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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 6 August 2020 at 6.00 pm

Present

Councillors

R M Deed (Leader)
L D Taylor, G Barnell, S J Clist,
D J Knowles, Ms E J Wainwright, A White
and Mrs N Woollatt

Also Present

Councillor(s)

Mrs C P Daw, R Evans, F W Letch, Miss J Norton,
R F Radford, B G J Warren and A Wilce

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Corporate Affairs and Business Transformation), Jenny Clifford (Head of Planning, Economy and Regeneration), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Ian Chilver (Group Manager for Financial Services), Nicola Cuskeran (Senior H R Business Partner), Dean Emery (Group Manager for Revenues and Benefits), Claire Fry (Group Manager for Housing), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), Tina Maryan (Area Planning Officer), Christie McCombe (Area Planning Officer), Tristan Peat (Forward Planning Team Leader), Aarron Beecham (Forward Planning Officer), Chris Shears (Economic Development Officer) and Sally Gabriel (Member Services Manager)

205. **APOLOGIES (00-03-10)**

There were no apologies for absence.

206. **REMOTE MEETINGS PROTOCOL (00-03-19)**

The protocol for remote meetings was **NOTED**.

207. **PUBLIC QUESTION TIME (00-03-45)**

The Chairman read a statement on behalf of Mr Quinn referring to Item 5 on the agenda – minutes of the previous meeting:

At the last Cabinet meeting, I asked two questions.

One was answered in writing after the meeting, but the other has not been.

I had asked where I could see the answer to a question posed at the Audit Committee meeting of 23 June 2020.

In section 201 of the minutes of your previous meeting, at the end of the second paragraph, it is recorded that the Deputy Chief Executive “*would respond to Mr Quinn directly*”.

I have not had any response from the Deputy Chief Executive since that Cabinet meeting - so I still have not received an answer to my question.

My question is:

Why has the Deputy Chief Executive not provided the response he is shown as promising in the Minutes of the Previous Meeting?

Mr Allan referring to Item 11 (Greater Exeter Strategic Plan) on the agenda stated:

I am concerned that the economic development assessment is dated March 2017 and the assumptions in it date back to 2015 - it seems that the economic numbers that are unpinning the plan seem to ignore both the risk of a hard Brexit and even more the current economic situation due to the Covid virus.

Secondly the ‘attitudes to growth’ survey suggests that there is a net negative of 15.6% about the prospects for Mid Devon which clearly seems to be linked to the scale of the development which I think if economic growth is going to be slower, you should rethink whether that is appropriate.

Thirdly there is encouraging talk of the wish to maintain visual and technical separation of Kentisbeare, however on the one hand the map seems to show that the Garden Village is creeping closer to the A373 and also there are 2 different maps, one on page 98 and the other on page 156 which conflict with each other. One suggests the border at Dead Lane and the other suggests the border halfway between Dead Lane and Hole Road, so it is actually not quite clear what is proposed. Some of the scoring is odd - given the likelihood of creating a commuter town using the M5, its sits rather oddly with scoring for the Garden Village as having significant effects on climate change. It also refers to constraints of flooding in the Garden Village. I have after the last Delivery Board Meeting been in contact with Connecting the Culm, which they say that all future development is neutral which is not really what we were promised, which was that they would look at the impact of the scale of development that was intended both here and at J27, instead of just deciding that it was neutral and just mapping up the Culm regardless. My question is whether it makes sense to go out to public consultation without reworking the plan with objectives that look both more realistic to the time we are now in and closer to the wishes of the people who live in Mid Devon.

The Committee Clerk then read a letter from Cllr Enright (Chairman -Newton St Cyres Parish Council) referring again to Item 11 (Greater Exeter Strategic Plan) on the agenda:

I am dismayed to see that in the Greater Exeter Strategic Plan my village of Newton St Cyres has been singled out for at least 1200 new dwellings. Our village presently has under 800 dwellings.

