

A MEETING of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 24 April 2024 at 6.00 pm

ALL MEMBERS of the **COUNCIL** are summoned to attend for the purposes of transacting the business specified in the Agenda which is set out below:

[The next meeting is scheduled to be held in Tiverton on Wednesday, 22 May 2024 at 6.00 pm]

Please Note: this meeting will take place at Phoenix House and members of the Public and Press are able to attend via Teams. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

The meeting will be Hybrid and an audio recording made and published on the website after the meeting

[Click here to join the meeting](#)

Meeting ID: 371 911 174 043

Passcode: 2QpmEr

STEPHEN WALFORD
Chief Executive

16 April 2024

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

AGENDA

1 Apologies

To receive any apologies for absence.

2 Public Question Time

To receive any questions relating to items on the agenda from members of the public and replies thereto.

3 Declarations of Interest under the Code of Conduct

To record any interests on agenda matters.

4 Minutes (Pages 7 - 24)

To consider whether to approve the minutes as a correct record of the meeting held on 21st February 2024.

5 Chairman's Announcements

To receive any announcements which the Chairman of the Council may wish to make.

6 Petitions

To receive any petitions from members of the public.

7 Notices of Motions

To receive notices of motions.

8 Reports of meetings held between 13th February to 16th April 2024 (Pages 25 - 322)

To receive and consider the reports, minutes and recommendations of the recent meetings as follows:

1. Cabinet

5th March 2024(Recommendation to Council)

- That the Customer Care Standards and Customer Care Policy contained in Annexes 1 and 2 to be adopted)

2nd April 2024 (Recommendation to Council)

- That the Silverton Neighbourhood Plan (Appendix 1) is 'made' (adopted) and brought into force as part of the statutory development plan for the Silverton area;
- The Silverton Neighbourhood Plan Adoption Decision

Statement (Appendix 2) is published to meet the publicity requirements in the Regulations.

(Recommendation to Council

- The adoption the Devon Preventing Serious Violence Strategy 2024-29 as attached in Annex A to enable delivery by as appropriate by the Council's Community Safety Partnership (as a specified authority under the Serious Violence Duty).

2. Scrutiny Committee

19th February 2024

18th March 2024

3. Audit Committee

26th March 2024

4. Economy Policy Development Group

7th March 2024

5. Community Policy Development Group

26th March 2024

6. Environment Policy Development Group

12th March 2024

7. Homes Policy Development Group

19th March 2024

8. Planning Committee

13th March 2024

9 **Reports of the Standard Committee Meeting on the 13th March 2024 (Minutes and Appendix to follow) (Pages 323 - 350)**

To receive and consider the reports, minutes and recommendations of the recent meetings as follows:

Standards Committee on the 13th March 2024

(Recommendation to Council

- That the Constitution be amended as per the list within Appendix 1.

- That delegated authority is provided to the Director of Legal, HR & Governance (Monitoring Officer) to amend the Constitution as per Appendix 1 and any other amendments required to reflect the changes.

(Recommendation to Council)

- That there be five (5) Policy Development Groups: Planning, Environment & Sustainability; Community, People & Equalities; Homes; Economy & Assets; Service Delivery & Continuous Improvement.
- That the Constitution is amended to reflect the changes to the PDGs.
- That delegated authority is provided to the Director of Legal, HR & Governance (Monitoring Officer) to amend the Constitution as per the above and any other amendments required to reflect the new PDGs.

10 **Annual Reports of Audit Committee, Scrutiny Committee and the Policy Development Groups** *(Pages 351 - 364)*

To receive the Annual reports (attached) of the Audit Committee, Scrutiny Committee and the four Policy Development Groups.

11 **Seating Allocation (To Follow)**

To consider the seat allocation report

It is recommended:

(a) that the Council approve the allocation of seats on Committees and other Council Bodies as shown on the schedule;

(b) that Members be appointed to Committees in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats in (a) above;

(c) that Members also be appointed to Working Groups and other Internal Bodies in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats in (a) above;

(d) that the Chief Executive be authorised to make changes to membership of Committees, Working Groups and other Internal Bodies as may be notified to him from time to time by the relevant Political Group to which those seats have been allocated by the Council.

(e) that the appointments to seats remaining to be filled by ungrouped Members shall be made at this meeting.

12 **Schedule of meetings (To Follow)**

To receive a report on Schedule of meeting 2024/2025 from Director of Legal, HR & Governance (Monitoring Officer).

