

Minute 124 – Public Question Time

Kate Clayton-White

Our Comments and questions relate to the minutes of the Economy PDG (EPDG) dated the 12 January agenda item 10 reports (b). We think that the cabinet officers running Mid Devon Council show a complete disconnect from the day to day difficulties faced by the public, we faced inflation busting increases in food and energy bills so the decision to raise car parking charges by eye watering amounts is very hard to swallow and for some people unaffordable.

We rent an allocated space because we live on a town centre street with limited parking our annual rent will be increasing by 115% from £425 to £912.50. We cannot identify the meetings where this increase was discussed and who agreed it. The need for a review of car parking charges was raised by the EPDG on the 12 January but the cabinet seems to have publicised and imposed this huge increase before the recommended review has even taken place.

Their decision making process is hidden behind a veil of secret part 2 discussions, the results of which are unavailable to the press and to us the public. I use the word publicise very loosely, there has been no publicity at all. Communication from the Council has been dire, we only found out through a chance conversation with a neighbour. The Council uses email to remind us that fees are due yet can't seem to use the same simple system to inform us of the increases. We suspect there will be many people who do not even know.

Last week's press release stated that material costs have escalated our car sized piece of tarmac is not swept or tended in any other way by council employees, we cannot see how the higher material costs could possibly lead to this huge increase which will by the way generate an extra £28k per year from 51 spaces, cabinet meeting minutes from the 29 November contain financial monitoring information from last year which seem to show that the four year forecast for car park income is £30k ahead of budget.

If this is correct the only possible justification of such a huge increase must be to use car park renters and users as a cash cow to sure up financial deficiencies in other areas administered by the council who's unexplained actions, lack of transparency and secretive decisions would seem fit to propel them head long into the rotten borrowed section of a future edition of private eye. So my question is, what was so commercially sensitive about raising car parking charges that the decision making process had to take place under private part 2 rules, i.e. in secret and why has the cabinet increased the charges before the recommended review has even occurred?

Answer

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 reviews of car parking fees will take place in normal Part 1 session.

Various options were presented to the Policy Development Group who recommended an option to Cabinet. Given the scale of the financial challenge felt by the Council, and taking on board the response to the recent Resident's Survey 2 which indicated a preference for increased council tax and fees and charges rather than a reduction in service provision, therefore Cabinet agreed a different (higher) option in order to move the council closer towards a balance budget position.

Paul Elstone

Question 1

A Local Newspaper has quoted the Leader as asking for an external fraud investigation involving 3 Rivers and this Council. A written reply on Monday to a question I previously asked, states that a Fraud Investigation has not yet been commissioned. The Reply also indicates there is no intention to investigate 3 Rivers. There is Information in the public domain which justifies including 3 Rivers in any fraud investigation:

- 1) 3 Rivers paid four hundred and twenty thousand pounds (£420,000) for the land at Bampton that a professional land valuer said was only worth Two hundred and Thirteen thousand pounds (£213,000).
- 2) For their Bampton development, 3 Rivers gave one set of viability figures to the Cabinet in their Business Case asking for Council Loans but gave different figures to the Council's Planning Committee.
- 3) When building materials were removed from St Georges Court. It is understood that an MDDC Executive Officer wrote an email which it was said these events should be kept confidential.

Will the MDDC Chief Executive Officer implement an external fraud investigation that fully includes 3 Rivers?

Answer

As previously stated, no such investigation has been commissioned. Without greater evidence to substantiate these claims, there is not sufficient reason to investigate.

Question 2

At the Scrutiny Committee Meeting, that called-in the Cabinet decision to continue to loan money to 3 Rivers, a former Cabinet Member said the cost of winding up 3 Rivers could be as high as Ten Million Pounds (£10,000,000). Detailed asset and liability calculations using the various financial data available reveals the loss would be around Seven Hundred Thousand pounds. Not ten million. Unless there is

substantial and serious information being hidden from the public this figure was just scare mongering in an attempt to influence the Scrutiny Committee decision. Any potential loss to the Council would be public money, not 3 Rivers, so this figure cannot be commercially sensitive and should be made public. Will the MDDC S151 Officer provide a realistic estimate of the true loss figure?

Answer

As the company is not being wound-up, there has been no calculation undertaken. Irrespective, at this point, all such information is commercially sensitive.

Question 3

The budget proposal before you reveals the intent to mothball the Children's Paddling Pools at Tiverton and Credenon to save money. Paddling Pools perhaps most used by disadvantaged children. Obviously this Council and its Officers have no shame. This given this Council is already writing off loans that 3 Rivers say they cannot repay and have admitted a major loss at St Georges Court, despite this the Cabinet supported by Executive Officers still voted to continue to support this poorly managed, poorly governed, loss making company. I understand the Environment PDG did not approve this action so how is this decision to mothball paddling pools justified?

