

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **CABINET** held on 17 October 2023 at 5.15 pm

### **Present**

#### **Councillors**

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

### **Apology**

#### **Councillor**

N Bradshaw

### **Also Present**

#### **Councillors**

G Czapiewski, D Broom, E Buczkowski, F J Colthorpe,  
R Gilmour, L Knight and S Robinson

### **Also Present**

#### **Online**

A Cuddy, G DuChesne, A Glover, F Letch MBE and N  
Letch

### **Present**

#### **Officers**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy  
Chief Executive (S151)), Maria De Leiburne (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), Dean Emery (Corporate  
Manager for Revenues, Benefits and Recovery), Lisa  
Lewis (Corporate Manager for Business Transformation  
and Customer Engagement), Angie Howell (Democratic  
Services Officer) and Sarah Lees (Democratic Services  
Officer)

## **52. Apologies**

Apologies were received from Cllr N Bradshaw.

## **53. Public Question Time**

### **Mr Nick Quinn**

Regarding Agenda Item 8 – Medium Term Financial Update.

Appendix 1 shows a Savings Options Summary Table, listing various areas and the potential savings which it is believed can be made.

I have questions about some of the items shown on the table:

Q1: Corporate Management shows no savings at all, but Staffing shows a Total Saving of £779k. Why? Is it easier to get rid of Workers than Managers?

*Answer: Staffing savings is a generic savings figure and therefore aggregates all Council services including Corporate Management. At item 7 this evening we are actually looking at the makeup of the senior officer structure.*

Q2: The Pannier Market shows a Budget of £79k but Total Savings of £100k. How can more money be saved than is budgeted?

*Answer: The budget is net of income, plans are being considered to move this from a net cost to a net income generator for the Council.*

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?

*Answer: Again, the budget is net of income. The specific savings options are shown in Appendix 2, rows 15 and 17.*

Q4: On the Staffing line, there are no figures in the Budget or the Percentage change columns. Why is this?

*Answer: The budgets are included within the specific service lines above.*

Q5: If Staffing, and possibly Services, are being reduced - why does the Council still need the same amount of Management?

*Answer: Item number 7 this evening we are specifically looking at the make-up of the senior officer structure.*

## **Mr Paul Elstone**

My questions relate to Agenda Item 8 – Medium Term Financial Plan Update and associated financials.

### Question 1

Appendix 1 - Savings Options Summary Lists Parks and Open Spaces, shows a £50K saving. This amount it is believed to be the money required to keep both the Westexe, Tiverton, and Crediton paddling pools open and maintained over a year, plus perhaps the children's play equipment. Additionally, the Pannier Market is showing a saving of £100K.

Appendix 2 Headline Savings Options Round 1: Row 5 says and specifically against these budget items:

"Therefore, as indicated previously some services will cease" and "Reputational risk are likely".

Will the Council Leader provide categorical assurance, this evening, that he fully supports both the Westexe Tiverton and Crediton Paddling pools being fully open for use next summer and in the 2024/25 budget year and that he is not in agreement with officer recommendations?

### Question 2

Will the Council Leader also state that he is against the Tiverton Pannier Market being impacted irrespective of any Tiverton Town Council Funding decision?

### Question 3

It has been stated, in answer to a previous question, that all 3 Rivers funding came from temporary cash flow treasury lending.

How precisely is this Treasury Account funded?

### Question 4

The previous 3 Rivers loan impairment of £790,000 was required to be written off over a 5-year period. This despite the S151 Officer initially saying it was not necessarily a loss but prudent accounting.

How long will the additional £4.5 million 3 Rivers loan impairment take to be written off?

### Question 5

When setting the budget for 2023/24 there was a requirement to draw down General Fund reserves by around £500K. This was justified by officers stating there was a requirement to compensate for lost interest payments due from 3 Rivers - given the then Full Council's decision not to approve future new developments.

Can it be explained, and in simple terms, that while the 3 Rivers receive loans from a Treasury Account, the interest is paid to support the General Fund.

Surely interest should be paid back to loan source account. If not, why not?

The Leader stated that a written response would be provided to the questioner following the meeting as he had not provided questions in advance. The Clerk would notify him when the answers had been provided.

### **Mr Barry Warren**

My first questions relate to Agenda Item 7.

When I became Leader of the Council at the end of February 2023 a recruitment process had been commenced to replace the retiring Director. As the result of representations made to me I had discussions with the Chief Executive and put forward the idea of potential savings for the budget by not replacing the Director. Some of the savings could be used to reward other officers who had taken on more responsibilities. He was insistent that the post had to be filled and said he took this position as the result of advice obtained from the Local Government Association and South West Councils. I asked to see that advice but was never shown it. The Chief Executive advised Elected Members that he and I had agreed not to fill the post for an interim period before further review.

