

Full Council 17th July 2024 Public Questions and Answers

Name of person submitting	Questions
Mrs Hannah Kearns	<p>Questions relate to the financial settlement package for the 3 Rivers Development Manager Director.</p> <p>At the Audit Committee of the 25th June 2024, I asked various questions related to the high redundancy package provided to the 3 Rivers Managing Director. Someone who was a previous MDDC senior employee. One question asked was as follows <i>'The Compensation and Pension Contribution figures seem excessive for someone with only three year's service and at £143,264.</i></p> <p>The answer received from the Cabinet Member for Governance and Finance and Risk was and I quote 'The applicable length of service included the previous service at Mid Devon District Council'.</p> <p>It has been identified in the MDDC Budget Statement of Accounts and for the year 2020-2021 Page 145 that a payment was made to the same individual and for a sum of £33,000 or equivalent to 6 months' salary. The reason for this £33,000 payment is given in a table on Page 145 as 'Compensation for Loss of Employment'.</p> <p>A note reference to the payment made- Note 5, says 'Due to the restructure of 3 Rivers Developments Ltd, the Acting Managing Directors secondment from Mid Devon Council ended 31st March 2021 and as at the 1st April 2021 will be directly employed by 3 Rivers Development Ltd'.</p> <p>Additionally, despite the individual involved remaining an MDDC employee having been seconded to 3 Rivers and for the full 2020-2021 financial year this same employee received a salary increase of 6.7% against the previous year, yet his peer group MDDC Officers received a salary increase of less than half that at 2.8%</p> <p>From this information it can be seen there was absolutely no loss of employment not even a break. That in fact the individual concerned was already on enhanced salary and pension terms.</p> <p>Question 1 What precisely was the £33,000 payment for as clearly it was not for loss of employment?</p> <p>Cabinet Member for Finance, Governance and Risk: This payment made in 2020/21 wasn't a direct salary payment, but as it was a payment made in relation to their employment conditions no further information can be supplied as they are exempt under 9.1 (b) (d) of the Mid Devon</p>

Constitution, (that the information falls under Confidential or Exempt information) on the advice from Officers. This is on the basis of the following classes of information as sanctioned in Schedule 12A of the Local Government Act, Para 1 (Information relating to any individual), 3 Information relating to the financial or business affairs of any particular person (including the local Authority).

Question 2

Was the payment related to any form of “Special Deal”?

Cabinet Member for Finance, Governance and Risk:

No and I refer you to the above response.

Question 3

Was the Council Leader and/or Cabinet involved in agreeing the full terms of this £33,000 payment?

Cabinet Member for Finance, Governance and Risk:

As this payment was made to a non-statutory officer it would not be necessary to obtain formal authority from the Leader or the Cabinet.

Question 4

If not, why not?

Cabinet Member for Finance, Governance and Risk:

See the above response.

**Mr Barry
Warren**

No Response required

In 2019/20/21 you were Chairman of the Scrutiny Committee and I was also a member of that committee.

The Committee set up a Working Group to look into Planning Enforcement in Mid Devon District Council. I was the Chairman of that Working Group and our first meeting was on 11th March 2021. From the outset the Chief Executive and the Head of Planning insisted on being present to 'advise and guide', but committee members wanted to speak to officers 'on the ground' without them feeling restricted by senior management being present. One meeting had to be abandoned as the Chief Executive refused to leave. An accommodation was agreed and the Working Group carried out their task and a report presented to Scrutiny Committee on 21st September 2021 where 12 recommendations were made to Cabinet. This report is in the public domain.

Recommendation 8 was that the Local Enforcement Plan be rewritten – the desired outcome was for MDDC to have a robust Planning Enforcement Policy which would be implemented as the Working Group had been given many examples of non-enforcement to some quite serious breaches.

The Enforcement Plan was provisionally updated by an officer, and myself and another councillor offered to assist in finishing it off for presentation to Cabinet for adoption. Nothing happened to that Plan.

Since that time some of the simpler recommendations have been implemented but actual planning enforcement has deteriorated. One major landowner continues to operate in breach of conditions after more than 5 years without any sanction or action.

Officers, primarily the Director of Place, have given updates and assurances which in the main have turned out to be meaningless. Senior Management appears to be risk averse and seem to be controlling the agenda and recruitment to their own ideas.

A new Enforcement Plan was presented to Scrutiny and it was rejected in spite of the relevant Cabinet Member attempting to 'persuade' members to agree to approve it. It would basically have been a 'do nothing' plan although worded to make it look as if something could be done.

The Chair of Scrutiny at that time, who is now one of our Members of Parliament, publicly left the Chief Executive in no doubt that Enforcement in relation to planning had to be actioned. She appears to have been ignored and the Plan has been put back until 'not before 15th October 2024.