Answer

The PDG recommended to cabinet not to make these cuts, but made no alternative suggestions. Cabinet decided they were necessary in order to balance the budget.

Jo Webber

I'm here regarding the proposed increase in car parking charges in around Mid Devon, car park ticket machines proposed 100% plus increase, on street parking permits up to 100% plus increase. Is Mid Devon totally unaware that the UK is going through a cost of living crisis, a car park is the first port of call for any tourist or new shoppers to Tiverton, what sort of welcome is that? Our local population that have stood by our local independents to shop local through these past Covid years, what sort of thank you is that?

The local businesses owned and employing local people would risk reduced footfall due to the higher costs of parking, this will have a domino effect and Mid Devon will have more empty units, is that your plan? We should be so proud of our three market towns situated in the heart of Mid Devon, we should strive to offer an exciting and varied selection of specialist shops and tourist attractions in our area, work together to make Mid Devon a special memorable experience for both tourism and shopping, not remembered for its extortionate car parking charges. Mid Devon have you realised everyone who lives, works in and around Tiverton will be affected by this outrageous proposal. My Question is, Mid Devon have you consulted with businesses or local residents regarding your imminent proposed increases in car parking charges? And if you haven't why not?

Answer

Yes, both generally and specifically.

Given the scale of the financial challenge felt by the Council, and taking on board the response to the recent Resident's Survey 2 which indicated a preference for increased council tax and fees and charges rather than a reduction in service provision, therefore Cabinet agreed a different (higher) option in order to move the council closer towards a balance budget position.

Specifically on the car park charges, decisions will be subject to a prior advanced public notice of 21 days, which will need publicising in all of our pay and display car parks and in the local press.

Sophia Beard

This is on the topic of car park charge increases, my name is Sophia Beard and I am speaking as a representative of the Tiverton Town Centre Partnership which represents all businesses within the Tiverton Town Centre. I'm a business owner myself and a resident in the town centre and have been privileged to have been part of this community for over 30 years. In discussion with the other businesses and members of the Town Council I would like to outline the concerns that have been raised over the last week which will conclude with a question for yourselves and will be followed by the submission of a petition at the appropriate point on the agenda.

Having had many, many, many conversations with people, both residents, business owners, members of the Town Council over the past week there is no way for me to impress upon you the strength of feeling that there has been since this news arrived all to the negative, let's be clear, Tiverton being a rural community oh and actually before I continue I would like to hark to the I will add every single sentiment that Kate made, that every single sentiment that Jo made and particularly every single sentiment that the gentleman before made as well in terms of the transparency because this all comes down to part of the problems that we have.

Inherently, raising car park charges is not the issue, the issues are many fold we understand that prices are rising indeed it is affecting everybody, however, you have a decision made by a Cabinet for which there is no legal quorum currently so how you can justify setting a hare running with a variation notice that is due to expire on the 7th of March without a consultation period is confusing to say the least. Procedure, in terms of the actual notice period that any other businesses and residents have had on this as Kate so eloquently put, some are still in the dark about it, many don't know about it but many as I'm sure have come to light but only in the last week. That is unacceptable, particularly in regards to the disproportionate impact this is going to have, now my colleagues in Cullompton who will deal with one car park rises, my colleagues in Crediton who have 2 car parks affected, Tiverton will be affected with 7 different car parks, so not only is it disproportionate in the percentage rises which it is very difficult to see that any formula has been used across as it has been noted some are going up by 100% some are 200%.

It's a very scatter gun approach as to how you actually worked out these figures in any case and that comes back round to this lack of consultation, lack of transparency, lack of transparency in terms of the procedure for speaking here tonight and submitting our questions and our petitions having only had a weeks' notice, we do have a 1000 names to hand in this evening that have been gathered from local residents, from shoppers, from the local businesses and we have been delighted with the outpouring of support that we have had from all those callers concerned over this issue.

As I said at the headline this isn't about whether or not you put up car parking charges that's fine, the fact is what you're not doing is doing it reasonably, proportionally within procedure possibly without quorum and legality and these are all serious concerns.

