8 **Long Term Empties.** After a three month free period no further discount is allowed.

- 3.8.1 However, if a property remains empty of furniture and residents for two years or more, the Council is allowed to apply an additional 100% premium to the Council tax charge, so the Charge payer will have to pay 200% of the Council Tax charge in that area. With effect from the 1st April 2020 a premium of 200% can be levied so the Charge payer will have to pay 300% of the Council Tax in that area after a period of five years and with effect from the 1st April 2021 a premium of 300% can be levied so the Charge payer will have to pay 400% of the Council Tax in that area. The Regulations detailing the additional premium are Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018.

With effect from 1st April 2019 an additional 100% premium after 2 years

With effect from 1st April 2020 an additional 200% premium after 5 years

With effect from 1st April 2021 an additional 300% premium after 10 years

- 3.8.2 The Bill extends the current Empty Home Premium to properties empty of furniture and residents for twelve months to 100% so the Charge Payer will have to pay 200% of the Council Tax Charge with effect from the 1st April 2024. If approved an advert will need to be put in the public domain to comply with the terms of the bill.

4.0 Estimated cost of the Council Tax Reduction Scheme (CTR)

- 4.1 Before we convert the properties to Net Band D equivalents we must reduce the total properties by the estimated cost of the Council Tax Reduction (CTR) Scheme
- 4.2 The criteria for the CTR scheme is that those claimant's in the lowest income band do not have to pay anything; thereafter the percentage payable ranges from 35 to 75% on the charge (with the exception of those protected by legislation namely pensioners in receipt of guaranteed pension credit).
- 4.3 The main criteria of the scheme are:
- Support is increased up to 100% i.e. those claimants who are least able to pay due to the current financial crisis.
 - Support is limited to Band D charges so claimants in a higher banded property will receive CTR up to 100% of a band D and be required to pay the balance of the additional banding in full.
 - Savings limited to £6,000.
 - Changes were made to the CTRS in April 2017 to align it with Universal Credit.
- 4.4 For your information Mid Devon's CTR scheme for 2024/25, is estimated to cost in the region of **£4,802m**, based on the scheme criteria.

- 4.5 CTR has been included within the tax base calculation and applied to each band and parish individually then a band D equivalent calculation has been used to arrive at a final figure.
- 4.6 The cost of the CTR scheme must be reflected in the Tax Base calculation so the following calculation is carried out for each valuation band to arrive at the net chargeable Dwellings:

Calculation of the Relevant Amount

	2023/24 *Restated	2024/25
Number of properties per valuation list	37,519.00	37,894.00
Exemptions	-605.00	-604.00
Single occupiers and 25% disregards	-3,036.75	-3,049.25
50% discount	-34.00	-41.00
Empty property 50% exempt	-26.00	-30.00
Empty property 100% exempt	-188.00	-238.00
Additional long term empty at 100%	+90.00	+86.00
Additional long term empty at 200%	+60.00	+48.00
Additional long term empty at 300%	+51.00	+69.00
Family Annexe Discount	-22.00	-25.00
Chargeable dwellings before conversion to Band D equivalent	33,808.25	34,109.75
Additional net new properties	+632.25	+429.40
**Local council tax support adjustment and local discounts	+142.50	+173.00
Chargeable dwellings after growth and before conversion to Band D equivalent	34,583.00	34,712.15

*Values restated to reflect the CTB1, no change to the overall chargeable dwellings figure.

**Adjustment reflects part year support only and additional premiums charged.

Conversion to Band D equivalents

- 4.7 The net chargeable dwellings are then converted to Band D equivalents. This is carried out by multiplying the Net chargeable dwellings by the appropriate factor (A=6, B=7, C=8, D=9, E=11, F=13, G=15, H=18) for the band and dividing by that for Band D (9). The Table below details the Net Chargeable Dwellings converted to Band D equivalents.
- 4.8 The calculation shows the estimated annual cost of the CTR scheme, shown as the number of Band D equivalents. For the 2024/25 year this is estimated as 2,092.17 Band D equivalent properties.
- 4.9 The Tax Base is finally calculated by applying the collection rate to the total Band D equivalents when summarised below for the 2024/25 financial year.
- 4.10 An @ band dwelling is a band A property with a disabled banding reduction applied:

Band	Chargeable Dwellings	Multiplier	Band D equivalent properties	Less CTR properties	Revised properties
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@	9.25	5/9	5.15	-3.15	2.00
A	5,397.82	6/9	3,598.55	-828.11	2,770.44
B	8,324.70	7/9	6,474.81	-681.01	5,793.80
C	6,735.87	8/9	5,987.42	-319.00	5,668.42
D	6,181.06	9/9	6,181.06	-147.47	6,033.59
E	4,662.93	11/9	5,699.14	-72.15	5,626.99
F	2,439.77	13/9	3,524.13	-32.59	3,491.54
G	907.75	15/9	1,512.94	-7.71	1,505.23
H	53.00	18/9	106.00	-0.99	105.01
	34,712.15		33,089.20	-2,092.17	30,997.03

- 4.11 To clarify the table detailing the **Calculation of the Relevant Amount** is based on actual properties and the final calculation above is based on a Band D equivalent of actual properties.

5.0 Assumptions

- 5.1 In line with current Council Tax Referendum limits the impact of any changes to the assumptions used in the calculations are shown below:

Variable Assumption	Assumption	Change	Impact on budget
Collection rate	97.5%	+0.5%	£35,714
Growth	16% of 2040 properties with planning permission	+1%	£4,150
Band D charge	£5.00 increase	2% increase	-£14,956

6.0 Calculation of the Tax Base

- 6.1 Based on the above detailed calculations in accordance with SI 2914 of 2012 the Tax Base is to be calculated as: Total relevant amounts (A) **30,997.03** multiplied by the estimated collection rate (B) (97.5%)
- 6.2 Mid Devon District Council's Council Tax Base for 2024/25 will be **30,222.10**.

Financial Implications

Mid Devon District Council is a Statutory Billing Authority and must set its Council Tax each year. If it were not to set a Council Tax then the Authority and all Precepting Authorities would be unable to raise money to pay for all the services they provide.

Legal Implications

This is a statutory function and is a legal requirement. The Council must now set its budget annually using Council Tax information each year in accordance with The Local Authorities(Calculation of Council Tax Base)(England) Regulations 2012 calculating the relevant amount by applying the formula set out in the above regulations

Risk Assessment

If the Council fails to carry this duty out then the Council Tax cannot legally be set. In accordance with the LGF Act 2012 above and SI 2914 of 2012 The Local Authorities(Calculation of Council Tax Base)(England) Regulations 2012,

Impact on Climate Change

No implications arising from this report.

Equalities Impact Assessment

The Council Tax Base calculation includes a deduction for the Council Tax Reduction scheme within its Tax Base calculation.

Relationship to Corporate Plan

This report sets out how the Tax Base is calculated for 2024/25. This calculation is then used as a basis to set the Council's budget for the forthcoming year in line with the Council's Corporate Plan objectives.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 31 October 2023

Statutory Officer: Maria De Leburne

Agreed on behalf of the Monitoring Officer

Date: 31 October 2023

Chief Officer: Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 31 October 2023

Performance and risk: Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 31 October 2023

Cabinet member notified: yes

Section 4 - Contact Details and Background Papers

Contact: Paul Deal - Corporate Manager for Finance, Property & Climate Change

Email: pdeal@middevon.gov.uk

Telephone: 01884 234254

Background papers: CTB1 and supporting documentation



Report for: FULL COUNCIL

Date of Meeting:	20 December 2023
Subject:	Independent Remuneration Panel Report
Responsible Officer:	District Solicitor and Monitoring Officer
Exempt:	N/A
Wards Affected:	All
Enclosures:	Appendix 1: IRP Report Appendix 2: Draft Members Allowances Scheme 2024/2025

Section 1 – Summary and Recommendation(s)

To receive a report from the Independent Remuneration Panel to determine the Members' Scheme of Allowances for 1 April 2024 to 31 March 2025.

Recommendation:

That the Members' Allowances Scheme in Appendix 2 be adopted for the period 1 April 2024 to 31 March 2025.

1.0 Background

- 1.1 The Council is required to consider its Members' Scheme of Allowances taking account of a relevant report of its Independent Remuneration Panel before making any changes to the allowances for the following financial year. Accordingly, the Panel convened in early December 2023 to consider the scheme for 2024/2025.