13 **Questions in accordance with Procedure Rule 13**

To deal with any questions raised pursuant to Procedure Rule 13 not already dealt with during the relevant Committee reports.

14 **Special Urgency Decisions**

To note any decisions taken under Rule 16 (of the Constitution) Special Urgency.

15 **Questions to Cabinet Members**

To receive answers from the Cabinet Members to questions on their portfolios from other Members.

16 **Members Business**

To receive any statements made and notice of future questions by Members.

Note: the time allowed for this item is limited to 15 minutes.

Meeting Information

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Teams.

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed. Notification in this way will ensure the meeting runs as smoothly as possible.

Please note that a reasonable amount of hardcopies at the meeting will be available, however this is a limited number. If you are attending the meeting and would like a hardcopy of the agenda we encourage that you notify Democratic Services in advance of the meeting to ensure that a hardcopy is available. Otherwise, copies of the agenda can be found on our website.

If you would like a copy of the Agenda in another format (for example in large print) please contact Laura Woon on: lwoon@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

MINUTES of a **MEETING** of the **COUNCIL** held on 21 February 2024 at 6.00 pm

Present

Councillors

F W Letch (Chairman)
G Duchesne (Vice Chairman), C Adcock,
M D Binks, D Broom, E Buczkowski,
J Buczkowski, S Chenore, G Cochran,
C Connor, G Czapiewski, B Fish,
M Fletcher, A Glover, C Harrower,
M Jenkins, S Keable, L G J Kennedy,
L Knight, N Letch, J Lock, R Roberts,
S Robinson, H Tuffin, G Westcott, D Wulff,
F J Colthorpe, J M Downes, N Woollatt,
L Taylor, S J Clist, B Holdman, L J Cruwys,
J Cairney and J Wright and D Wulff,

Apologies

Councillor(s)

R Gilmour and J Poynton

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151), Maria De Leiburne (Director of Legal, HR & Governance (Monitoring Officer), Richard Marsh (Director of Place & Economy), Paul Deal (Corporate Manager for Finance, Property and Climate Change), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Matthew Page (Corporate Manager for People, Governance and Waste), Laura Woon (Democratic Services Manager) and David Parker (Democratic Services & Policy Research Officer)

**Councillors
Online**

N Bradshaw, A Cuddy and M Farrell

119 APOLOGIES

Apologies were received from Councillors: R Gilmour, J Poynton.

120 PUBLIC QUESTION TIME

Mr Roger Davey

Question 1:

Given the widespread criticism of the scrutiny committees report into the 3 Rivers debacle, widely seen as a whitewash, will the council consider instigating a public inquiry or at the very least a full and open public debate into the council and 3 Rivers failures or will it be left to members of the public to press for one ?

Response from the Leader of the Council:

The Council committed to a thorough and transparent review of 3Rivers some months ago. This task was performed by a working group formed and reporting back to the Scrutiny Committee. It came up with a number of key recommendations which were all accepted by the Committee. This report and its findings were all undertaken in public session. As has been confirmed previously it is not our intention to undertake additional investigations at further public expense.

Question 2:

In the cabinet meeting of the 6th Feb at public question time, Mr Barry Warren asked the holder of the portfolio for housing if a full, independent, structural survey of St. Georges Court had been carried out and a report obtained.

Is it not the case that structural issues with some of the properties will require remedial work in order to obtain building guarantees?

Response from Cabinet Member for Housing & Property Services:

I am not aware of any structural issues at this development. Obviously if Mr Davey has any evidence to refute this statement. Then please forward it to me so I can investigate the matter.

Question 3:

Mr Warren also asked if the portfolio holder had surveyed the properties in St. Georges Court and provided conservative estimates for the necessary extra expenditure on adaptations for this, Liberal Democrat controlled Councils scheme, for elderly person's social housing, and would these documents be made publicly available. The Council reply was that they would not release them.

WHY what possible reason can there be for not releasing these documents- unless it is to spare the Council further embarrassment?

Response from Cabinet Member for Housing and Property Services:

An estimate for these additional conversion works has been prepared by our Housing Operations Manager. The actual costs, once incurred, will be a matter of public record.

Mr Paul Elstone

Question 1:

Having run the MDDC 2023 election numbers.

The Lib Dem's received a total of 19,872 votes or 48% of the total ballot.

