

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 17 February 2025
at 5.00 pm

**Present
Councillors**

G Westcott (Vice-Chair), D Broom,
E Buczkowski, A Cuddy, G Czapiewski,
M Farrell, C Harrower, B Holdman, L Knight,
R Roberts and S Robinson

**Apology
Councillors**

L G J Kennedy

**Also Present
Councillor**

J Lock

**Also Present
Officers:**

Stephen Walford (Chief Executive), Maria De Leiburne (Director of Legal, People & Governance (Monitoring Officer)), Lisa Lewis (Head of Digital Transformation & Customer Engagement), Matthew Page (Head of People, Performance & Waste), James Hamblin (Operations Manager for People Services), Laura Woon (Democratic Services Manager) and David Parker (Democratic Services & Policy Research Officer)

**Councillors
Online**

J Buczkowski, A Glover, S Keable, L Taylor and D Wulff

Officers Online

Andrew Jarrett (Deputy Chief Executive (S151)) and
Richard Marsh (Director of Place and Economy)

79 APOLOGIES AND SUBSTITUTE MEMBERS (00:03:27)

Apologies were received from Cllr L G J Kennedy.

80 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:03:39)

Cllr E. Buczkowski declared that she had received an e-mail from a member of the public regarding agenda item 7.

81 **PUBLIC QUESTION TIME (00:04:07)**

Barry Warren: Re: Agenda Item 7

Last week I forwarded a Briefing Note, with suggested questions for consideration, to all members of the Committee and copied in your Clerk. I also attached a spreadsheet for Quarter 4 which was on the public facing section of the website. I hope that you have had the opportunity to read and consider the content, because last Friday the publicly available quarterly reports had been renumbered and the Quarter 4 sheet I forwarded to you had been removed completely. I note that it is now back this afternoon.

Question 1. Why is this please?

If one looks at the spreadsheet on line 109 Reference FOI09915 the Subject is given as 'Willand modular housing' and received a response within 3 days and it is shown as Full disclosure. On line 127 is recorded a request for a Review Reference IFOR09915 the Subject is given as 'Modular Housing' and received a response in 20 days and is shown as a Full disclosure.

Question 2. Why the change of Subject Heading?

Question 3. Why is the first request shown as 'Full' when in fact it could not have been, as a Review was required which took 20 days to respond to?

Question 4. Why is the review counted as a FOI request when in fact under the FOI Act 2000 it clearly states that review requests are complaints and procedures for dealing with them are laid down separately?

At your December meeting you were asked a question referring to the East Devon District Council site. On that site there is a short subject heading like that given on the MDDC site but, when you click on that you get a good summary of the request and the response given. MDDC still makes no such information available other than the brief Subject.

Paragraph 3.2 of the report states: "*An amended disclosure log for publication via our website is being designed and will be published quarter 1 2025.*"

Question 5. In this stated era of openness and transparency, will the new Disclosure Log give information similar to that available in East Devon?

Question 6. If the information were publicly available would it not save some information requests being made as people would be able to clearly see that the matter had already been addressed?

Question 7. Will Scrutiny Committee please carry out a full review as originally requested on my submitted form?

The Chair explained that as the questions had not been provided in writing in the required period in advance of the meeting that a written response would be provided in 10 working days.

Paul Elstone: Re: Agenda Item 7

Question 1

Section 3.2 Future Changes says that Quote - *an amended disclosure log on the website is being designed and will be published quarter 1 2025.*

As a point of reference MDDC recently adopted the main body of the East Devon Council enforcement procedure in recognition of its quality.

Similarly, the East Devon Freedom of Information reporting system is a high-quality process. It is informative. It is open. It is transparent. Something the current MDDC FOI reporting is most certainly not.

Will this Council similarly adopt the East Devon Council FOI reporting process and procedure?

Question 2

If not, what precisely is preventing this Council from doing so?

Question 3

Re: Agenda Item 8

Last week I attended two different Parish Council Meetings. At both meetings complaints were made about lack of enforcement in Mid Devon. In one instance there was deep frustration shown by a Council Member given the lack of enforcement action being taken against serial offenders.

The Mid Devon public have been promised an increase in enforcement resources in order to help remedy this situation.