The sites chosen are very difficult to access and partly prone to flooding.

A few days ago, the Full Mid Devon District Council voted to adopt the Mid Devon Plan Review. It follows that you should today formally reject the Greater Exeter Strategic Plan.

Should you require more housing then my suggestion would be that you build a new road from North of Crediton to the A30 and fund the road by strategically placed housing estates.

This would result in fewer cars and lorries needing to use the A377 to access Exeter and would be better for the local environment.

My question is this. Having just adopted the Mid Devon Plan Review will you today vote to not allow our villages to become a part of Greater Exeter by agreeing not to adopt the Greater Exeter Strategic Plan?.

The Chairman indicated that answers to questions would be provided when the items was debated.

208. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-11-04)

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

209. MINUTES OF THE PREVIOUS MEETING (00-11-30)

The minutes of the previous meeting were approved as a correct record.

210. DEVON DISTRICT COUNCIL'S JOINT SAFEGUARDING POLICY AND MDDC GUIDANCE AND PROCEDURES (00-12-11)

Arising from a *report of the Director of Corporate Affairs and Business Transformation, the Community Policy Development Group had requested that following review it be noted that no amendments had been made to the policy in the last 12 months.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that this was an annual report, the policy had been reviewed and there had been no amendments.

Consideration was given to whether DBS checks should be made mandatory for councillors and it was requested that a further report be prepared for consideration by the Cabinet.

RESOLVED that the report be noted.

(Proposed by the Chairman)

Note: *Report previously circulated, copy attached to minutes.

211. HYDRO MILLS PROJECT - TIVERTON WEIR (00-14-38)

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration updating Cabinet Members on the development of the Tiverton Weir element of the Hydro-Mills project and seeking approval to progress the project through the planning process and for the project to be funded through the revised capital programme.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the project would see the development of a twin Archimedes screw hydro-electric generation system and the related building, on the town weir adjacent to Rotary Way in Tiverton. Cabinet were being asked to agree that it goes forward through to the submission of a full planning application and is put onto the capital programme. This would allow the project to progress, but would still give Cabinet the opportunity to review the scheme and make a final decision once full cost details were established and all relevant decisions relating to the statutory requirements for the project had been approved. The full business case would be made available in December and would include cost and sensitivity analysis so that a final decision could be made before the project entered the tendering stage.

The project was a high profile low-carbon initiative for Mid Devon, which could mitigate the energy requirements for Phoenix House, with potential for selling additional energy through a power purchasing agreement. The scheme had been developed in partnership with a number of organisations, including the Hydro Mills Group Ltd (a local group of private riparian owners who were also bringing forward hydro schemes within the District), and in consultation with the Rivers Trust and Anglers Association. Its aim was to not only provide clean, renewable energy for MDDC, but to provide a host of other benefits, including enhanced biodiversity along the River Exe and a facility for people to learn about renewable technologies and to view the system in operation.

Consideration was given to:

- The need for any design to be tasteful and to fit in with aspects of the Exe Valley
- This was major infrastructure which shared the net zero aims of the council.
- The project could open up interest from other funding sources and that the project would bring the river into the forefront of the town and could become a tourist attraction
- Concerns were raised with regard to funding and the need for it to be controlled
- The private riparian owners and the schemes being discussed across the district and whether one of the PDG's could be updated on this work
- The need to pursue purchasing the titles so that the area could be maintained to a specific standard
- Possible lighting issues for the area and any detrimental impact on wildlife and the need for extensive environmental studies to take place
- The need for fish passes to be progressed

RESOLVED that :

- a) the project be supported and it is agreed that officers proceed to submit the planning application

- b) It is agreed that officers bring the scheme forward for inclusion within the revised capital programme

(Proposed by Cllr G Barnell and seconded by Cllr S J Clist)

Reason for the decision

This would allow the scheme to proceed to the stage of planning application submission and to include the project within the revised capital programme.