Another concern is that asking the business owners, the residents, the staff and their employees to plug up a shortfall of mismanaged funds by Mid Devon District Council in respect of perhaps other projects to do with 3 Rivers or anything else is unacceptable, you cannot justify a cash grab from these communities for that purpose if your budget needs to be balanced and that is something that you need to look at, but I tell you what we're not the ones who are going to pay for it in this way. I understand that you have a budget that needs to go through on the 11 March I also understand that you have a number of Councillors who have now been misplaced and the agenda for this evening you know goes on and on with other questions as to do with how this has been managed. So my question is and as I say largely I shouldn't have to remind you of the fact that as a rural community servicing the outline villages, every single person in this area and in this district whether in Tiverton, Crediton or Cullompton or any of the surrounding villages, the first thing you do when you need to do anything is to get into your car.

Because the bus services and transport services around here are not reliable enough to support the ageing population, the young population, just generally farmers they are getting in their cars and they are travelling. The issue the town centre partnership has and the work we are doing to promote Tiverton town centre is to draw people in and stop them because every single time someone from these surrounding villages gets in their car they have a choice, they have a choice whether come into our town centre and support our local businesses or whether they head off to Taunton or they head off to Exeter or whether they head off anywhere else.

The fight that we have ladies and gentlemen is to keep them here in town, your proposal in these increase in charges is so disgustingly disproportionately, arrogantly, counterproductive and counterintuitive to that aim that we really need you to listen the petition that will come in at section 6 has got 1000 signatures on it, we have had less than a weeks' notice to get that together.

And my question is this with specific regard to the widespread concerns and context that are being raised tonight by myself and the others in the room in respect of the quorum, procedure, transparency of process absence of the sufficient consultation and the disproportionate proposal both with the amount and impact on Tiverton town centre, its businesses, its employees, its residents and its customers, will members of the council agree to cease the countdown to the 7 March of the notice of variation and return to the issue with the appropriate mandate following your re-election of the council in May?

Answer

Given the level of feedback from residents and local businesses, the decision has been taken to reconsider the level of parking fees and charges. The Economy Policy Development Group will consider alternative options at its meeting on 16 March 2023 and will recommend an option to Cabinet for decision on 4 April 2023. Decisions will be subject to a prior advanced public notice of 21 days, which will need publicising in all of our pay and display car parks and in the local press.

Ros Nicholls

I'm a partner in a local business, Ros Time Flowers, but I also represent my colleagues at West Copse Chartered Accountants and Business Advisers at the Tiverton and the Crediton offices. I've written to several local councillors already voicing concerns about the increase in parking charges that's already been talked about, for our flower shop we park our delivery van in market place behind the old Halifax in an allocated space because it's near the shop, to learn that this is increasing to £912.50 is somewhat shocking and to put it in context that's like saying our £25 bouquet would cost you £54, we'd be out of business within a month, for my West Copse colleagues their daily charge in the multi-storey carpark will double, some work 2 days in Tiverton and 2 days in Crediton, so an annual permit isn't an option, many others who are on national living wage can't afford an annual permit, paying in one go.

To give them the option to pay quarterly increases that annual charge to £700 if you pro rata it. Surely a pay for what you use option would be fairer in the multi storey carpark because why should you pay for 10 hours parking when you only want 5.5. More importantly, the increase in the hourly rates in all the town centre carparks will discourage shoppers into the town and footfall will fall again, this is not the way forward to encourage people to use the array of shops and facilities the town has, which is clearly struggling already and if the decision makers bothered to look would know that this town is dying So my question for the council is to justify this ridiculous outrageous increases without surveying the actual users of the carparks, they are your customers, you've got to look after them just like we got to look after ours.

Answer

The Council, along with all other local councils, faces a very difficult challenge of balancing its budget with severely limited resources. The cost of living is affecting the

council the same way as it has for all homes and businesses. However, our ability to increase our income, for example through Council Tax is restricted to 2.99%.

Hon Ald. David Nation

Question 1

I am very pleased to read the proposal in Motion 591 and hope very much that the Council supports it. Around 20 years ago I was amongst the overwhelming majority of councillors who supported the introduction of the Cabinet system. Some will be aware that I withdrew my support for it after a number of developments indicated that it was not working as I had been led to believe that it would. Cllr Woollatt's words describe exactly the democratically damaging effect of the Cabinet system and I would ask all councillors to accept at last that a committee structure will allow far more members to take an active part in decision-making and begin to restore the faith of the Mid Devon electorate in the significance of their vote.

Answer

The motion was supported.

Question 2

It is apparent from reading the minutes that there is growing concern amongst members about the lack of information available to the public regarding matters dealt with in Part 2 and the enormous financial implications of the decisions made in camera for the Council's, and therefore council tax payers, funds. Coupled with the inability of most councillors to influence these vital decisions, I wonder if the Council Leader would agree with me that this is a situation more suited to autocratic regimes such as that in Russia that our Ukrainian friends are currently paying such a high price to combat?

