

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 15 April 2024 at 5.30 pm

Present

Councillors

R Gilmour (Chairman)
G Westcott (Vice Chairman), E Buczkowski,
A Cuddy, G Czapiewski, G Duchesne,
M Farrell, B Holdman, L Knight, R Roberts
and S Robinson

Also Present

Councillor(s)

J Buczkowski, S Keable and D Wulff

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leburne (Director of Legal, HR & Governance (Monitoring Officer)), Angie Howell (Democratic Services Officer) and David Parker (Democratic Services & Policy Research Officer)

Councillors

Online

S J Clist, F J Colthorpe, A Glover, L G J Kennedy, L Taylor
and J Wright

Officers Online

Lisa Lewis

91 APOLOGIES AND SUBSTITUTE MEMBERS (0:05:03)

There were no apologies for absence.

92 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0:05:19)

There were no interests declared under this item.

93 PUBLIC QUESTION TIME (0:05:40)

Goff Welchman

At previous meetings I have asked questions about 3 Rivers Developments Ltd and have been very dissatisfied with the replies given which I believe to have been at best evasive and at worst highly economical with the truth.

At the recent Audit Committee meeting the following statement was made by the Council's Auditors concerning 3 Rivers, I quote "Risk Management is the responsibility of the Board of Directors, whether this is the management of Health and Safety, Programme Delivery or Financial Performance".

My question is; given the continued and escalating losses incurred throughout 3 Rivers disastrous history and not just since the pandemic, the war in Europe and the cost of living crisis as has been implied by some, I fail to see why this Committee refuses to apportion blame for the apparent gross mismanagement and incompetence which has led to these extensive losses of public funds? In fact, if these business amateurs had presented 3 Rivers to Lord Alan Sugar and asked merely for a quarter of a million pounds not the £23 million actually borrowed, his answer would have been "you're fired". Therefore, why are those responsible getting clean away with it and in some cases enjoying generous pay rises?

The Chairman explained that as the questions had not been provided in writing in advance of the meeting that written responses would be provided within ten working days.

Nick Quinn

Q1: When the new 2024 Leisure prices were introduced, it was said that the increase had been based on the September 2023 inflation figure of 6.7%. Why did the session prices for Juniors and Concessions increase by up to double that percentage?

Response from the Cabinet Member for Community and Leisure:

I believe your reference to the September 2023 inflation figure of 6.7% comes from the Fees and Charges report brought before Cabinet on the 9th January 2024.

Rather than reading entire sections of that report verbatim today, I will instead reference the paragraphs so you may refer to them alongside my answer.

Paragraph 1.3 sets out the distinction between the statutory and discretionary charges, and specifically mentions that leisure fees may be charged above inflationary increases where the market supports this.

I draw you attention to paragraph 1.6 which sets out the key principles for setting discretionary charges which we have followed.

Additionally, paragraph 2.4 requires that any proposal that exceeds inflation must be presented to, and supported by, the relevant PDG, which happened at the Community PDG on 24th October 2023.

As you are aware from previous times you have asked me, extensive market research by a specialist leisure consultancy company preceded the fees changing which provided key guidance around the setting of all the leisure fees, including Junior Memberships and Concessions. The recommendation that was made by the Community PDG and approved by Cabinet was based on that market research. That information remained commercially sensitive and exempt from publication.

Q2: Why was it felt necessary to recently increase the car parking charges by an additional 6.7% when the previous price increase seemed, from the quarterly dashboard reports, to be raising sufficient income to cover the cost of the service?

Response from the Cabinet Member for Finance:

Inflationary fee increases were agreed / delegated last year to ensure that charges increase with inflation, to avoid higher than inflation fee increases in later years (as we saw proposed last year), it is also likely that some inflationary cost pressures would be realised in future periods along with provisions for longer term maintenance costs.

Q3: As at today's date, have all the assets of the 3 Rivers Developments Ltd been sold to the Council (including the parking spaces at Halberton)?