If I remember correctly that it even being said there were now 2 officers in the Enforcement Team

On examining the organisation charts it shows a Senior Planning Enforcement Officer reporting to the Development Manager

The Planning Enforcement Assistant is shown as reporting to the Director of Place.

This could be seen as the Enforcement Assistant having multiple support roles and is not fully dedicated to enforcement work.

Why does the Enforcement Assistant not report directly to the Senior Enforcement Officer?

Question 4

It is noted that the organisation charts only show role positions that they do not show numbers of personnel in each position. As an example, just one Refuse Loader position is shown.

This is believed to be a key omission.

What prevents this information being included in the organisation charts for the future?

Question 5

It is noted that the organisation charts do not show positions which are vacant at the time of issue. Or is there any form of listing in the Establishment Report providing this information.

This is believed to be a key omission.

What prevents this information being included in the organisation charts or establishment report for the future?

The Chair explained that as the questions had not been provided in writing in the required period in advance of the meeting that a written response would be provided in 10 working days.

82 **CHAIR'S ANNOUNCEMENTS (00:11:35)**

The Vice Chair pointed out that there were errors in the agenda relating to page numbering and that Members of the Committee should add 2 to the page numbers shown on the agenda.

83 **MINUTES OF THE PREVIOUS MEETING (00:11:55)**

The minutes of the meeting held on 13 January 2025 were approved as a correct record and **SIGNED** by the Vice Chair.

84 **DECISIONS OF THE CABINET (00:12:27)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 4 February 2025 had been called in.

85 **QUARTER 3 MONITORING REPORT ON THE PROCESSING OF FREEDOM OF INFORMATION (FOI) AND ENVIRONMENTAL INFORMATION REGULATIONS (EIR) AT MDDC (00:12:59)**

The Committee had before it a *report from the Head of Digital Transformation and Customer Engagement.

The report had been prepared following a request from the Scrutiny Committee for a quarterly Dashboard for performance monitoring of the processing of Freedom of Information requests. The covering report was to provide an overview of some suggested quarterly metrics for that dashboard.

A member of the public had raised some queries before the meeting as to what the Disclosure Log should look like and about some anomalies. Those anomalies had now been corrected and the member of public was thanked for having drawn it to the officer's attention.

What was being proposed for the future was just the dashboard as shown at figure 2.3 and not a full quarterly report. A full report would continue to be given once a year. The items in the table reflected items that had been responded to and differed to the Disclosure Log which the Council showed on their website, which also gave

details of those requests that had been received and were still being processed so as to better inform members of the public of current requests.

With regard to the metric from the Information Commissioner's Office (ICO), that could only show the cases that the ICO had informed the Council of during the reporting quarter.

The Freedom of Information team were in the process of redesigning what the Disclosure Log would look like, however, the team currently were working on a major cyber security project which remained their primary focus. The amended Disclosure Log for publication via the website would be published for the financial quarter 1 of 2025 covering the period April 2025 to June 2025 and available soon after this period ended.

Discussion took place with regard to:

- A report each quarter to begin with would assist the committee until they became familiar with the dashboard.
- Checks on the Disclosure Logs was effectively a manual exercise.
- When did the ICO become involved and how could that be prevented? There were occasions when the team had got the answer wrong but there were other times when those requesting the information did not agree with the response given and challenged it. That was what the process was for – to determine whether or not the Council had provided the information that they should have under the legislation.
- When the Council redesigned the information it provided on the website it would look at what and how, other Councils including East Devon, provided such information.
- It was important that the data that was provided to members of the public was open and transparent.

The Committee NOTED the monitoring report on the performance of MDDC processing of FOI and EIR requests.

The Committee ****APPROVED** the quarterly dashboard metrics table as sufficient to form the basis of regular reporting to the committee.

Note: (i) *report previously circulated
(ii) **Cllr R Roberts abstained from this vote.

86 ESTABLISHMENT REPORT (00:25:08)

The Committee had before it and **NOTED** a *report from the Head of People Performance and Waste.