Answer

This is for the ex-leader to answer.

Ashley Wilce

Question 1

The officers of this Council added documents to the Agenda for this meeting only hours before the meeting, rather than the 5 days that it should be. Would the person responsible for the decision to do that, please tell me, now, why Parliament would have bothered to have included the prior publishing requirements in both the 72 Act and the 2012 Regulations, and to provide contingency for urgent documents to be considered, if those publication rules did not apply and could be ignored at will, as this Council is doing?

Could the person also tell me how they expect members to read and properly consider the contents of documents, if they have only been sent to them hours before a meeting? Does the person responsible not think that such actions are likely

to result in Council decisions being challenged, on that basis alone, especially when there can be 100s of pages, as at least one of the added documents is, this evening.

If so, that person should be aware of a Planning Consent granted by Northumberland County Council that was overturned on Appeal to the High Court, on the basis of relevant documents not having been published according to the rules. A clear example of the need to abide by the rules is the fact Councillor Woollatt has had to have a very late amendment accepted for this evening, which was published only a few hours ago.

Democracy should not suffer just because the Chief Executive is incapable of providing efficient and effective democratic services. I call on Councillors to stand up for democracy and to refuse to consider those items that have been improperly added to the Agenda, both tonight and going forward.

Answer

It can be confirmed that all documents were published once available to Members of the Council. With all agenda items published 5 clear working days in advance of the meeting. This follows 100b of the Local Government Act 1972, as it states: “but nothing in this subsection requires copies of any agenda, item or report to be **[F13]**open to inspection by the public **[F13]**published electronically] until copies are available to members of the council.”

40 pages were published on 21 February which were published as soon as available. However, in terms of accessibility the other reports that related to the agenda items were available from previous meetings. For example, the report and appendices for the 2023/24 Budget were originally published on 30 January 2023.

It is always our aim to publish reports alongside the published items and we do not encourage the publication of late reports, however circumstances can hinder these goals.

Question 2

I note that there is a Budget Report included in the papers. Does the Council intend to vote on the budget this evening? If so, since there is no Agenda item for that decision, and the law states that there can be no discussion of any item that is not on the agenda, can the Monitoring Officer please tell me how that is going to lawfully take place?

Answer

Since 2013, the Council Summons have been structured in a particular way whereby: reports and recommendations to Council are presented through the minutes of the Committees and Cabinet.

It is within those minutes that the Council then makes a decision when the appropriate minute is raised by the respective Chairman of that Committee.

Therefore, with regards to the Council summons for the 22 February 2023. The Item "reports (a)" was listed and detailed that the cabinet minutes were part of that item. This means that because Cabinet made recommendations to council, and these minutes had been listed under the relevant item they could be discussed.

Question 3

The Agenda states that there is a Motion to remove Cllr Deed as Leader and that a vote will follow to elect a replacement. This is an improper motion that should not have been allowed by the Monitoring Officer or Chief Executive, since it is contrary to the Constitution. Under the Constitution, if the Leader leaves office for any reason we will already automatically have a new Leader, and that clearly isn't Cllr Deed.

Further, the Constitution clearly states that an election for a Leader can only take place at the Annual Meeting. It goes on to say that, contingent upon the Leader no longer being Leader, the responsibility for leading the Council must pass to another member of the Executive, until the Annual Meeting; surely, the incumbent Leader until the Annual Meeting must therefore be Cllr Knowles, as the sole surviving Cabinet member? So, why was this Motion allowed?

Answer

The agenda stated that should Motion 592 be carried, the election of a Leader would be required. This was to enable discussion if the motion was successful of an appointment of a new Leader. See Procedure Rule 6.3. Due to the resignations prior to full council it meant that there was only x1 remaining member on the executive being Cllr Knowles. It is correct that the election of the leader is at the annual meeting immediately following the elections and the constitution does set out when they hold office until. There is a distinction that in an election if there is only one candidate, he/she is returned unopposed; in an appointment there must be a motion to appoint and if there is only one candidate, that motion can be passed or rejected. If the motion and the candidate are rejected we shall need a new motion to appoint someone else, and so on until a motion to appoint someone is passed.

Question 4

Given all these examples of maladministration, I must ask, what is this Council paying the Chief Executive and Monitoring Officer for? They are being paid vast sums to make sure that the business of the Council is being run properly - almost £120k a year in the case of the Chief Executive - isn't it time that they were made to do it?

Answer

The Chief Executive and all other senior officers are remunerated in accordance with job evaluations undertaken by SW Councils on behalf of local government employers across the region.