Note:

- i) Cllr Mrs N Woollatt declared a personal interest as a private riparian owner;
- ii) *Report previously circulated, copy attached to minutes.

212. CUSTOMER EXPERIENCE WORKING GROUP - RECOMMENDATIONS FROM THE SCRUTINY COMMITTEE (00-32-29)

The Cabinet had before it a *report of the Scrutiny Working Group “Review of Customer Experience in Mid Devon District Council” which had been considered by the Scrutiny Committee at its meeting on 20th July 2020 and it had made the following recommendations:

1. That a business case for a new Customer Relationship Management (CRM) system to replace the existing technology is developed and considered by the Cabinet. That any new system be designed with customer need at the centre of the process.
2. That systems work to full capacity and meet the needs of the customer first and foremost. Back offices should carry out service reviews and review business processes to ensure they are customer focused.
3. To ensure customers are at the heart of the Council, a customer focused culture should be promoted across the whole organisation - for all staff from the top down. This could include training (for Leadership Team, Officers and Members), Members/staff workshops or the use of advocates/case studies to promote a new system.
4. That a customer survey is carried out with members of the public regarding their experience and satisfaction as customers of the Council. Results are reported back to the Working Group when available.
5. That the Planning Department consider re-establishing a dedicated phone answering system, to ensure officers have capacity to focus on applications.
6. That the phone waiting times are reduced. A review of why the Service Level Agreement is not being met is carried out.

The Cabinet Member for the Working Environment and Support Services thanked the members of the working group and the officers who had put forward the excellent report. The work had been a valuable exercise looking broadly across the work of the whole authority. The report had highlighted some system processes that could be improved and had considered system used by other councils. She looked forward to receiving feedback from officers with regard to the work that was taking place and requested that timescales be put in place for some of the action points.

Consideration was given to: the work of the working group, the clean processes that were already in place in some departments and the need for the CRM system to be updated.

It was requested that special thanks to the Policy/Research Officer be recorded for her work on the project..

RESOLVED that the recommendations of the Scrutiny Committee be approved.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr L D Taylor)

Reason for decision

In light of the recent Covid challenges for the public and the authority, as an organisation we need to ensure that we continue to meet customer needs and a review of our customer approach is overdue. Acting on the recommendations from the report would serve as a useful exercise to also review lessons learned from the last few months in how we as an organisation are able to do things differently.

Note: *Report previously circulated, copy attached to minutes.

213. STATEMENT OF COMMUNITY INVOLVEMENT REVIEW 2020 (00-41-07)

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration regarding the revised Mid Devon Statement of Community Involvement (SCI) July 2020, and also temporary amendments in light of Government restrictions on people's movement and the need for social distancing.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Statement of Community Involvement (SCI) set out in detail how the Council would consult on local plans, Supplementary Planning Documents and planning applications.

The Council's existing SCI was adopted in 2016. And a review had been undertaken to take account of the following:

- The revised National Planning Policy Framework (2019)
- The Council's policies for giving advice in relation to neighbourhood planning
- Changes to Government legislation and a review of cost implications associated with consultation on planning applications.

The Head of Planning, Economy and Regeneration then addressed the meeting stating that the SCI also proposed a series of temporary amendments due to Covid-19 and restrictions on movement and gatherings.

Section 6.0 set out the level of support to be provided by the Council at each stage of the neighbourhood plan preparation process including area designation, submission, examination, referendum and adoption. It also set out additional optional support that the Council may be able to provide. In relation to planning applications, the revised documents set out how the authority consulted on planning applications and the different methods used, both electronic communications and neighbour notification

letters. The document also set out how communication would take place with regard to plan making and local plans. The draft SCI had been considered by the Planning Policy Advisory Group (PPAG), the report would be updated to include all the amendments arising from the PPAG before it was presented to Council.

