

Cabinet Meeting 2 September 2025- Public Questions and Responses

<p>Barry Warren</p>	<p>Question 1: Due to time constraints placed upon me I have forwarded to you, prior to this meeting, three documents which are self-explanatory and relevant to the amended Policy you are considering. I hope they provide background in order that you can understand the motivation for my questions.</p> <p>Do Cabinet consider that the revised policy before you sufficiently puts in place policy and procedures which will prevent the delays and other issues which have been the subject of criticism and comment by the Information Commissioner against this Council?</p> <p>Response from the Cabinet Member for Quality of Living, Equalities and Public Health: This question was not submitted in advance, and Cabinet approved the policy at the meeting.</p> <p>Question 2: Under Clause 4 Legal obligations under the Acts in the third paragraph of page 45 of your papers it states: Compliance with this policy is compulsory for all staff employed by MDDC. A member of staff who fails to comply with the policy may be subject to disciplinary action under MDDC's disciplinary policy.</p> <p>In the past 10 years how many staff have been disciplined for failure to comply with the policy?</p> <p>Response from the Cabinet Member for Quality of Living, Equalities and Public Health: Zero.</p> <p>Question 3: Under Clause 12 Complaints procedure, in the second paragraph of page 48 of your papers it states: A review is undertaken by the Senior Information Officer (SIO) or their nominated representative in consultation with other relevant Officers / departments as appropriate.</p> <p>The response comes from Information Management, after information has been obtained from relevant departments or officers, then it appears that this policy is permitting the same officers to carry out the review.</p>
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	<p>Is this good practice and does it prevent unnecessary delay, which has been the subject of adverse comment on more than one occasion by the Information Commissioner?</p> <p>Response from the Cabinet Member for Quality of Living, Equalities and Public Health: Yes, and No respectively.</p> <p>Question 4: Under Clause 15 Training and awareness in the second paragraph it states: The Senior Information Officer will ensure that there is a training plan to raise awareness of FOI and EIR across MDDC.</p> <p>Has the Training Plan been produced and if so where and when is it Scrutinised by elected members?</p> <p>Response from the Cabinet Member for Quality of Living, Equalities and Public Health: Training is currently under review and when ready will require all officers and members to complete.</p> <p>Question 5: Last Friday, I received the reply to an FOI request, which did not answer the questions asked. This type of reply has been received in the past and has led to review requests and then the involvement of the ICO. A lot of time could be saved by the right answer being provided in the first place.</p> <p>How is this policy going to prevent repetitions of these experiences?</p> <p>Response from the Leader of the Council: This question was not submitted in advance, and Cabinet approved the policy at the meeting.</p> <p>The Leader stated the reason that the Council ask for questions in advance of the meeting were so that the committees could consider the points that were raised at public question time. He acknowledged Mr Warren's claim that he had experienced delay in gathering information.</p>
Paul Elstone	<p>Question 1: Paragraph 1.3 of the report states that this Council is one of a number that have been targeted for real term funding cuts for year 2026/27 and beyond. This as part of the Fairer Funding Reforms.</p> <p>Exactly what reasons have been given to this Council as to why they are being targeted?</p>

Response from the Leader of the Council:

The Deputy Chief Executive (S151) provided a verbal response to this question when presenting the relevant agenda item.

Question 2:

Which other Councils in Devon have been similarly targeted?

Response from the Leader of the Council:

This information is currently not in the public domain as it is still the subject of ongoing modelling – i.e. the final numbers and affected Councils may change.

Question 3:

I have made Freedom of Information requests in respect of the social housing developments of four (4) different councils.

The requests required the minimum of research.

Two Councils responded to my request within two working days providing complete and detailed answers.

One other Council responded to me within 7 days even apologising for the delay and with their Senior Housing Development Officer phoning me this to ensure they were providing me with the full information I requested.

MDDC were the fourth Council contacted.

I requested a copy of the Shapland Place overheating assessment (a document that is freely posted on other Councils planning websites, as part of the planning application submission, since it is a document that should be signed off before and not after the modules are built).

15 days later I received a response from this Councils FOI Team, which said amongst other things, and I quote *“The Council cannot therefore provide a response to this request”*.

I requested a review and received a response after 20 working days stating that MDDC “did not hold a copy of the document requested” a response that seriously conflicts with the written answer given to a public question which said, and I quote *“That the report had been provided to the Council”*.

I submit this as one of many examples as to why this Council's FOI system lacks openness, transparency and even integrity.

Will this Cabinet request that Scrutiny implement a full review into how the Freedom of Information system is really functioning this especially as Members of this Council are now having their integrity and reputation challenged when their responses to public questions are found to be incorrect?

Response from the Leader of the Council:

The Scrutiny committee has already agreed to monitor FOI/EIR via a quarterly performance dashboard and an annual report.

The Leader stated that rural Councils in particular were targeted under the settlement in relation to item 5 on the agenda. He acknowledged the speed of responses from other Councils on Freedom of Information requests as this Council works closely with them. This Council received a lot of Freedom of Information requests and the response time was within the appropriate timeframes.

The Leader thanked Mr Warren and Mr Elstone and said that they would receive a written response to their questions. The Leader noted that the Cabinet had received and read the email from Mr Warren in regards to the Freedom of Information and Environmental Information Regulation Policy item on the agenda.