- 1.2 The Panel's full report is included in Appendix 1. The report sets out the range of information the Panel considered, its findings and reasons for its recommendations.
- 1.3 Much consideration was given as to whether to recommend that Members receive a lump sum based on that approved for staff, however, applying this would have equated to a circa 32% rise in the Basic Allowance for next year. Having discounted this, the Panel continued to be of the opinion that the link with the staff pay award was an important one and therefore agreed to recommend the average percentage staff salary rise between Spinal Column Points 2 – 43 which was 6.44%. The Panel felt comfortable with that (and the resulting impact on Special Responsibility Allowances) given that Members also faced cost of living rises as well as the wider population.
- 1.4 The Panel were keen for Members' of the new administration (many of whom were new to local government at district level) to have experienced a full year in office before seeking their views as to their remuneration and whether it provided adequate recompense for their workloads and levels of responsibility. Therefore the review on this occasion was conducted as a 'light touch' with the full intention of undertaking a thorough Fundamental Review during 2024. As a minimum this would include questionnaires and face to face interviews as well as the usual comparative data with other similar councils.

2.0 Recommendations

- 2.1 A draft Scheme of Members' Allowances for 2024 – 2025 which incorporates all of the IRP's recommendation is attached at Appendix 2. The IRP proposed amendments to the current scheme are limited to the following:
- The Basic Allowance is increased in line with the recently agreed average percentage increase of the staff pay award which is 6.44% thereby increasing it from £6000 to £6386.40 p.a rounding up to £6387 (as NJC would do for staff salaries).
 - Special Responsibility Allowances be paid to the following Members at the levels indicated:

Position	Current Council approved weightings	Recommended SRA's (based upon a BA of £6387)
Leader of the Council	2.00	12,773

Deputy Leader's	1.00	6,387
Cabinet Member	1.00	6,387
Scrutiny Committee Chair	1.00	6,387
PDG Chair	0.50	3,194
Audit Committee Chair	0.50	3,194
Planning Committee Chair	1.00	6,387
Licensing/Regulatory Chair	0.25	1,597
Standards Chair	0.25	1,597
Chairman of the Council	0.50	3,194

- c. No Member should be entitled to claim more than **one** Special Responsibility Allowance.
- d. Carers' allowances be calculated on the current basis namely, the actual expenditure up to the national living wage of a person over 25.
- e. That travel allowances be linked to HMRC rates and calculated at the national levels indicated, currently:
- 45p per mile for the first 10,000 miles
 - 25p per mile thereafter
 - 5p per mile per passenger carried (up to a maximum of 4 passengers, payable to the driver)
 - 25p per mile for push bikes
- (* To be uplifted once the rates for 2024/2025 are known).
- f. That subsistence allowances be linked to those of the staff, currently these are as follows in each case up to a maximum of:
- Breakfast £9.71
 - Lunch £13.40
 - Tea £5.26
 - Evening Meal £16.58
- (* To be uplifted once the rates for 2024/2025 are known).
- g. That **all** claims for travel and subsistence reimbursement be accompanied by an appropriate receipt.

- h. That a full Fundamental Review is carried out in relation to the Scheme of Members Allowances for 2025/2026 during 2024.

Financial Implications: If the increase in the Basic Allowance is approved from £6000 to £6387 p.a. there will be a corresponding increase in the amount of Special Responsibility Allowances (SRA's) paid. This is because SRA's are based upon a multiplier of the Basic Allowance. This would result in a total overall increase of circa £21,868 for next year:

- 42 Members x £387 (based on 6.44% increase) = £16,254
- Special Responsibility Allowances increase (based on weightings applied to the BA) = a total of £5,614

The recommendations do not propose any other financial increases – therefore there are no additional financial implications for the Council other than those which may be incurred as a result of the link with the average staff percentage increase in pay.

Legal Implications: None beyond those covered in this report.

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

Impact on Climate Change: N/A

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

Relationship to Corporate Plan: N/A

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 12/12/23

Statutory Officer: Maria De Leburne

Agreed on behalf of the Monitoring Officer

Date: 12/12/23

Chief Officer: Stephan Walford

Agreed on behalf of the Chief Executive

Date: 12/12/23

Cabinet member notified: (yes/no)