The other Parties plus Independents received 21,485 votes or 52% of the total ballot.

Yet the Lib Dems hold 100% of Cabinet

They hold 10 of the 12 seats on Scrutiny or 83% including the Chair.

They hold 7 out of the 8 seats on Audit or 88% including the Chair.

Where is there any sense of Proportional Representation in Mid Devon District Council under this Lib Dem Administration. The Mid Devon Lib Dem's need to put their own house in order first.

It would be Hypocritical by any measure to vote motion 604 thru and without the full commitment and a pledge from the Lib Dem Council Leader to remedy the situation and promptly. Will the Council Leader provide this pledge?

Response from the Leader of the Council:

It had been clearly stated where proportional representation was required, unfortunately we are not in that system and at Mid Devon District Council were in a First Past the Post (FPTP). I am sure you are aware in 2019 the Liberal Democrats group were supportive of a rainbow cabinet at that time and based on the election returns and was declined by one other group and much in favour and will be supporting the motion today. First Past the Post (FPTP) doesn't work everywhere and perhaps you have explained how it doesn't represent everybody.

Question 2:

My next question relates to the Capital Program and in particular with regard to the substantial investment in Category 1 modular homes and which ZED PODS are. Given this Councils Capital Project multimillion pound financial losses I consider it necessary to bring the following to your attention.

That a House of Lords Committee only last month completed an investigation into the various problems being experienced with Modular Homes. An investigation that identified that Category 1 modular homes are between 30 and 50% more expensive than conventional builds.

That a very big social housing provider with over 42,000 homes and building over 1,600 Homes a year could not make the modular home economics work and no longer offers modular home contracts.

All evidence shows the MDDC Council Taxpayers are once again getting very poor value for money.

Will this Council fully interrogate the findings of the House of Lords enquiry? Then fully debate, this before voting thru the Capital Program It would not be prudent to do otherwise?

Question 3:

Recently the Government sponsored a report into Modular Construction Fire Safety. A report commissioned after a series of modular building rapid and total loss fires. One which could have resulted in a significant loss of life.

An email has the Housing Minister saying quote [he] “finds the report very worrying” also “he agrees the report should not be published until we have done field checks”.

It has been stated that the report findings are being withheld this in order not to destabilise the modular build industry.

Additionally, The National Fire Chiefs Council has raised repeat concerns over the lack of large scale fire research involving modular builds.

I would suggest there should be particular concerns about Shapland Place modules given they are built over car parking spaces.

Will this Council fully investigate then provide full and independent expert assurance as to the intrinsic fire safety of the modular homes currently in construction. This before allowing any occupancy?

121 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

Cllr M Jenkins declared an interest in Motion 604 emailed his MP regarding forwarding the Motion 604 through Government.

122 MINUTES

The minutes of the meeting held on 20 December were agreed as a correct record and signed by the Chairman

123 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make:

- The Vice-Chairman and Cllr S Keable attended the Cullumpton Market at the Bullring.

The Vice- Chairman highlighted the following:

- She attended the event on Wednesday 14th February 2024.
- The cutting of the ribbon to mark the completion of the improvements.
- Advised members to take the opportunity to visit the beautiful building.

124 PETITIONS

There were no petitions presented.

125 NOTICES OF MOTIONS

1. Motion 602 (Cllr L Kennedy)

The Council has before it a **MOTION** submitted for the first time.

Motion on Posthumous awards to emergency service workers

This Council supports the National campaign to award emergency services workers killed on duty a posthumous medal to recognise the sacrifice given on our behalf and requests the Chief Executive and Chairman of the Council to write to Rt.Hon. Chris Philp MP, Minister of State for Crime, Policing and Fire expressing our support.

The **MOTION** was **MOVED** by Councillor L Kennedy seconded by Councillor L Cruwys.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

2. Motion 603 (Cllr L Kennedy)

The Council has before it a **MOTION** submitted for the first time.

Motion on Dangerous toys & packaging In the interest of animal welfare

This council supports the banning 3 of toys and packaging, such as hollow Frisbee type rings and multiple plastic drink can-rings, which can become lodged around the necks of seals, birds and other animals causing unnecessary suffering and death various animals including endangered species. This Council therefore resolves this to be the policy of the Council.

The **MOTION** was **MOVED** by Councillor L Kennedy seconded by Councillor B Holdman.