	<p>At Cabinet Meeting on 9th July 2024 a member of the public asked questions about this and had submitted them in advance. To date no responses have been published. This is contrary to the Constitution and procedure.</p> <p>It appears to the public that Senior Officers are taking little or no action regardless of what elected members or members of the public say.</p> <p>Response from Cabinet Member for Planning, Economic and Regeneration: The point raised, makes reference to, and were answered by the written response to Mr Nick Quinn and is contained within Cabinet, Agenda 2 for 30th July 2024. In essence the Government introduced new guidance in April and made other changes to the National Planning Policy Framework (NPPF). Subsequently the former Conservative Government have made further changes to the NPPF. The new Labour Government elected 4th July 2024 have stated their clear intent to make major changes to the NPPF. Given new guidance and a continual state of flux with the NPPF it is prudent to defer to the autumn so that an informed position can be better considered then.</p>
<p>Mr Goff Welchman</p>	<p>“I have previously asked questions at meetings and been highly dissatisfied with the responses received, which I consider to be either evasive or inaccurate. Without any appropriate avenue for challenge, responders will be able to say whatever they like, whether truthful or not. Therefore I ask:-</p> <p>Q1. What avenues are open to the public to challenge replies to their questions?</p> <p>Q2. Will the chair of the meeting, at which the replies are minuted, take full responsibility for their accuracy and veracity?</p> <p>Chair of the Council: Thank you for your questions, I will be rejecting these questions for this meeting as the questions you submitted are substantially the same questions as were asked at the Cabinet Meeting on the 9th July 2024, answers were provided at the meeting as well as a written response. Cabinet meeting 9th July Minutes including the questions of Mr Welchman and Answers from the Leader of the Council</p> <p>Leader of the Council: I am disappointed to have read in the Tiverton Gazette today that Mr Welchman stated I refused to read your questions at Cabinet. All councillors and members of public present can confirm I read his questions and also gave responses to those questions. I would sincerely hope and ask that Mr Welchman considers a secondary letter to the Gazette to let the readers know of his error. Thank you</p>

<p>Paul Elstone</p>	<p>Question 1: At the Audit Committee Meeting of the 25th June a member of the 3 Rivers Working Group said the following. The Scrutiny Working Group supported the DAP findings in that no instances of fraud had been found.</p> <p>Also, and I quote: '<i>That I hope by now we can put those offensive_allegations to bed</i>'. Unquote:</p> <p>As a reminder these allegations were made by a former Council Leader and Members of the Public.</p> <p>What is offensive is that DAP failed to properly investigate the allegations. Allegations not just related to fraud but to serious ethical conduct breaches. A statement I will justify.</p> <p>Despite having the names of the persons making the allegations, the Working Group made no effort to speak to them. To the contrary it was a decided <u>not to</u> speak to the former Council Leaders, as this would unbalance the investigation. Why this would unbalance the investigation has never been satisfactorily explained or in any way can it be.</p> <p>It is a fact that speaking to the former Council Leaders would have rebalanced a highly distorted representation.</p> <p>It has also been said by some, including by the Monitoring Officer and current Council Leader that no evidence was provided to support the allegations.</p> <p>Now some facts.</p> <p>In an email to DAP dated 24th May 2023, DAP were told that some key evidence required was being blocked from release by MDDC Officers – It still is.</p> <p>Evidence requiring the Information Commissioner and a 1st Tier Tribunal Judge to be involved to partially release just some of the documents required.</p> <p>In follow up emails DAP were repeatedly told the evidence was being blocked. In an email DAP were told exactly what some of this evidence was. DAP did absolutely nothing to support the release of the evidence or mention this fact in their report.</p>

That is offensive.

In an email to DAP dated the 24th May 2023, DAP were told exactly what needed to be investigated and in an email dated 26th May 2023 an offer was made to provide the names of personnel they needed to speak to.

DAP made absolutely no attempt to speak to those persons who had the information and evidence required. DAP again failed completely to mention this in their report.

That is offensive.

Another fact.

A Freedom of Information Request was made to release the Terms of Reference for the DAP investigation, given the investigation was very restrictive, again something complained about to DAP in various emails which they did absolutely nothing about.

A Freedom of Information request that was refused. DAP again have failed to mention this in any report. A Terms of Reference prepared by the very person major parts of the investigation could/should have revolved around.

That is offensive.

Given the evidence that is available, not to reopen a Fraud and Ethical Conduct investigation would be indefensible. Will the Chair of Scrutiny reopen the investigation?

Response from the Chair of Scrutiny Committee:

Thank you for your comments/observations. I believe many, if not all of these issues have been dealt with when the Accounts Committee received Devon Audit Partnership's (DAP) investigation report. It is up to these Auditors to determine how they felt it was appropriate to structure their investigation, including who they needed to speak to in order to corroborate any allegations that had been made. I understand that during their investigation and when they reported back to the Committee you were offered, a number of times, to provide any additional information that you had to support your allegations.

Question 2

If not, why not ?

Response from the Chair of Scrutiny Committee:

Please see my comments above. In summary, this matter has now been investigated by DAP and then reported back to our Audit Committee and fully discussed by our Members and is therefore concluded. If, as I believe you have been advised numerous times, you have any new material information that this investigation didn't consider, you should forward them to the relevant parties/authorities.