Section 4 - Contact Details and Background Papers

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Telephone: 01884 234210

MID DEVON DISTRICT COUNCIL INDEPENDENT REMUNERATION PANEL

REPORT ON MEMBERS' ALLOWANCES 1 APRIL 2024 - 31 MARCH 2025

MEMBERSHIP

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

1. INTRODUCTION

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 require the Council to have regard to the recommendations of an independent panel in agreeing allowances paid to councillors.
- 1.2 The Independent Panel operates under the provisions of the Local Authorities (Members' Allowances) (Regulations) 2003. These regulations require that all councils set up independent panels and take account of their advice before agreeing their councillors' allowances scheme.
- 1.3 The IRP met on the 1 December 2023 and were supported by the District Solicitor and Monitoring officer and a Democratic Services Officer.
- 1.4 This report sets out the findings, conclusions and recommendations of the IRP concerning Member Allowances for 1 April 2024 to 31 March 2025.
- 1.5 In advance of the meeting the Panel received a range of information which it has considered as part of its review including:
 - The South West Councils' survey detailing the allowances paid to councillors in similar local authorities across the South West.
 - The previous IRP report.
 - The current Scheme of Members' Allowances.

- An update on the current governance arrangements at MDDC, following the election in May 2023, and proposals to utilise the Policy Development Groups to greater effect moving forwards.
 - Feedback from current Members on their allowances.
- 1.6 The Panel noted that Mid Devon District Council ('the Council') will carry out a full Fundamental Review during 2024 in order to make recommendations for a Members Allowances Scheme for 2025/2026 onwards. This will have provided sufficient time, following the election in May 2023, to enable new Members to form a view as to their allowances and whether they are appropriate given their workloads and levels of responsibility. The Council will also know more about available government funding, what local government is facing in the future given an impending General Election and what resources will be available.
- 1.7 The Panel recognised the effect of rises in the cost of living on all Members.

EVIDENCE AND FINDINGS

2. SOUTH WEST COUNCILS SURVEY 2023

- 2.1 The Panel considered the benchmarked data collated by South West Council's and continued to be of the opinion that this was an extremely useful tool for ascertaining how the Council compared with other similar local authorities in the region.

3. MEMBER FEEDBACK

- 3.1 The Panel noted that 16 Members had provided their views on Members Allowances for consideration. Feedback had been very wide ranging from the need for a substantial increase to maintaining the status quo, to implementing a tiered system based on certain criteria.
- 3.2 The Panel wished to thank the Members for their important feedback which they would hold 'on file' until the Fundamental Review as well as seeking further views nearer the time.
- 3.3 They also wished to remind Members that at any time a Councillor may, by notice in writing given to the Deputy Chief Executive (S151 Officer), elect to renounce any part of their entitlement to one or more allowances under this scheme.

4. FUNDAMENTAL REVIEW DURING 2024

- 4.1 The Panel requested that during 2024 they conduct a series of interviews with both Members receiving the Basic Allowance only and those also in receipt of an Special Responsibility Allowance to ascertain their views as to whether they feel they are adequately recompensed. All Members will also be sent an initial questionnaire

seeking general and specific feedback. They also wished to consider the Carer's Allowance in greater depth. A better understanding of the governance and committee structure was also requested.

5. MDDC SCHEME OF MEMBERS ALLOWANCES FOR 2024 - 2025

Basic Allowance

- 5.1 The IRP took into account the recent agreed pay settlement and the lump sum offered to staff which was £1,925. The Panel considered that applying this to the Basic Allowance would in effect represent an approximate 32% increase. As such this was not considered to be appropriate. It was then discussed what, if any, increase should be applied to the allowances.
- 5.2 Following discussion the Panel concluded that it was important to maintain a link with the staff pay award.
- 5.3 In doing so the Panel agreed that the % increase applied for 2024/2025 should be based on what has recently been agreed as the staff pay award for 2023/2024 which is the percentage based upon an average of spinal points 2 – 43, which is 6.44%. This would equate to an additional £386.40 p.a. on the Basic Allowance for each Member meaning it would increase from £6,000 to £6,386.40 p.a. The panel considered that for ease this should be rounded up to £6,387 as the NJC do for staff salaries. The Panel felt that this was a far more justifiable amount to recommend especially given rises in the cost of living which were affecting Members as well as the rest of the population.
- 5.4 However the Panel noted that other IRP's were undertaking further work on the appropriateness of attaching the basic allowance to Spinal Column Points and suggested that they would carry out more research during the Fundamental Review.