Consideration was given to:

- Whether viability information would be published
- The need to consider under represented groups and how we would consult with residents via non-electronic means
- Neighbourhood Plans and the 2 stages of consultation and for Ward Members to receive the Council's draft responses to the consultation
- The need to increase liaison with customers electronically
- The need for 'Public Access' to be kept updated in a timely manner so that documents could be in order and clearly identifiable
- The request that the Planning Committee to be provided with copies of policy documents for reference
- In the summary of planning application processes, that outline applications can include access
- The S106 Governance report that was expected

RECOMMENDED to Council that:

- a) The Mid Devon Statement of Community Involvement (SCI) July 2020 (Appendix 1) including amendments arising from the meeting of Planning Policy Advisory Group meeting of 24th June 2020 is adopted and published on the Council's website.
- b) The temporary amendments to the Mid Devon Statement of Community Involvement (SCI) July 2020 (Appendix 2) are adopted until 31st December 2020 and published on the Council's website.
- c) Delegated authority be given to Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to review and update the temporary amendments to the Mid Devon Statement of Community Involvement (SCI) July 2020 (Appendix 2) should Government advice change or the Regulations be further amended in terms of restrictions on the movement of people and gatherings. Such review to include withdrawal of the temporary amendments in advance of 31st December 2020 should circumstances allow.

(Proposed by Cllr G Barnell and seconded by Cllr D J Knowles)

Reason for decision

So that the Council can meet its legal requirements under Section 18 of the Planning and Compulsory Act 2004. A decision is also needed to recommend the grant of delegated authority to review and update or withdraw the temporary amendments should Government advice or the Regulations be amended.

Note: *Report previously circulated, copy attached to minutes.

214. TIVERTON TOWN CENTRE MASTERPLAN UPDATE (1-10-23)

The Cabinet had before it a * report from the Head of Planning, Economy and Regeneration updating members on work to date, but also critically to provide an indication of future direction in response to the pandemic and the climate change declaration. It also provides an indication of when future reports will be considered by Cabinet and identifies key potential geographical areas for strategic intervention.

The Cabinet Member for Planning and Economic Regeneration stated that the work relating to regeneration and investment masterplanning for Tiverton town centre commenced prior to the current pandemic. Given the implications of COVID19 upon the local economy and town centre activity and the opportunities to embed tackling climate change into our approach to town centre regeneration, the report set out a way forward to encapsulate those issues with regard to strategic planning for Tiverton town centre.

Work on the Town Centre Regeneration Masterplan for Tiverton commenced in 2017 and was to set a basis for enhancing the economic prospects of the town in a way that was broader than a purely spatial plan. It was to include wider issues than the look and environment of the town centre, but the role and function of the town centre, Tiverton's identity and its unique selling points.

Initial public consultation was undertaken between 30th April and 10th June 2018 with a summary of the consultation feedback being presented to Cabinet during November 2018. The results of the consultation had informed both the masterplanning work undertaken since and the 'quick win' proposal for Fore Street which was subsequently paused. In addition, the Premier Inn had been opened and the multi-storey car park had been refurbished. An overhaul of the pedestrian signage had also been initiated with designs agreed with the Town Council and the Town Centre Partnership.

Mid Devon District Council had also adopted the Devon Climate Change Declaration with a commitment for net-zero carbon emissions by 2030.

More recently, high streets had suffered the biggest decline in their fortunes in living memory due to COVID19 - particularly the effect on our local economy and high street businesses. Any regeneration plans for the town needed to consider those impacts if they are going to be 'fit for purpose' in a changing high street environment.

This report therefore set out a process to develop a long term town centre recovery plan. It described a range of outputs including prioritisation of strategic interventions and proposals that could be delivered in the short term to make a meaningful and lasting contribution towards COVID19 related recovery. The work would complement immediate work being undertaken to enable the town to reopen and operate safely during the pandemic. Importantly, work towards COVID19 recovery also provides opportunities to put the Council's commitment to the climate change declaration at the heart of the town centre's role, function and regeneration.