The following was highlighted in the report:

- The report needed to balance the need to give corporate information whilst ensuring that it was also secure and in line with data protection requirements.
- Sickness year on year was down with projections seeing the Council finish 2024/25 at 7.75 days per full time employee (FTE) down from 10.45 days in the previous full financial year.

- Turnover for the year was slightly up with projections seeing the Council at 18% compared with last year at 17%.
- Agency spend year on year was down with projections seeing the Council finish the current financial year below the £680,000 recorded for the previous financial year.
- Did the flu jab have an impact on the level of sickness the Council faced? Looking at the background data, less staff had sickness absence compared to the previous financial year. Looking at the reasons for sickness absence, infection and flu still remained high. Other measures remained in place such as sanitising stations.
- Employee health checks took place again in January 2025 and the Leisure Team would be back to carry them out again in June 2025.
- How did the Council's sickness absence compare to other authorities? The Council provided regular updates on sickness data, however, it remained a challenge to find comparison data that was in the public domain. In October last year Devon County Council shared that employees took 8.9 days absence a year, however, that was per employee and not per FTE as reported by the Council.
- Were absence management meetings taking place? There was a high correlation between the absence warnings and absence meetings with staff. That, should be seen as a supportive measure in understanding the reasons for absence and the measures the Council took to support the employee.
- Apprenticeships were still a key component of the Council and their 'grow our own workforce' policy. There were 14 apprenticeships across the Council at the time of reporting. The Council was working with providers both locally and nationally to cater to the apprenticeship offering for the coming financial year.

Discussion took place regarding:

- The Operations Manager for People Services would report back after the meeting with the percentage take up of the staff survey. Another staff survey would follow later in 2025.
- An overview was provided regarding challenges relating to post 16 education provision in the Mid Devon area.
- How could the Council grow their apprenticeships beyond 14? What were the barriers that kept it stuck around the dozen mark? The apprenticeships across the Council comprised of those termed as upskilling apprenticeships as well as perhaps more traditional apprenticeships, that is, someone being employed as an apprentice. There was a split of delivery methods of education between face to face and on-line. The Council looked at avenues that they could put in place to enable people to undertake and complete apprenticeships.
- Some staff joined the Council as an apprentice in one department and found full employment within another department of the organisation.
- Some apprentices in the Building Services Team had to travel to Barnstaple or Exeter for skills training and the Council looked at how they best supported those individuals.
- Masonry Apprenticeships presented the Council with a challenge due to the limited number of courses available as well as where they were held, when the intake began and whether they were day or block release.
- The Council may need to tailor its apprenticeship offering to what was available in the local area.

- Exit interviews are continuously reviewed, as for reasons why people leave the Council, it is unlikely that they would get a reason from everyone but at the moment they get responses from 50% of those who leave.
- The Council had a good retention rate for apprentices. The Operations Manager for People Services would quote apprentice retention rate statistics in his next report.
- The Job Centre reported that at present few businesses were hiring apprentices.
- Assistance schemes were available for those with mobility needs to allow them to get to college etc.
- Congratulations were given to those officers who were involved in a social occasion and raised £480 for Churches Housing Action Team.
- The Council believed that the current arrangement with regard to hybrid working (2 day 3 day split) was working well. From a job retention and recruitment perspective, hybrid working was very important to staff. The officer was asked to include numbers of staff working in a hybrid way in a future report. How often a member of staff worked from home was at the discretion of their line-manager, who had the ability to insist that a member of staff worked every day from the office.

Note: *report previously circulated.

87 **WHISTLEBLOWING ANNUAL UPDATE (00:48:56)**

The Committee **NOTED** a verbal report from the Head of People Performance and Waste that there had been no instances of Whistleblowing in the past 12 months.

88 **HOW DEVOLUTION MAY AFFECT MID DEVON DISTRICT COUNCIL (00:49:31)**

The Committee had before it and **NOTED** a *report from the Chief Executive.

