

WRITTEN QUESTIONS –FULL COUNCIL

26 OCTOBER 2016

1. ENVIRONMENT POLICY DEVELOPMENT GROUP - 6 SEPTEMBER 2016

MINUTE - 32

Questions submitted by Councillor Mrs N Woollatt and the response of the Cabinet Member for the Environment.

Will the street cleaning review cover the whole District or just the areas currently street cleansed by MDDC operatives?

I know Cullompton Town Council for example is paid a sum from the District Council for taking on some of the MDDC's street cleaning responsibilities, I'm sure there may be similar arrangements elsewhere in the District. I would like to know if the review will include areas managed in this way.

Response:

Yes, the review includes all street cleansing functions which are the responsibility of the District Council. Cullompton Council are being consulted as part of the review and have already had one meeting regarding the review.

2. STANDARDS COMMITTEE - 6 OCTOBER 2016

Questions submitted by Councillor Mrs J Roach and the response of the Chief Executive

MINUTE - 23

1. Were the two Councillors given access to all the information that was given to the sub committee?

Response:

Yes – a copy of the Monitoring Officer's report was shared with both Councillors.

2. Were the two councillors present at the sub committee hearing?

Response:

No.

3. Were the two Councillors present at the Standards meeting when their case was discussed?

Response:

Both councillors are on the Standards Committee, one gave apologies for the meeting and the other left the meeting prior to the item being discussed.

4. Am I correct that new evidence was shown to the standards committee members and that neither Councillor had seen this evidence?

Response:

No. (No new evidence was presented to the committee).

5. Am I correct that this new evidence was more of an indictment of MDDC rather than the two councillors?

Response:

N/A – no new evidence was presented.

6. Does MDDC have an independent person? Was the independent person present at the sub committee meeting and the standards committee meeting?

Response:

No. The previous Independent Person resigned in 2014. The Chief Executive understands that, at that time, members asked the Monitoring Officer to explore alternative arrangements (along the lines of sharing with neighbours), however no official protocol is in place. With that in mind, the Monitoring Officer spoke to another Council's Independent Person at a recent national Standards Conference.

7. Were the two councillors given a copy of the procedure for the investigation of complaints and the protocol for investigations and the conduct of hearings when they were first made aware of the complaint against them.

Response:

Both Councillors have a copy of the procedure. However, the Chief Executive is unable to confirm whether they received this prior to the meeting of the Sub-Committee.

3. STANDARDS COMMITTEE - 6 OCTOBER 2016

MINUTE 23

Questions submitted by Councillors J L Smith and R J Dolley and responses from the Chief Executive

1. The Standards committee have suspended two Councillors from all committees. It has been suggested that this resulted from a number of 'holes' in the Portas Group accounts, to the sum, allegedly, of around £18,000. Through a lack of transparent information supplied to the contrary, conjecture also alleges that some money has been inappropriately used for group meals.
What is the disparity in the Portas balance sheet and when can the Council expect a full report of the facts?

Response:

The council does not routinely comment on speculation, rumour or allegation. However, in this circumstance the council has provided a statement to seek to dispel these (see answer to Q4).

The disparity in the Portas balance sheet, as currently understood by the council, is zero. There is a need to seek further information on various aspects of the accounts, but there is currently no known disparity (otherwise this would have been reported to the Police).

2. People who are elected or employed in Public Office are ALWAYS accountable for their actions whether acting in that capacity or not as outlined in the 7 Nolan Principles of Public Life. Their behaviour still reflects on them and has an impact on the reputation of the Council. The fact, if true that Councillors were not working on the Portas team as representatives of the Mid Devon District Council is irrelevant, they were still Mid Devon Councillors working with the Portas Group.
Both have been suspended from all committees, why have they not been suspended from the Council office they still hold?

Response:

The Standards Committee, having considered the report of the Monitoring Officer and the views of the sub-committee, made a recommendation to the relevant Group Leader and Leader.

3. The Portas Group had a budget of £100,000 of public money to manage. Why then did they set up as a Limited Company when managing public funds for which they have to show absolute accountability and transparency?

Response:

The Tiverton Portas Company Limited was incorporated on 07/04/2014.

4. In the absence of a report or information to the contrary, these would appear to be serious criminal allegations of at least fraud and malfeasance. Has the relevant authority been informed and asked to investigate these criminal offences and if not why and when?

Response:

The Standards Committee was satisfied that there was no fraud involved. It is unfortunate that misleading rumours are prevalent on this matter (and have given rise to Q1 above). In order to provide clarity to the press, the council released a public statement on this matter on Friday 21st October.

“Further to a specific allegation the council received regarding the misuse of public funds, the council undertook a detailed audit of every individual transaction related to the third party in question. As a result of this audit, a number of poor practices were identified around record-keeping and account management. In addition there were questions asked about a specific expenditure item of just over £300 which, with a wish to avoid being seen as party to any hint of impropriety, the two district councillors concerned offered to repay if appropriate. This repayment was duly made. Mid Devon District Council insists on meeting the public’s high standards in all its behaviours and practices, and to that end is running further sessions for all members on standards, as recommended by the Standards Committee”.

5. What role, if any, did Mid Devon District Council play in overseeing or assisting in the implementation and execution of management parameters and guidelines of the Portas Group?

Response:

The Chief Executive understands that initial discussions with regard to governance were had with the Portas Team upon inception of the 'project' as part of our duties as accountable body. However, it is not clear in respect of having a full audit trail and/or minuted discussion of this item at any meeting of the Portas Directors on record.