Response from the Cabinet Member for Finance:

As of 31.03.2024, all of the property holdings and fixed assets of 3 Rivers Developments Ltd had been transferred to the Council.

Q4: How many properties at Haddon Heights, Bampton, did the Council actually buy from 3 Rivers?

Response from the Cabinet Member for Finance:

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Q4(a): On what date was that purchase made?

Response from the Cabinet Member for Finance:

28.03.2024

94 **MINUTES OF THE PREVIOUS MEETING (0:12:51)**

The minutes of the meeting held on 18 March 2024 were approved as a correct record and **SIGNED** by the Chairman.

95 **DECISIONS OF THE CABINET (0:13:16)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 2 April 2024 had been called in.

96 **CHAIRMAN'S ANNOUNCEMENTS (0:13:24)**

The Chairman announced that as she was standing for election as a Member of Parliament at the next election she needed to give more time to her candidacy and would be stepping down as Chairman of the Scrutiny Committee.

The Chairman commented that she had had a fantastic year as a new Councillor chairing the Scrutiny Committee, it had had its challenges but she had worked with some very committed people, and people that had the best interests of the community at heart.

97 **MOTION 564 INCLUSION AND DIVERSITY (0:14:32)**

The Committee had before it, a *report from the Inclusion and Diversity Working Group on Motion 564 relating to the data gleaned from the responses in the Councillor's Questionnaires.

Councillor G Czapiewski gave an overview of the findings and highlighted the following:

- Time (or lack of it) was the greatest impediment to Councillors.
- Time taken for journeys to the Council offices.
- The Local Government Association and Rural Services Network were interested in the findings of the Working Group.
- The virtue of Chairs experiential training would help to keep the length of meetings to a minimum.

Discussion took place with regard to:

- What were Officer's views on the timing of meetings?

Conclusions and Recommendations

1. **Conclusion:** The move to more early evening meetings, as had already happened in this administration, was an appropriate way to maximise attendance. The Council needed to review the spread of meetings over the working day and evenings after a period and also consider the impact on officers with respect to the move to more early evening meetings.

2. **Recommendation:** The findings strengthen the case for further experiential training for Chairs and Vice Chairs.

3. **Recommendation:** A change in rules to allow voting by online participants in a meeting improved access for some Councillors. This may be particularly relevant to improve the potential for parents or carers to attend, as well as those with mobility problems and those at the greatest distances, particularly in the evening. It would also reduce costs and carbon emissions. The Working Group noted that the Local Government Association had campaigned for this change. The Scrutiny Committee recommend that the Council advocate for this change and lobby the government to introduce it.

4. **Recommendation:** The Scrutiny Committee believed that the work of this Working Group had concluded and recommended that the subject of Inclusion and Diversity with regard to removing obstacles to becoming a Councillor be added to the Policy Framework or the Scrutiny Work Plan to be considered annually.

5. **Recommendation:** The Scrutiny Committee recommend that those considering standing for elections be warned about the unpredictable time demands for working with residents' issues and Town & Parish Councils. This may be something for the Political Groups to consider.

The Committee **RECOMMENDED** paragraphs 2, 3, 4 & 5 above to Full Council.

Proposed by Cllr G Westcott and seconded by Cllr G Czapiewski

Motion on Remote Attendance Meetings

Background;

As part of the Diversity and Inclusion workgroup a questionnaire was issued to Members.

The results showed that time was the most common and consistent issue affecting Members' ability to fulfil their roles and was also a reason for people not putting themselves forward. In particular the ability to attend meetings, especially in the evening, was significantly improved if meetings could be attended remotely. In addition, many Members travelled over 10 miles with a return journey time of 1 hour or more, most often by car. This had a financial, environmental and social impact.

The Local Government Association (LGA) worked hard last year to influence amendments to the Levelling Up and Regeneration Bill so that virtual council meetings would be allowed. They said "Unfortunately, we were not successful and those amendments came out of the Bill. Our position is still, that councils should be allowed this flexibility, but we are not actually working on this issue."

With the advent of enhanced audio visual systems in Mid Devon District Council and other councils, remote attendance and voting was more realistic than may have been possible previously.