Is this current report the end result of that period of review?

*Answer: Yes*

1. The recommendation now is not to replace the retired Director and delete that post. The report states that advice has been sought from the Local Government Association and South West Councils who support the recommendation. This appears to be a complete 'U' turn from what I was told the previous external advice had been. What has changed to bring forward this different advice?

*Answer: Time and context.*

*The advice had previously been given relating to that of the council's housing function, specifically in light of emerging changes to the regulatory framework arising from the need for quality assurance in social housing. In the time since Mr Warren was a councillor, things have moved on and it is now clear that housing functions can sit appropriately in the structure without the need to create a Director level post. Recent advice confirms this.*

In the first paragraph of the report it states that this is being done to achieve financial savings. Under Financial Implications it states '*when implemented it will deliver financial savings as compared to the currently-budgeted structure.*

- a) If this recommendation is adopted when will it be implemented and what savings will be made?

*Answer: As the report states; as soon as possible, and unknown at this point, hence making it clear that savings will be reported in the usual way.*

- b) There has not been a Director in place since the previous one retired and so in simple terms what financial savings have been made to date?

*Answer: Circa £25k.*

2. If one looks at Agenda Item 8, Appendix 1 on page 81 of the papers on the top line against Corporate Management the annual budget for 2023/24 is shown as £1,338,000. The Total Savings are shown as Zero.

One report says there will be savings and another shows there will be none. Are Cabinet sure of what they are going to be agreeing to?

*Answer: For Cabinet to consider during debate.*

#### 54. **Declarations of Interest under the Code of Conduct**

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

#### 55. **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 19 September 2023, were approved as a correct record and **SIGNED** by the Leader.

#### 56. **Mid Devon Housing Damp and Mould Policy (00:22:00)**

Cabinet had before it a report \* which set out how Mid Devon Housing would address issues of damp, mould and condensation within the Council's tenanted and leasehold housing stock.

This included how the Council intended to comply with its legal responsibilities and with the Housing Ombudsman's recommendations in 'The Spotlight on Damp and Mould' report as well as its wider health, safety and wellbeing requirements towards its tenants under the statutory Homes Standard published by the Regulator of Social Housing and the new Social Housing Regulation Act 2023.

Consideration was given to:

- How incredibly disappointing it was that it had taken the death of a child to bring this matter to the fore nationally.
- The responsibility of the Council to provide safe and healthy homes.
- A tenant/s 'lifestyle' being one of the causes of condensation and what the Council could do to help in terms of providing clear and helpful advice.
- In certain circumstances reasonable adjustments could be made such as triple venting, opening a window after a shower, using a kettle rather than heating up pans of water or regulating the temperature better by turning the thermostat down rather than completely turning it off and then up to maximum the next time it is switched on.
- Damp and mould rarely existed as a result of one particular issue, it was more complex than that. The cost of living crisis as well as mental health issues could also be having an impact.
- Advice packs to tenants had been very welcome and there was an ongoing dialogue regarding education and feedback.
- Many issues were picked up by Neighbourhood Officers.
- There were more issues with the older housing stock and this was a consideration when reaching a decision about whether or not it was cost effective to repair a property or replace the property altogether.
- The vulnerabilities of residents were taken into account. New tenants were invited to join a 'Getting to know you' project with housing officers making the most of every contact and opportunity.
- Further central Government legislation was due which would provide more detail on how private landlords and Registered Social Housing landlords should deal with damp and mould, including any complaints arising as a result of it. It was not clear whether there would be any funding to support local authorities with this issue but Government was being pressed on the financial challenges this issue presented.
- Neighbourhood walkabouts with Ward members were proving to be very helpful to all parties involved.

**RECOMMENDED** to Full Council that the new Damp and Mould Policy and Equality Impact Assessment contained in Annexes A and B be adopted subject to the inclusion of the following paragraph:

To ensure that treatment has been effective, and damp and mould has not reappeared, any improvement work will be accompanied by a follow up visit to the property. MDH will allow at least 6 weeks after the initial treatment to revisit the dwelling. Any issues reported by tenants in the meantime will be acted upon promptly. If damp and mould have reappeared, further investigation and intervention will be pursued.

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

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.

Note: \* Report previously circulated.

