

MINUTES of a **MEETING** of the **COUNCIL** held on 4 September 2024 at 6.00 pm

Present

Councillors

F W Letch (Chair)
G Czapiewski (Vice-Chair), C Adcock,
M D Binks, D Broom, E Buczkowski,
J Buczkowski, J Cairney, S Chenore,
S J Clist, L J Cruwys, G Cochran, C Connor,
A Cuddy, G Duchesne, J M Downes,
M Farrell, B Fish, M Fletcher, R Gilmour,
A Glover, C Harrower, B Holdman,
S Keable, L G J Kennedy, L Knight, N Letch,
J Lock, J Poynton, R Roberts, S Robinson,
A Stirling, L Taylor, G Westcott, J Wright
and D Wulff

Apologies

Councillor(s)

F J Colthorpe, M Jenkins, N Woollatt and A White

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leiburne (Director of Legal, People & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), Angie Howell (Democratic Services Officer) and David Parker (Democratic Services & Policy Research Officer)

Councillors

Online

N Bradshaw and H Tuffin

Officers Online

206 APOLOGIES (00.08.43)

Apologies were received from Councillors: Mrs F J Colthorpe, M Jenkins, A White and N Woollatt.

207 PUBLIC QUESTION TIME (00.08:58)

Barry Warren

Mr Chairman

A Performance and Risk report has been circulating before various Committees and Policy Development Groups (PDG's) of the Council. At a recent meeting of the Audit

Committee a member commented on the low risk score under reference CR9a 3 Rivers – Reputational Damage - but regrettably his comments and the response from the Section 151 Officer are not minuted other than by a meaningless passing reference.

The Section 151 Officer concluded his response to the member with these words: *“I also do think, this is my own personal opinion, the council does need to move on and refocus its effort on delivering the services we should be proud of and that our residents want, rather than dwelling on something that has happened and has now been finished.”*

3 Rivers is being closed down, but how can it be said to be finished when the Council has admitted to a loss of millions of pounds and had millions more moved from reserves, or brought back from previous years, to try and reduce the visible loss figure.

There are still ongoing impairments; unsold properties at Bampton; land in Cullompton bought at an over-inflated price; St. George’s Court in Tiverton still requiring considerable additional expenditure to make it ready for HRA use; the selling of land bought to deliver 70 affordable houses in Tiverton, the Park Road Nursery site and more.

Some of these issues will be affecting the Council Tax Payers of Mid Devon for some years yet. It may be convenient to wish it was finished - but it is not.

Also, will this Council’s partnership commitment with Zed Pods be a new 3 Rivers?

Many questions are being asked about costs and construction. Detailed responses – not answers – have been put forward to public questions. One recent response, given by the relevant portfolio holder, was so very long and detailed that the words could only have come direct from Zed Pods. It is a pity that some of that information is different from what is being put forward in the planning applications that Zed Pods are making on behalf of MDDC.

Questions are also being asked about project delivery times being extended and costs increased.

Is ‘due diligence and value for money’ really being exercised on behalf of the Council Tax Payers?

Will the Scrutiny and Audit Committees take a good and forensic look at the public money spent on these projects?

The Chair stated that a written response would be provided within ten working days.

Paul Elstone

Question 1

Despite the land at Knowle Lane Cullompton having been valued at only £1.665 million, the Council, Cabinet and Committees have been told that the Council paid £3.662 million for this land.

But an examination of the Council 2023/24 accounts has revealed that on the 2nd February 2024 the Council paid 3 Rivers £4.394 million – a payment clearly shown as for the purchase of Knowle Lane. The difference between the £4.394 million actually paid to 3 Rivers for Knowle Lane and the £3.662 million that was said to have been paid is £732,000.

Please can this very substantial discrepancy of £732,000 be fully explained?

Question 2

When the very low Reputational Risk ranking for 3 Rivers was challenged by a member of the Audit Committee on 20 August, the S151 Officer said that he considered the risk ranking was correct and said he thought it was time to move on and not dwell on the past.

In his response, the S151 Officer admitted that 3 Rivers had been a mistake. Also saying that the problems at 3 Rivers were down to poor trading conditions in 2019.

But trading conditions in 2019 were good. The Bank of England interest rate was at 0.75 percent and falling. Building material prices had been flat for an extended time. Property prices were increasing. It was not the trading conditions that was the problem in 2019, this is just an attempt at an excuse.

The S151 Officer was the 3 Rivers Finance Director in 2019 and knew that 3 Rivers was already in financial distress at that time.

In November 2019, the Council had to make an impairment of £790,000 for 3 Rivers bad debts on the Working Capital and St George's Court loans.

The S151 Officer had advised the Cabinet, in 2017, that they should set up the 3 Rivers Company and let them build St George's Court because it would make a profit of £350,000 plus. But by November 2019 the S151 Officer fundamentally changed position and told the new Cabinet, in respect of St Georges Court, that, and I quote *'There was obviously no profit in it'*.