Special Responsibility Allowances (SRA)

- 5.5 The Regulations provide that SRA may be paid to those Members of the Council who have "significant additional responsibilities" over and above the generally accepted duties of a Councillor. In setting the SRAs, the Panel has in the past concluded that the best approach was to use the Basic Allowance as the starting point and then give a weighting to the role attracting the SRA which could be applied to the Basic Allowance. This is an approach applied by many authorities. The Panel remains of the view that the link between the Basic Allowance and SRA is an important one.
- 5.6 The Panel agreed that they wished to leave a thorough analysis of the SRA until the full Fundamental Review is carried out. For the avoidance of doubt it is recommended that the SRA go up based on the 6.44%

increase on the Basic Allowance. It further recommends that the SRA multipliers agreed by Council last year remain.

- 5.7 As such the following levels of SRA's are recommended to apply from 1 April 2024 to 31 March 2025:

Position	Current Council approved weightings	Recommended SRA (based upon BA of £6387)
Leader of the Council	2.00	12,773
Deputy Leader's	1.00	6,387
Cabinet Member	1.00	6,387
Scrutiny Committee Chair	1.00	6,387
PDG Chair	0.50	3,194
Audit Committee Chair	0.50	3,194
Planning Committee Chair	1.00	6,387
Licensing/Regulatory Chair	0.25	1,597
Standards Chair	0.25	1,597
Chairman of the Council	0.50	3,194

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

Carer's Allowance

- 5.9 The IRP considers the current Carer's Allowance within the Scheme is still fit for purpose and should remain the same. That is:

- Carers' allowances be calculated on the current basis namely, the actual expenditure up to the national living wage of a person over 25.

However, it was noted that there was very little take up of the Carer's Allowance, not just in this Council but in local authorities generally. They wished to look into the reasons why this might be during the Fundamental Review with a view to seeing whether this needed some adjustment to better reflect the reimbursement needs of the actual caring costs incurred.

It was also noted that there were now a lot more evening meetings. This may be having an impact on caring responsibilities.

Travel and Subsistence Allowances

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

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

(* To be uplifted once the rates for 2024/2025 are known).

All claims to be submitted with receipts.

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

- Breakfast £9.71
- Lunch £13.40
- Tea £5.26
- Evening Meal £16.58

(* To be uplifted once the rates for 2024/2025 are known).

All claims to be submitted with receipts.

6. SUMMARY OF RECOMMENDATIONS

The Independent Remuneration Panel recommends to Full Council that from 1 April 2024 until 31 March 2025:

- The Basic Allowance is increased in line with the recently agreed average percentage increase of the staff pay award which is 6.44% thereby increasing it from £6000 to £6386.40 p.a.
- Special Responsibility Allowances be paid to the following Members at the levels indicated:

Position	Current Council approved weightings	Recommended SRA's (based upon a BA of £6386.40)
Leader of the Council	2.00	12,773
Deputy Leader's	1.00	6,387
Cabinet Member	1.00	6,387
Scrutiny Committee Chair	1.00	6,387
PDG Chair	0.50	3,194
Audit Committee Chair	0.50	3,194
Planning Committee Chair	1.00	6,387

Licensing/Regulatory Chair	0.25	1,597
Standards Chair	0.25	1,597
Chairman of the Council	0.50	3,194

- c. No Member should be entitled to claim more than **one** Special Responsibility Allowance.
- d. Carers' allowances be calculated on the current basis namely, the actual expenditure up to the national living wage of a person over 25.
- e. That travel allowances be linked to HMRC rates and calculated at the national levels indicated, currently:
- 45p per mile for the first 10,000 miles
 - 25p per mile thereafter
 - 5p per mile per passenger carried (up to a maximum of 4 passengers, payable to the driver)
 - 25p per mile for push bikes
- (* To be uplifted once the rates for 2024/2025 are known).
- f. That subsistence allowances be linked to those of the staff, currently these are as follows in each case up to a maximum of:
- Breakfast £9.71
 - Lunch £13.40
 - Tea £5.26
 - Evening Meal £16.58
- (* To be uplifted once the rates for 2024/2025 are known).
- g. That **all** claims for travel and subsistence reimbursement be accompanied by an appropriate receipt.
- h. That a full Fundamental Review is carried out in relation to the Scheme of Members Allowances for 2025/2026 during 2024.