Given the scale of the challenge and the complexities involved in town centre regeneration a suite of documents were proposed and identified.

Given the scale of the impact of COVID 19 and the need to ensure that the Council's commitment to climate change was adequately reflected in Tiverton's regeneration plans there were a number of initial steps that needed to be taken and/or reviewed:

The Town Centre Vision

The emerging key themes from public consultation

Key geographic areas for intervention

Prioritisation and identification of quick win projects

It was proposed that these work streams were developed with close working between officers, Cabinet and Ward Members, the Town Council, the Tiverton Town Centre Partnership and other stakeholders. It was hoped that the draft masterplan to be presented to Cabinet in December 2020

Consideration was given to:

- To the cost of yet another consultation on the masterplan, what the proposals would be, what was the branding and the marketing proposed and how much would that cost.
- The need for the masterplan to have 2 stages of consultation in line with the supplementary planning document guidance and the need to include the climate declaration

RESOLVED that:

- a) the report be **NOTED**.
- b) the direction of travel of the emerging work including the potential locations for intervention be endorsed and informs the next stage of work in preparing a draft Masterplan document and accompanying documentation including a Delivery Plan.

(Proposed by Cllr G Barnell and seconded by Cllr S J Clist)

Reason for decision:

To endorse the direction of travel over emerging work, the locations for intervention and to inform the next stage of work.

Note: *Report previously circulated, copy attached to minutes.

215. **GREATER EXETER STRATEGIC PLAN (1-22-46)**

The Cabinet had before it a * report from the Head of Planning, Economy and Regeneration with regard to the Greater Exeter Strategic Plan Draft Policies and Site Options consultation document and its Sustainability Appraisal Report and Habitat Regulations Assessment Report.

The Leader stated that the concept of the GESP had been supported by the previous administration and by the Council as a whole, it was now time to approve the draft policies and plans for consultation. The report before the meeting contained a list of

draft policies and a site options paper with indicative plans. Of the recommended site options, 5 were in Mid Devon although no formal allocation had been made. There was a need to look at the options and consider the recommendations in the pack. He outlined the other authorities in the partnership which was being supported by Devon County Council. He reported that East Devon were considering withdrawing from the partnership and that a decision would be made by its Council on 20 August but that it wanted to continue to liaise with other authorities. He hoped that Mid Devon would continue to work with other authorities in respect of the GESP.

The Planning Officer (Forward Planning) addressed the meeting highlighting by way of presentation:

- The importance of the document before members and it being the culmination of a very significant volume of work by officers from partner councils following a significant evidence gathering process
- The involvement of members throughout the process
- Not all the site options within the documents would be required
- The involvement of the reference forum and the PPAG in formulating the draft plan
- The further opportunities to shape the GESP post consultation
- The reasons for the plan in line with the NPPF, joint plan making encouraged by central Government, the existing and growing functional link between the administrative boundaries which included the travel to work area, the economic area and the housing market area.
- By working together additional funding could be sought from Government
- The need for the GESP – so that a overarching strategic plan could be formed, the coordination of growth across the 4 areas and the duty to cooperate required constructive, active and ongoing engagement with partners
- The relationship of the GESP with other individual plans, the contents of the plan with the strategic overview, the overarching vision for the area, policies which referred to the climate emergency, prosperity and homes, movement and communication, nature and infrastructure.
- 39 sites had been identified with 5 site options in Mid Devon
- The timetable for approval of the plan.