The following was highlighted within the report:

- The report had been requested by the Scrutiny Committee in order to keep them as well informed as possible.
- Things were moving at a pace with regard to the Government's 'devolution' intent.
- The distinction between devolution and reorganisation of local government—the White Paper on English devolution talked about the Government's intent for new strategic authorities to have populations of 1.5million people, to cover multiple local authority areas and to be headed by an elected Mayor. As part of the devolution White Paper the Government also made mention of a simplification of local authority structures beneath those Mayoral authorities – that was the reorganisation of local government. They were interlinked but two very separate things.
- The timelines for those in Devon were that the Councils would need to submit initial plans on or before 21 March 2025 with final submissions to go to the Government on or before 28 November 2025.
- It was unknown at this stage how many different propositions would be sent to the Government.
- On the devolution piece, the Government had now signed off the new Statutory Instruments to create the Devon Torbay Combined County Authority.

The first board meeting of that Combined County Authority (CCA) would take place on 19 March 2025. The CCA was a non-mayoral authority, but was a new partnership entity between Devon and Torbay. All of the districts as part of that would work together in partnership and collaboratively.

- It was expected that the Council would hold an Extraordinary Council Meeting prior to the 21 March 2025 deadline for all Members to have their input and say on whatever went forward at that point.

Discussion took place with regard to:

- Following formulation of the CCA the authority had secured an initial capital allocation of £16 million for some pilot projects and Mid-Devon had been the beneficiary of some of that, so it had been positive. In terms of its most immediate role, the CCA was likely to get control and influence over adult skills and education funding, which was previously channelled through the Skills Funding Agency, a national body. So it was hoped that there would be local say and influence over where that funding was applied and how best it was utilised, which should be better for local people and local businesses. Over the three years of funding, it was likely to amount to £53 million.
- Another work stream was in relation to building a shared investment pipeline for local housing, where Homes England were working with authorities across that Combined Authority area to identify all of the various opportunities that could be brought forward with a view to building a shared investment pipeline. That would benefit all housing authorities across the area, because, if you have a multi-year investment pipeline where Homes England had agreed what would be put into various schemes, then considerably less time would be wasted on bidding on a scheme by scheme basis as at present.
- The local government reorganisation would take into account numerous things and population would be one. It would not be just housing and the different banding valuations, it would also include where business rates were generated. All proposals would need to be put through a sort of financial assessment because the proposed authority would need to demonstrate to the government that they were financially sustainable.
- 500,000 people was the starting point for the new unitary authorities, but the Government had said that there might be exceptions and some may not get to 500,000 people.
- The Government had asked local authorities to reflect on synergies with other authorities, perhaps the Police, perhaps Health. The proposals should consider geographically, how the new unitary authority would align with other such administrations.
- The reason for the timeline from 18 December 2024 to 21 March 2025 being so short was that the Government wanted to push Local Authorities into making decisions as they were mindful that otherwise it could take a long time. There was also the question of postponing the May 2025 County elections to consider. The time line for the Council now was the submission of the final plan at the end of November 2025 with elections to a shadow authority in 2027 with a view to it becoming a legal entity on 1 April 2028.
- The Cost of making changes had been estimated to be between £30-£50 million. There was likely to be some capacity funding, however, the Government had indicated that they were not going to fund all of this and that the cost of transition was to be borne locally and either funded through reserves or by selling off assets.

- The Leaders had held discussions which had included Plymouth and Torbay Councils. There was no point in working up a proposal that only worked for one part of those involved, it had to work for all.
- Those Councils who were better off would have to integrate with those who were less well off, there was no expectation that the Government would write off existing debt. Legacy debt would be shared across the new Councils. The new institutions would need sufficient robustness to handle the debt. Efficiencies might need to be made to cover the debt.
- As and when any proposal went to the Government from the Council, it was suspected that the Leader would commence it with a statement that this authority did not support Local government reorganisation.

Note: *report previously circulated.

89 **WORK PROGRAMME (01:23:14)**

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

The following was highlighted:

- The Scrutiny Committee could ask for any items listed on the Cabinet Forward Plan to be brought before them.
- The Clerk mentioned that the Scrutiny Work Plan until the end of the Municipal Year and the Plan for the next Municipal Year were now before the Committee for their consideration. There was still plenty of capacity to include matters that the Committee thought worthy of scrutiny.

Cllr Rhys Roberts indicated that he would submit a proposal form to scrutinise the value for money of modular buildings projects.

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

(The meeting ended at 6.26 pm)

CHAIR