Independent Remuneration Panel

Jeremy Filmer-Bennett
John Smith
Karen Stone

1 December 2023



MEMBERS' ALLOWANCES SCHEME 2024 - 2025

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

1. This scheme may be cited as the Mid Devon District Council Members' Allowances Scheme, and shall have effect for the period 1st April 2024 until the 31st March 2025.

2. In this scheme:

"Approved Duties" means those duties set out in Schedule 2

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

"year" means the twelve months ending with 31st March.

Basic Allowance

3. Subject to paragraph 6, from 1st April 2024 a Basic Allowance of £6,387 per annum shall be paid to each Councillor.

Special Responsibility Allowances

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

Renunciation

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

Part-Year Entitlements

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

Carer's Allowance

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

Parental Leave

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

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

Travelling Allowances and Subsistence Allowances

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

Payments

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

Claims

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

Pensions

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

Tax and Benefits

17. Income Tax

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

18. National Insurance Contributions

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

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

Chairman's Civic Budget

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

SCHEDULE 1

With effect from 1st April 2024, the following are specified as Special Responsibilities in respect of which Special Responsibility Allowances are payable, and the amounts of those Allowances:

Leader of the Council	£12,773
Deputy Leader of the Council	£6,387
Cabinet Member	£6,387
Chairman of Scrutiny Committee	£6,387
Chairmen of Policy Development Groups	£3,194
Chairman of Audit Committee	£3194
Chairman of the Planning Committee	£6,387
Chairman of the Licensing/Regulatory Committee	£1,597
Chairman of the Standards Committee	£1,597
Chairman of the Council	£3,194

With effect from 1st April 2024*, the following amounts are specified as the amounts of allowance payable in respect of travelling and subsistence arising from those approved duties set out within this scheme:

- (a) Travelling Allowances:
 - 45p per mile for the first 10,000 miles
 - 25p per mile thereafter
 - 5p per mile per passenger carried (up to a max 4 passengers, payable to the driver)
 - 25p per mile for push bikes
- (b) Subsistence Allowances
 - Breakfast £9.71
 - Lunch £13.40
 - Tea £5.26
 - Evening Meal £16.58

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

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

SCHEDULE 2

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

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

MID DEVON DISTRICT COUNCIL – SCHEDULE OF MEETINGS – 2024-2025

Ratified by Council on

MEETING	Normal day	1 2024	2	3	4	5 2025	6	
Planning Committee <i>(first meeting of cycle)</i>	Wed	12 th June	31 st July	11 th September	27 th November	8 th January	12 th March	
Planning Committee <i>(second meeting of cycle)</i>	Wed	10 th July	28 th August	9 th October	4 th December	12 th February	9 th April	
CABINET <i>(first meeting of cycle)</i>	Tues	4 th June	30 th July	17 th September	12 th November	7 th January	4 th March	
CABINET <i>(second meeting cycle)</i>	Tues	2 nd July	27 th August	15 th October	10 th December	4 th February	1 st April	
ENVIRONMENT PDG	Tues	18 th June	13 th August	8 th October	5 th November	9 th January	11 th March	
HOMES PDG	Tues	11 th June	6 th August	24 th September	19 th November	14 th January	18 th March	
ECONOMY PDG	Thurs	20 th June	1 st August	3 rd October	14 th November	6 th January	6 th March	
COMMUNITY PDG	Tues	25 th June	20 th August	22 nd October	3 rd December	21 st January	25 th March	
SCRUTINY COMMITTEE <i>(first meeting of cycle)</i>	Mon	17 th June	12 th August	30 th September	25 th November	13 th January	17 th March	
SCRUTINY COMMITTEE <i>(second meeting of cycle)</i>	Mon	15 th July	9 th September	28 th October	16 th December	17 th February	14 th April	
AUDIT COMMITTEE	Tues	25 th June	20 th August	22 nd October	3 rd December	14 th January	25 th March	
Standards Committee	Weds	19 th June		16 th October		5 th February		
Licensing Committee	Fri	28 th June			6 th December			
Regulatory Committee	Fri	28 th June			6 th December			
Away Days	Fri 9.30am			20 th September				
COUNCIL	Wed 6.00pm	17 th July	4 th September	30 th October	18 th December	19 th February	23 rd April	7 th May

Note: (i) *Annual meeting of the Council at 7.00pm. **Annual Meeting in 2024 is on 22nd May**
(ii)*Annual meeting of the Council at 7.00pm. **Annual Meeting in 2025 is on 7th May (earlier as no election)**

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