Cllr N Woollatt an **AMENDMENT** seconded by Cllr B Holdman that

In addition add to write to the relevant minister.

Therefore the amended motion would read:

This council supports the banning 3 of toys and packaging, such as hollow Frisbee type rings and multiple plastic drink can-rings, which can become lodged around the necks of seals, birds and other animals causing unnecessary suffering and death various animals including endangered species. This Council therefore resolves this to be the policy of the Council and write to the relevant Ministers.

Upon a vote being taken the **AMENDMENT** was declared to have been **CARRIED**.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**

3. Motion 604 (Cllr B Fish)

The Council has before it a **MOTION** submitted for the first time.

Motion on Proportional Representation

First Past the Post (FPTP) originated when land-owning aristocrats dominated parliament and voting was restricted to property-owning men. In Europe, only the UK and authoritarian Belarus still use archaic single-round FPTP for general elections. Internationally, Proportional Representation (PR) is used to elect the parliaments of more than 80 countries. These countries tend to be more equal, freer and greener. PR ensures all votes count, have equal value, and that seats won match votes cast. Under PR, MPs and Parliaments better reflect the age, gender, and protected characteristics of both local communities and of the nation. MPs better reflecting the communities they represent in turn leads to improved decision-making, wider participation, and increased levels of ownership of decisions taken. PR would also end minority rule. In 2019, 43.6% of the vote produced a government with 56.2% of the seats and 100% of the power. Fair, proportional votes also prevent 'wrong winner' elections such as occurred in 1951 and February 1974. PR is the national policy of the Labour Party, Liberal Democrats, Green Party, SNP, Plaid Cymru, Reform UK and Women's Equality Party along with a host of Trade Unions and pro-democracy organisations. PR is already used to elect the parliaments and assemblies of Scotland, Wales, and Northern Ireland. Its use should now be extended to include Westminster. This Council therefore resolves to write to H.M. Government calling for a change in our outdated electoral laws and to enable Proportional Representation to be used for UK general elections.

The **MOTION** was **MOVED** by Councillor B Fish seconded by Councillor S Chenore.

Cllr N Woollatt an **AMENDMENT** seconded by Cllr J Downes that

In addition to add Local elections and write to the Leader in opposition.

Therefore the amended motion would read:

First Past the Post (FPTP) originated when land-owning aristocrats dominated parliament and voting was restricted to property-owning men. In Europe, only the UK and authoritarian Belarus still use archaic single-round FPTP for general elections. Internationally, Proportional Representation (PR) is used to elect the parliaments of more than 80 countries. These countries tend to be more equal, freer and greener. PR ensures all votes count, have equal value, and that seats won match votes cast. Under PR, MPs and Parliaments better reflect the age, gender, and protected characteristics of both local communities and of the nation. MPs better reflecting the communities they

represent in turn leads to improved decision-making, wider participation, and increased levels of ownership of decisions taken. PR would also end minority rule. In 2019, 43.6% of the vote produced a government with 56.2% of the seats and 100% of the power. Fair, proportional votes also prevent 'wrong winner' elections such as occurred in 1951 and February 1974. PR is the national policy of the Labour Party, Liberal Democrats, Green Party, SNP, Plaid Cymru, Reform UK and Women's Equality Party along with a host of Trade Unions and pro-democracy organisations. PR is already used to elect the parliaments and assemblies of Scotland, Wales, and Northern Ireland. Its use should now be extended to include Westminster. This Council therefore resolves to write to H.M. Government and leader of opposition calling for a change in our outdated electoral laws and to enable Proportional Representation to be used for UK general elections and Local elections and write to the Leader of the opposition.

Upon a vote being taken the **AMENDMENT** was declared to have been **CARRIED**.

Those **AGAINST** from voting were: Councillors F J Colthorpe,
R Roberts, M Binks, C Harrower

126 **CABINET- REPORT OF THE MEETING HELD ON 12 DECEMBER 2023**

The Leader presented the report of the meeting of the Cabinet held on 12 December 2023.

127 **CABINET- REPORT OF THE MEETING HELD ON 9 JANUARY 2024**

The Leader presented the report of the meeting of the Cabinet held on 9 January 2024.

128 **CABINET- REPORT OF THE MEETING HELD ON 6 FEBRUARY 2024**

The Leader of the Council presented the report of the meeting of the Cabinet held on 9th January 2024.