If the motion is approved we ask that it be sent to Devon County Council and Devon Districts Forum to request their support, and to the Local Government Association for their information.

Proposal to take Motion to Full Council

A survey of Mid Devon District Councillors had shown that remote attendance at meetings significantly improved inclusion of Councillors with caring responsibilities, mobility issues, or greater distances to travel to attend meetings. We ask the Department for Levelling Up, Housing and Communities (DLUHC) to reconsider the regulations which prevent those participating remotely from voting and permit their full participation in decisions if they have attended the full meeting. As they stand the rules contribute to obstacles facing women's participation in local government identified by the Fawcett Report ([Does Local Government Work for Women? - Final Report of the Local Government Commission | The Fawcett Society](#)), as well as negatively affecting those with caring responsibilities of whatever gender and those with mobility issues. We ask this Council to follow the Local Government Association

in lobbying the Government to allow councils, if they choose, to enable remote participants to play a full role and vote in decision making.

Proposed by Cllr G Westcott and seconded by Cllr G Czapiewski

The proposal to take this Motion to Full Council was **CARRIED**

Note: * Report previously circulated.

98 **CABINET PORTFOLIO PRESENTATION FROM THE CABINET MEMBER FOR COMMUNITY AND LEISURE (0:29:11)**

The Cabinet Member for Community and Leisure gave a presentation relating to his Portfolio. The Presentation is now attached to the agenda.

The Community & Leisure portfolio broadly encompassed;

- Community development,
- Public health and welfare,
- Licensing, and many regulatory functions.
- It also included most technology and data processing functions including information governance and digital transformation.

Each function reported to one of three Committees: Cabinet, Community PDG and Licencing Committee.

The Cabinet Member highlighted the following in his report:

- Information (Data) and data security.
- Freedom of Information and Subject Access Requests.
- Digital Transformation.
- Customer Relationship Management system.
- ICT Services.
- Community Safety and Safeguarding.
- The three Leisure Centres.
- Active Start Programme of GP referrals to improve patient's fitness.

Discussion took place with regard to:

- In answer to a question from a Member, the Deputy Chief Executive gave an overview of the Council's insurance arrangements, and implications on cover against data loss and breaches.
- A public presentation reflecting the Portfolio of the Cabinet Member for Community and Leisure was suggested along similar lines to that presented to the Scrutiny Committee.

The Committee **NOTED** this presentation.

99 **CABINET PORTFOLIO PRESENTATION FROM THE CABINET MEMBER FOR FINANCE (0:52:00)**

The Cabinet Member for Finance gave a presentation relating to his Portfolio. The Presentation is now attached to the agenda.

The finance portfolio underpinned, facilitated and supported the delivery of all Council Services.

Every decision the Council made, or initiative it sought, had a financial implication that needed to be understood and managed, in addition to this and more specifically the portfolio responsibilities included:

- Revenue and Budget Development for the General Fund and Housing Revenue Account
- Budget Monitoring and in year Virements
- Medium Term Financial Strategy
- Treasury Management
- Capital Programme Planning
- Annual Report and Accounts
- Internal and External Audit
- Council Tax, Revenue and Benefits
- Car Parking
- External Company Liaison with 3 Rivers Developments Limited

The Cabinet Member for Finance highlighted the following:

- The good number of financial achievements and outcomes delivered by the Council.
- Balancing the budget.
- The closure of 3 Rivers.
- Reducing the level of subsidy to our excellent 3 leisure centres.
- The 2024/25 budget was set without any utilisation of reserves (and with only a 2.99% increase in Mid Devon District Council's share of the Council Tax).
- All 3 Rivers assets had either been sold or transferred back into Council ownership, and the annual budget for leisure had been reduced by over £400k, without any reduction in service and coupled with a decarbonisation investment of around £3.5m.
- Collection rates of 97.5% for Council Tax, 99.4% for business rates and 98.9% for corporate debt recovery.
- Housing Benefit (HB) / Council Tax reduction – Department of Works and Pensions (DWP) see the Council as upper quartile in processing of claims and general checking that is required, HB subsidy had seen a positive increase of c£33k.
- The Council had processed Household Support Fund payments of over £413,000 to help 1,253 households.
- Delivered the co-location of Devon County Council at Phoenix House, saving costs and realising additional revenue.
- The Council were about to complete on a land sale that would unlock the delivery of 70 affordable homes.
- Recently the Council held an evening with all of the Town/Parish Councils to promote better partnership working – which was a great success, and covered cost saving and shared costs.