The Head of Planning, Economy and Regeneration then answered the questions posed in public question time:

- With regard to the economic development needs, she was aware that things had moved on with regard to Brexit and the Covid situation, however the consultation responses would be help to bring things up to date

- With regard to the growth survey, people were asked to think about their local areas and what was important to them and the results informed the draft document. The consultation process would help understand those views further
- With regard to the maps, these were separate base maps accounting for the apparent boundary difference
- With regard to the scoring of the Garden Village in the sustainability appraisal, she would reply to Mr Allan once she had considered the issue
- With regard to flood risk, a catchment wide approach was being taken as part of the Connecting the Culm project and strategic flood risk assessment would be considered
- With regard to Cllr Enright's question – there would be an opportunity as part of the consultation for residents to put forward their views on the issues that he raised.

She continued by highlighting the GESP process to date, the decision of the Council in 2016 to enter into the process and the benefits that were agreed. Since that date the climate declaration has been made and this was referred to in the GESP documents. The housing market areas, travel to work and transport patterns and the cross boundary issues which the strategic plan sought to tackle. There was also the duty to cooperate need. She outlined the other advantages of the plan, the need for infrastructure planning, the investment packages available from the Government for highways and railways, the duty to cooperate, the coordinated approach to funding and the need to have a plan at a sub regional scale.

Consideration was given to the views of Members

- Exeter had largely unachievable sites with some housing proposals being identified next to industrial estates and the motorway
- There were sites also unachievable in Teignbridge and this could impact on Mid Devon with the need to make up the balance
- Concerns about a boundary blind concept and whether we were creating a suburb of Exeter
- Concerns that East Devon may pull out of the partnership and the impact of this on Mid Devon
- 4 of the 5 option sites for consideration in Mid Devon had large floodplains – when these sites were selected did the Environment Agency have any input?
- The Exeter student housing did not form part of the 5 years housing allocation figures for Exeter and concerns that Mid Devon were being asked to build more houses than it needs to
- Concerns with regard to job creation funnelling workers into Exeter and whether economic development should be encouraged in Mid Devon
- Whether any decision should be put on hold until East Devon had made its decision
- The need for independence of decision making for local authorities and the need for local democracy
- The need for the Council to have a view
- The impact on officer resource if East Devon were to pull out of the partnership
- The timing of the decision and the need to consider the impact of Brexit and the pandemic and the knock on effects of these

- Housing need was not all about supply but the need for homes in the right places – what kind of homes did the communities want
- The need for realistic assessments of the carbon zero goals set out in the plan
- The need for affordable housing in the rural areas and that the plan would develop housing hot spots
- Concern that the strategic plan was entering a unitary authority via the back door
- Housing figures provided by the CPRE which did not match of the GESP and whether we are being asked to solve Exeter’s problems
- The impact of the proposal at Sampford Peverell and the flooding issues in that area of the village
- The impact of the site at Hartnoll Farm on the villages of Halberton and Sampford Peverell
- Concerns about giving delegated authority to agree changes to the documents arising from decisions from other GESP authorities
- The rail network and the flooding issues in the area
- Poor maintenance on the district’s cycle paths
- How much of the 30,000 houses related to a housing need in Mid Devon
- The Local Plan could become subservient, reduced accountability and control and the need for the Local Plan to be the control document and for the Local Plan to have an early review
- The impact of the proposed allocations options on the villages of Newton St Cyres, Sampford Peverell and on Tiverton

It was therefore suggested that:

This Cabinet believes that GESP presents Mid Devon with an unacceptable risk of large scale developments that are not warranted by any formal measure of local housing need.

The Cabinet, therefore, does not approve the recommendations of the Head of Planning in her report on the GESP draft policies and site options.

RECOMMENDED TO COUNCIL that: Mid Devon:-

1. Withdraw from GESP
2. Bring forward the preparation of the next Local Plan Review
3. Enter into discussions with our former GESP partners on a new Joint Strategic Planning Framework that ensures responsibility for development site allocations and targets is retained with the Local Plan

(Proposed by Cllr L D Taylor and seconded by Cllr A White)

Reason for decision:

This Cabinet believes that GESP presents Mid Devon with an unacceptable risk of large scale developments that are not warranted by any formal measure of local housing need.