1. **Business Rates Tax Base** (Minute 106)

The Leader **MOVED** Seconded by Cllr S Keable:

THAT the recommendations of the Cabinet as set out in Minute 106 be **ADOPTED**.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

Those **ABSTAINING** from voting: Councillor N Woollatt

2. **Capital Strategy and 2024-2028/29 Capital Programme** (Minute 107)

The Leader **MOVED** Seconded by Cllr S Keable:

THAT the recommendations of the Cabinet as set out in Minute 107 be **ADOPTED**.

The Chairman **MOVED** in accordance with Procedure Rule 16.7:

“That the vote in respect of this **MOTION** shall be by Roll Call”

A roll call of Members present at the meeting was then taken.

Those voting **FOR** the **MOTION**: A Adcock, M Binks, D Broom, E Buczkowski, J Buczkowski, J Cairney, S Chenore, S J Clist, G Cochran, F J Colthorpe, C Connor, L Cruwys, G Czapiewski, J M Downes, G Duchesne, B Fish, M Fletcher, A Glover, C Harrower, B Holdman, M Jenkins, S Keable, L Kennedy, L Knight, F Letch, N Letch, J Lock, R Roberts, S Robinson, L Taylor, H Tuffin, G Westcott, J Wright, D Wulff

Those voting **AGAINST** the **MOTION**: Councillor: N Woollatt

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

3. **Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Strategy 2024/25** (Minute 108)

The Leader **MOVED** Seconded by Cllr S Robinson:

THAT the recommendations of the Cabinet as set out in Minute 108 be **ADOPTED**.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

4. **2024/2025 Budget** (Minute 109)

Cllr L Taylor **MOVED** Seconded by Cllr S Keable:

THAT the recommendations of the Cabinet as set out in Minute 109 be **ADOPTED**.

The Chairman **MOVED** in accordance with Procedure Rule 16.7:

“That the vote in respect of this **MOTION** shall be by Roll Call”

A roll call of Members present at the meeting was then taken.

Those voting **FOR** the **MOTION**: A Adcock, M Binks, D Broom, E Buczkowski, J Buczkowski, J Cairney, S Chenore, S J Clist, G Cochran, F J Colthorpe, C Connor, L Cruwys, G Czapiewski, J M Downes, G Duchesne, B Fish, M Fletcher, A Glover, C Harrower, B Holdman, M Jenkins, S Keable, L Kennedy,

L Knight, F Letch, N Letch, J Lock, R Roberts, S Robinson, L Taylor, H Tuffin, G Westcott, N Woollatt, J Wright, D Wulff

Those voting **AGAINST** the **MOTION**: None

Those **ABSTAINING** from voting: None

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

5. **Pay Policy** (Minute 112)

Cllr L Taylor **MOVED** Seconded by Cllr S Clist:

THAT the recommendations of the Cabinet as set out in Minute 112 be **ADOPTED**.

Consideration was given to:

- The job roles removed and new job roles created should those have been advertised?

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

Those voting **AGAINST** the **MOTION** Councillors: D Broom, H Tuffin

Those **ABSTAINING** from voting Councillors: J Lock, M Binks, G Duchesne

6. **Policy Framework** (Minute 114)

Cllr L Taylor **MOVED** Seconded by Cllr J Lock:

THAT the recommendations of the Cabinet as set out in Minute 114 be **ADOPTED**.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

7. **Home Safety Policy** (Minute 115)

Cllr L Taylor **MOVED** Seconded by Cllr S Clist:

THAT the recommendations of the Cabinet as set out in Minute 115 be **ADOPTED**.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

129 **SCRUTINY COMMITTEE- REPORT OF THE MEETING HELD ON 18 DECEMBER 2023 AND 15 JANUARY 2024**

The Vice- Chairman of the Scrutiny Committee presented the report of the meeting of the Scrutiny Committee held on 18 December 2023 and 15 January 2024.

130 AUDIT COMMITTEE- REPORT OF THE MEETING HELD ON 16 JANUARY 2024

The Chairman of Audit Committee presented the report of the meeting held on 16 January 2024.

1. Revision of the Financial Regulations (Minute 59)

The Chairman of Audit Committee **MOVED**, seconded by Cllr E Buczkowski

That the recommendation of the Audit Committee as set out in Minute 59 be **ADOPTED**.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

131 COMMUNITY POLICY DEVELOPMENT GROUP - REPORT OF THE MEETING HELD ON 23 JANUARY 2024

The Chairman presented the report of the meeting of the Community Policy Development Group held on 23 January 2024.