- Introduction of a Council Tax exemption for Care Leavers and agreed a higher charge for second home owners that would be effective from April 2025.
- The Council continued to make bids to Government for further decarbonisation projects with successful outcomes.
- Maximised the deployment of “Right To Buy” funds to secure more housing and ensure none is returned to Government.
- Reduced the costs of senior management by over £100k.
- The Council continued to benefit from partnership arrangements in Building Control, Procurement and Business Rates.
- Bucking national trends by maintaining virtually full occupation rates across their retail and commercial portfolio.
- The Council earned around £2.4m from their treasury activities in 2023/24.
- The Finance Team continued to provide regular financial information to Council meetings.
- Creation of a new performance/risk monitoring dashboard for a number of Council meetings, these allowed Councillors to have relevant and accurate financial information to support their sound decision making.
- The Council had new external auditors and were seeking to appoint an independent person to the Audit Committee, to further reinforce their already robust audit processes.

As far as the overall outturn position for 2023/24 was concerned the Finance Team were still pulling all of this together.

Initial indications were that the Council’s General Fund balance would be restored to an acceptable level whilst maintaining high levels of service provision and ensuring they had sufficient financial balances and ear marked reserves to provide for long term funding commitments.

The Cabinet Member for Finance was already deep in discussion with senior officers about the shape and scope of the 2025/26 budget, and as part of their Medium Term Financial Plan forecasting. They would be estimating the financial context that would impact future budgets and how they would align to the delivery of the Council’s new Corporate Plan.

The Cabinet Member was keen for the whole Council to be involved in the budget setting 2025-26 and the development of the Medium Term Financial Strategy and the Scrutiny Committee, along with the Policy Development Groups would be fully involved at every stage.

The Cabinet Member for Finance thanked all of the officers who had delivered such a great number of these achievements over the past 12 months and looked forward in continuing to work closely with them in order to navigate the Council through the next set of challenges and opportunities.

The Cabinet Member invited feedback from the Scrutiny Committee, and the wider membership, on both what the Council does well and what they could do better. Additionally feedback would be particularly welcome around reporting, did the Council provide the right information, at the right time and was there anything else Councillors would like to see? With regard to the budget setting process, how could they improve on last year?

The Committee **NOTED** this presentation.

100 **SCRUTINY COMMITTEE CHAIRMAN'S ANNUAL REPORT (1:01:16)**

The Committee had before it and NOTED the Scrutiny Committee Chairman's Annual report*.

Note: - *Report previously circulated.

101 **WORK PROGRAMME (1:01:40)**

The Committee had before it and **NOTED** the *Forward Plan and the *Scrutiny Committee Work Programme.

The following was discussed and requested that it be added to the Work Programme:

- Planning Enforcement.
- Void Properties – how many properties were empty in the Housing Revenue Account, results to be broken down by ward, what was the Council doing to reduce those Voids and could Councillors be provided with the trends as to why those properties were empty.
- Air Management Control in Cullompton and beyond relating to relief roads and traffic management.
- Care-Leaver friendly Employer briefing – pre. Cabinet.
- Destination Management Plan – could we look at data and visitor spend?
- Solar Panel farms and Anaerobic Digesters – quantity and how much land was devoted to renewable energies?
- Town and Parish Charter meeting including feedback from the State of the District meeting. Goal to define the message that is taken out to Towns and Parishes.

Note: - *Forward Plan and *Scrutiny Committee Work Programme previously circulated.

(The meeting ended at 6.38 pm)

CHAIRMAN