Notes:

- i) The Leader requested that his vote against the decision be recorded;
- ii) *Report previously circulated, copy attached to minutes.

216. REVISED GESP STATEMENT OF COMMUNITY INVOLVEMENT (SCI) (3-07-37)

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration requesting it to consider and recommend to Council that it approves the Joint Statement of Community Involvement for the Greater Exeter Strategic Plan (GESP).

The Cabinet Member for Planning and Economic Regeneration stated that following the recommendation made in the previous item the document would only be required if Council approved the recommendations in the officers report. It was therefore put forward that:

In the event that Council decides to continue with the Greater Exeter Strategic Plan then:

RECOMMENDED to Council that:

- a) The Council approves the contents and adopts the Joint SCI that has been prepared for the Greater Exeter Strategic Plan (GESP); and
- b) The Council gives delegated authority to the Leader, in consultation with the Portfolio Holder and Chief Executive, to agree changes to the Joint SCI arising from decisions by the other GESP local planning authorities and to approve it as a Local Development Document, noting that it will apply jointly to East Devon District, Exeter City, Mid Devon District and Teignbridge District Councils.

(Proposed by Cllr G Barnell and seconded by Cllr A White)

Reason for decision

If the decision of the Council is to accept the Greater Exeter Strategic Plan then the GESP Joint Statement of Community Involvement sets out how consultation on, and involvement in, the preparation of the GESP will take place, together with delegated authority to agree changes will be required.

Note: *Report previously circulated, copy attached to minutes.

217. **FINANCIAL MONITORING (3-13-58)**

The Cabinet had before it and **NOTED** a * report of the Deputy Chief Executive (S151) presenting a financial update in respect of the income and expenditure so far in the year.

The Cabinet Member for Finance outlined the contents of the report stating that this was the first financial monitoring statement produced since lockdown. The Covid 19 pandemic had had a significant impact on the financial performance of the Council in the first quarter and whilst there were areas of additional expenditure due to the pandemic, the greatest effect related to the loss of income with a full year deficit of £2.9m, this reflected not only the effects of the lockdown, but also the ongoing underperformance as service activity would take time to recover. The current forecasted General Fund deficit for the current year was £1.503K after transfers to and from earmarked reserves as shown in appendix 1 of the report.

He reported that the HRA was in a satisfactory condition however there were concerns for when the furlough programme ended. Appendix C of the report highlighted the actuals against proposed budget. He informed the meeting that a revised budget would be considered at the next Cabinet meeting.

Note: *Report previously circulated, copy attached to minutes.

218. **PERFORMANCE AND RISK (3-19-54)**

The Cabinet had before it and **NOTED** a * report of the Director of Corporate Affairs and Business Transformation providing Members with an update on the performance against the Corporate Plan and local service targets.

Note: *Report previously circulated, copy attached to minutes.

219. **NOTIFICATION OF KEY DECISIONS (3-20-31)**

The Cabinet had before it and **NOTED** its rolling plan for August 2020 containing future key decisions.

Note: * Plan previously circulated copy attached to minutes.

220. **COUNCILLOR A WILCE (3-22-00)**

Cllr Wilce raised the issue of unanswered questions from public question time stating that:

The question Mr Quinn asked this evening hasn't been answered...he asked why his question at the last Cabinet meeting had not been answered by Mr Jarrett who is present tonight and so is able to answer that question.

His other question from that meeting has also not been fully answered. He asked whether there were releases in place for Mid Devon employees that are seconded to 3R. The answer given related to only one seconded full time person. His enquiry did not specify full time or otherwise employment. We all know there is more than one

MDDC employee seconded to 3R. The answer suggests but doesn't say it explicitly that there is or was another Mid Devon employee seconded to 3R without having been released from their legal obligation to the Council. I wish to know whether or not this is the case.

The Deputy Chief Executive (S151) stated that he would look into the matter and respond to Mr Quinn by the end of the week..