Will all members accept that until all relevant information is made available to the public, including Audit Reports and Business Cases and which have previously been suppressed and based on 3 Rivers supposed business damage and confidentiality, then the Reputational Risk to this Council from 3 Rivers will persist and may even escalate?

The Chair stated that a written response would be provided within ten working days.

208 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.16.20)**

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

None were declared under this item.

209 PREVIOUS MINUTES OF THE MEETING HELD ON 17 JULY 2024 (00.16.29)

The minutes of the meeting held on 17 July 2024 were **AGREED** as a correct record and signed by the Chair.

210 CHAIR'S ANNOUNCEMENTS (00.16.46)

The Chair had the following announcements to make:

- On 15 August he had attended the VJ Day Commemoration event in the Burma Star Gardens in Tiverton.
- The Council had received the good news of the grant funding for the Cullompton Town Centre Relief Road and sent their thanks and congratulations to all those involved in securing the funding.

211 PETITIONS (00:17.29)

There were no petitions presented.

212 NOTICES OF MOTIONS (00.17.31)

1. Motion 605 (Cllr Martin Binks)

The Council had before it a **MOTION** submitted for the first time.

- a) Mid Devon District Council recognises and notes the huge contribution made by our farmers, growers and the drink industry to the local economy, environment, and rural economies.
- b) Mid Devon District Council commits to further enhancing our partnerships alongside our arable, livestock and dairy farmers to enhance our beautiful countryside.
- c) Mid Devon District Council also commits to supporting our local farmers and growers and the food and drink sector by, where possible, ensuring that all food and drinks provided at council organised events is sourced from local suppliers, to always include meat and dairy as well as plant-based produce.
- d) As part of tackling the environmental priorities for Mid Devon District Council; the Council will consider ways to encourage our residents, where possible, to shop locally, taking full advantage of home-grown, affordable and nutritious produce, including meat, dairy and plant-based options, thus reducing food miles to our tables and boosting the economy.

The **MOTION** was **MOVED** by Councillor M Binks seconded by Councillor R Roberts.

Consideration was given to:

- Concerns over paragraphs b & d that there was no detail of what the Council would try to achieve and how it would get there.
- Whether in paragraph c, the words "organic where possible" could be included within the Motion after the words "local suppliers".

Cllr B Fish proposed an **AMENDMENT** seconded by Cllr M Fletcher that the Motion be taken to the Planning, Environment and Sustainability Policy Development Group, for review before it came back to Full Council.

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

213 CABINET-REPORTS OF THE MINUTES OF THE MEETINGS HELD ON 30 JULY AND 27 AUGUST 2024 (00.43.19)

The Leader presented the report of the meeting of the Cabinet held on 30 July 2024.

1. Crediton Masterplan (Minute 39)

The Leader **MOVED** seconded by Cllr S Keable:

That the recommendations of the Cabinet as set out in minute 39 be **APPROVED**.

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

The Leader presented the report of the meeting of the Cabinet held on 27 August 2024.

1. 2024/2025 Budget Monitoring Report Quarter 1 (Minute 47)

The Leader **MOVED** seconded by Cllr S Clist:

That the recommendations of the Cabinet as set out in minute 47 be **APPROVED**.

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

214 SCRUTINY COMMITTEE- REPORT OF MEETING HELD ON 15 JULY 2024 (00.45.26)

The Chair of the Scrutiny Committee presented the report of the meeting held on 15 July 2024.

215 AUDIT COMMITTEE - REPORT OF THE MEETING HELD ON 20 AUGUST 2024 (00.45:47)

The Chair of the Audit Committee presented the report of the meeting held on 20 August 2024.

THE APPOINTMENT OF CO-OPTED INDEPENDENT MEMBER (Minute 20)

The Chair of Audit Committee **MOVED**, seconded by Cllr G Czapiewski.

That the recommendations of the Audit Committee as set out in minute 20 be **APPROVED**.

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

216 PLANNING COMMITTEE- REPORT OF THE MEETINGS HELD ON 10 AND 31 OF JULY 2024 (00:47.01)

The Chair of the Planning Committee presented the report of the meetings held on 10 and 31 July 2024.

217 QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 11 (00.47.35)

To deal with any questions raised pursuant to Procedure Rule 11 not already dealt with during the relevant Committee reports.

There were no questions.

218 SPECIAL URGENCY DECISIONS (00.47.39)

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

219 QUESTIONS TO CABINET MEMBERS (00.47.43)

Cllr N Letch asked on behalf of a Parish Council whether an owner of a home could be forced by Mid Devon District Council to cut their hedge?

Consideration was given to:

- Advice could be sought from an officer in the Development Management Team.
- This would be a matter of common law and not normally dealt with by anyone else.

220 MEMBERS BUSINESS (00.50.32)

Cllr R Roberts offered his congratulations to officers on the achievement of funding for the Cullompton Town Centre Relief Road and said that the Council should not be pessimistic about the Cullompton Railway Station project, if the Cabinet backed their Members and Officers, he was sure that the Council would be able to deliver the project.

(The meeting ended at 6.53 pm)

CHAIRMAN