132 ENVIRONMENT POLICY DEVELOPMENT GROUP - REPORT OF THE MEETING HELD ON 23 JANUARY 2024

The Chairman presented the report of the meeting of the Environment Policy Development Group held on 23 January 2024.

133 HOMES POLICY DEVELOPMENT GROUP - REPORT OF THE MEETING HELD ON 16 JANUARY 2024

The Chairman presented the report of the meeting of the Homes Policy Development Group held on 16 January 2024.

134 ECONOMY POLICY DEVELOPMENT GROUP - REPORT OF THE MEETING HELD ON 04 JANUARY 2024

The Chairman presented the report of the meeting of the Economy Policy Development Group held on 04 January 2024.

135 PLANNING COMMITTEE - REPORT OF THE MEETING HELD ON 10 JANUARY 2024

The Chairman presented the report of the meeting of the Planning Committee held on 10 January 2024.

136 2024/25 COUNCIL TAX RESOLUTION

The Cabinet Member for Finance outlined the contents of the report with particular reference to the following.

- The report was the culmination of a huge amount of collaborative work over the past year and the final piece of the jigsaw in setting the 2024/25 Budget. Through the various PDGs, Cabinet and Scrutiny meetings, members had collectively identified proposals that enables a balanced budget for 2024/25, largely without any significant impact on service provision. Everyone recognises that this as a remarkable achievement in the circumstances and is acknowledged as such.
- The Cabinet Member for Finance took the opportunity to thank Members, from across the Council, for their active engagement in discussions through the various meetings; Members worked collaboratively and constructively together for the benefit of Mid Devon District Councils residents, just as it should be and restored fiscal responsibility to this Council.
- The Cabinet Member for Finance thanked Officers from the finance team and throughout the service areas for the considerable work that had gone into this process particularly Andrew Jarrett and Paul Deal.
- The various financial reports that were approved by Cabinet earlier this month, including those that have just ratified, form the basis of the 2024/25 budget, which in turn calculates the Council Tax Requirement for Mid Devon District Council. When combined with the Precept Requirements from the other local authorities and Town and Parish Council's, the aggregated Council Tax to be collected is known. As the Billing Authority and check there in line with the referendum criteria, and to agree to collect it on behalf of all those authorities.
- The report, within Appendix A, sets out the formal resolution and legally required to approve. It outlines the various Council Tax charges from the relevant local authorities across the eight Council Tax bands, at a Parish level.
- The report also draws your attention to the statutory report from the S151 Officer that provides their assurance on the Robustness of the budget and that the Council has adequate levels of Reserves.

The Deputy Chief Executive (S151) Officer highlighted the following:

- Despite the below inflationary levels of government funding for 2024/2025, Mid Devon District Council continue to deliver a wide range of service provision whilst maintaining the Council tax increase below 3% and prudent levels of reserves.
- In the report the legal requirement has to include commentary on both robustness of estimates and adequacy of the reserves.
- Directed the Council to section 4 of the report and confirmed he has carefully considered these two items and fully content with the both of the levels being agreed and progresses used to agree them.

Cllr J Buczkowski **MOVED**, seconded by Councillor Cllr J Cairney:

“To approve the formal Council Tax Resolution as laid out in Appendix 1, subject to the approval by each Precepting Authority of its own Precepts as included within this report.:

The Chairman **MOVED** in accordance with Procedure Rule 16.7:

“That the vote in respect of this **MOTION** shall be by Roll Call”

A roll call of Members present at the meeting was then taken.

Those voting **FOR** the **MOTION**: A Adcock, M Binks, D Broom, E Buczkowski, J Buczkowski, J Cairney, S Chenore, S J Clist, G Cochran, F J Colthorpe, C Connor, L Cruwys, G Czapiewski, J M Downes, G Duchesne, B Fish, M Fletcher, A Glover, C

Harrower, B Holdman, M Jenkins, S Keable, L Knight, F Letch, N Letch, J Lock, S Robinson, L Taylor, H Tuffin, G Westcott, N Woollatt, J Wright, D Wulff

Those **ABSTAINING** from voting: Councillors: L Kennedy

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

137 **DEVOLUTION**

The Council had before it a report of the Chief Executive on Devolution.