(The meeting ended at 9.24 pm)

CHAIRMAN

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Mr Quinn's written questions and responses

Cabinet - 9th July 2020

The Chairman read a statement on behalf of Mr Quinn referring to, Item 10: Annual Treasury Management Review 2019/20.

In Section 8, sub section 2 (Non-Treasury Management Investments), figures are given for the Council loans to the Company and it is stated that: "these loans are subject to overarching management review on a regular basis. This is reflected in the impairments, made in periodic monitoring reports and in a year-end review, totalling £790,000".

Yet the Company was loaned nearly six and a half Million Pounds in this year.

Lending such an amount to a Company that is openly saying it might not pay its' debts on time, inevitably raises questions.

One such question was asked at Audit Committee, on 23 June 2020, where the Committee was asked for "an assurance that all loans were made with due diligence and competence by MDDC Officers, fully in accordance with the usual business risk management processes".

The Deputy Chief Executive/ S151 Officer promised a "full and thorough response" - but no response appears in the Audit Committee Minutes.

My first question is: Where can I see this response?

As this question was asked at Audit Committee on the 23 June 2020 the next available committee meeting is scheduled for the 11 August 2020. The Deputy CE and S151 will ensure the following response is provided at the meeting.

I can provide full assurance that qualified finance staff review all loan transactions on a monthly basis and these are the same professional officers who assess the timing/frequency and likely level of repayment of all loans and it is these officers that calculate the impairment figure included in the Council's monthly financial monitoring reports. This formal review process also takes account of any associated business, economic and sales risks.

In addition to the review undertaken by the Council's finance staff, 3Rivers also has an annual review by Devon Audit Partnership who also report back to the Audit Committee their overarching findings relating to all financial and operational control measures, which includes commentary on any/all risk mitigation processes.

With regard to Agenda item 13:- 3 Rivers Developments Ltd Feedback.

In the second paragraph of the 'Legal Implications' section, the Chief Executive makes a clear statement that: "Neither Officers nor Members are able to put themselves in a situation where their duty to the Council conflicts with their duty to the Company".

He then retracts this clarity by continuing: "in so far as Officers are concerned - as their duty to the Council arises from their terms and conditions of employment. The Council, as their employer, is able to amend the terms and conditions, so that when

Officers are acting in their role as a Director of the Company, they act in the best interests of the Company”.

My second question is: Has any Officer ever had their terms and conditions of employment amended in the way that the Chief Executive describes?

Response of the Chief Executive

Dear Mr Quinn

Thank you for your question at last week’s cabinet meeting (of 09/07/20). I believe you were listening when I commented on this during the item in question; I stated at the time that I had discussed this briefly with my HR colleagues but that I believed it could be done via providing a formal ‘release’ when in a seconded role working for the company – rather than having to specifically change any individual’s terms and conditions.

I undertook to get back to you once I had clarified the position. I have since followed this up and can confirm that the necessary release has been officially provided from the HR department to the employee that has been seconded on a full-time basis to the company.

Regards

Stephen

Cabinet 6 August 2020

At the last Cabinet meeting, I asked two questions.

One was answered in writing after the meeting, but the other has not been.

I had asked where I could see the answer to a question posed at the Audit Committee meeting of 23 June 2020.

In section 201 of the minutes of your previous meeting, at the end of the second paragraph, it is recorded that the Deputy Chief Executive “would respond to Mr Quinn directly”.

I have not had any response from the Deputy Chief Executive since that Cabinet meeting - so I still have not received an answer to my question.

My question is:

Why has the Deputy Chief Executive not provided the response he is shown as promising in the Minutes of the Previous Meeting?

As confirmed in my response to Mr Quinn’s initial question this response will be provided at the next Audit Committee scheduled to be held on the 11/8/20. Apologies that this response wasn’t provided directly to Mr Quinn more promptly as previously agreed.