**57. Recharges Policy (00:43:00)**

The Cabinet had before it a report \* stating that Mid Devon Housing (MDH), as a social landlord, incurred costs that arose from works and other activities which were normally the responsibility of the tenant, including repair of deliberate damage, pest control and property cleans and clearances. The MDH Recharges Policy sought to define the circumstances where such recharges occurred and make clear MDH's intention to recover such costs.

Consideration was given to:

- Whether there was a link between the age of a property and the length of the void period. It was explained that often there was a link.
- Sometimes there was deliberate damage to a property which required repair but which came at a cost.
- Other costs incurred could include missed appointments, missed inspections including those related to gas safety and tenants who just disappeared with no forwarding address.
- It was a challenging area but people's vulnerabilities were always taken into account.

**RESOLVED** that the updated MDH Recharges Policy and Equality Impact Assessment contained in Annexes A and B respectively be approved.

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

Reason for the decision:

The Council is (and must be) a registered provider of social housing and therefore is required to comply with the regulatory framework and consumer standards operated by the Regulator for Social Housing (RSH).

As such, it is necessary to ensure that the Recharges Policy addresses all the relevant legal obligations the Council has as a landlord for the housing estate. Consequently, the policy has been produced to ensure MDH has a clear basis for compliance with the relevant statutory consumer standard, which is it the Home Standard in this case.

Note: \* Report previously circulated; copy attached to the minutes

**58. Makeup of the senior officer structure in light of posts held vacant (01:06:00)**

The Cabinet had before it a report \* considering the makeup of the senior officer structure.

Consideration was given to:

- The fact that the Council had already been operating without the post in question since May 2023 under interim arrangements.
- There were no plans to reduce the amount of administrative support.
- The advice which had been sought from the Local Government Association had informed the proposal.
- The process would be reviewed by the regular Establishment reports presented to the Scrutiny Committee and the Cabinet.
- There were no undue concerns from the other members of the leadership team.

**RESOLVED** that:

- a. The senior officer (leadership team) structure be revised to delete one post, with responsibilities realigned across remaining posts as appropriate.
- b. The new leadership team structure be implemented as soon as possible, subject to consultation with those employees affected, and in accordance with the relevant national terms and conditions for local authority senior officers.

(Proposed by the Leader)

Reason for the report:

It is considered that the council can continue to meet its legal obligations with this reduced senior officer structure. The legal implications resulting from the decision will relate to the appropriateness of implementing the changes in accordance with relevant employment law. This will be done in accordance with MDDC policy and with advice from SW Councils as required in order to minimise any risk.

Note: \* Report previously circulated.

**59. 2024/25 – 2028/29 Medium Term Financial Plan Update (01:17:00)**

The Cabinet had before it a report \* which updated Member's on the Medium Term Financial Plan (MTFP) which covered the period 2024/25 to 2028/29 and which identified potential savings options for consideration / approval.

The following was brought to Members' attention:

- There was an estimated budget shortfall of £2.1m for 2024/2025 rising to £5.2m by 2028/2029, however there was a legal obligation to balance the budget.
- The three levels of risk in relation to the proposed savings was explained.
- The detail of proposed savings would be discussed by the Policy Development Groups, the Cabinet were being asked to accept the 'principles' of this approach and provide a corporate steer.
- All Members were encouraged to engage in the process.
- Further significant savings would need to be identified with some decisions being very difficult to make.
- Members would need to receive some advice as to what the proposed savings would mean in reality for service provision.



- It was hoped that the Government's Funding Settlement would be known by Christmas providing more financial certainty.
- Opportunities for partnership working and the sharing of services with other authorities continued to be explored.
- Conversations were also being had with Town and Parish councils.
- Decisions in relation to discretionary and non-discretionary services would need to be considered as part of closing the budget gap.

**RESOLVED** that:

- a) The updated MTFP for the General Fund covering the years 2024/25 to 2028/29 be **NOTED**.
- b) The savings options within Appendix 2, taking into account the recommendations from the Policy Development Groups, be approved.
- c) The Policy Development Groups be requested to identify further savings options and recommend back to Cabinet for approval.

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

Reason for the report:

The current budget for the General Fund shows a potential deficit of £765k, with an increasing funding deficit projected in future years. This highlights the need to take steps to plan for further reductions to the Council's ongoing expenditure levels.

Note: \* Report previously circulated.

#### 60. **Notification of Key Decisions (01:40:00)**

The Cabinet had before it, and **NOTED**, the notification of key Decisions \*.

A suggestion was made that when the Cabinet were required to consider the Crediton Masterplan, consideration be given to holding the meeting in Crediton.

Note: \* Notification of Key Decisions previously circulated.

(The meeting ended at 7.00 pm)

**CHAIRMAN**