The Chief Executive outlined the contents of the report with particular reference to the following.

- The Devon and Torbay Devolution Deal was approved for consultation by Devon County Council and Torbay by their respective cabinets/executives on 2nd February.
- The consultation went live on 12th February. The Chief Executive had shared the relevant information in advance of the meeting.
- It was recommended that council approve the proposed responses as highlighted in the report.
- The proposed responses reflected common themes of interest across the Districts across the Devon area and between the Leaders and Chief Executive of all the district council all reflected and powerful as a response.
- In terms of governance, members are not constituents and briefing has taken place in the past about this.
- An opportunity for a brief on Devolution next week has been circulated to members.

Considerations were given to:

- That members comments would not be taken into account.
- The words in the proposed responses are weak.
- To be more assertive in the proposed response.

The Chair **MOVED**

THAT within the report be approved with an amendment that:

The language within the proposed responses to be more assertive and strengthened.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

138 **SEAT ALLOCATION**

The Council had before it a table * setting out the revised allocation of seats on Committees and other Council bodies.

Arising thereon:

Appointment of Committees and Allocation of Seats on Committees and other Council Bodies

The Chairman **MOVED**:

(a) that the Council approve the allocation of seats on Committees and other Council Bodies as shown on the schedule;

(b) That Members be appointed to Committees in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats in (a) above;

(c) That Members also be appointed to Working Groups and other Internal Bodies in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats in (a) above;

(d) That the Chief Executive be authorised to make changes to membership of Committees, Working Groups and other Internal Bodies as may be notified to him from time to time by the relevant Political Group to which those seats have been allocated by the Council.

(e) That the appointments to seats remaining to be filled by ungrouped Members shall be made at this meeting.

Consideration was given to:

- Whether or not the table was a politically balanced allocation as required by legislation.
- The seats are not balanced and legalisation refers to ordinary committees and the advisory groups have been included in the table published.
- The Committees have not been allocated enough seats.
- The allocation of seats on the committees are not correct and the numbers that are rounded are not correct.
- Seven vacancy on the committees, will the newly elected member have to take these seats.

Cllr N Woollatt **MOVED** an **AMENDMENT** and seconded by Cllr J Downes

To defer the seating allocation to after the by-election.

Upon a vote being taken the **AMENDMENT** were declared to have been **CARRIED**.

Those voting **AGAINST** the **AMENDMENT** Cllr L Kennedy

Those **ABSTAINING** from voting Cllr L Cruwsy, F J Colthorpe, R Roberts

139 **QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 13**

To deal with any questions raised pursuant to Procedure Rule 13 not already dealt with during the relevant Committee reports.

There were no questions.

140 **SPECIAL URGENCY DECISIONS**

With regard to any decisions taken under Rule 16 (of the Constitution) Special

Urgency taken since the last meeting. The Chairman informed the meeting that no such decisions had been taken in that period.

141 **QUESTIONS TO CABINET MEMBERS**

The Chairman informed the meeting that no were no questions.

142 **MEMBERS BUSINESS**

Cllr C Harrower highlighted she made representation to committee meetings and officers about the re-opening of the paddling pool in Westexe and an example to all when working together great things can come to fruition and come to the communities we represent.

Cllr S Clist stated that today was the last meeting of the Heart of the South West Joint Scrutiny Committee and will be dissolved the end of March 2024 and has been a great pleasure to be part of that committee.

Councillor B Holdman stated that the Tiverton adventure playground which he represents on behalf of Mid Devon District Council has had their annual general meeting, a new chair has been appointed and Cllr B Holdman has been appointed as vice chairman and if Cllrs would like to find out more information there is a social media page.

Cllr A Glover attend the Broad path landfill in hill head quarry liaison group and been elected as Chair on this group and the Vice Chair
The ready-mix plant on the site has been delayed and start in September, and 900 trees had been planted by the Uffculmbe tree team.

Cllr G Duchesne highlighted Tiverton Horse-Drawn Barges 50th Anniversary Celebration on the 13th July 2024. There has been lots of work taking place with Tiverton Town Partnership with grant from Mid Devon District Council and Tiverton Horse Drawn Barges.

(The meeting ended at 19.50pm)

CHAIRMAN

Full Council 21st February Public Questions and Answers

Name of person submitting	Questions
<p>Mr Roger Davey</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 21</p>	<p>Question 1:</p> <p>Given the widespread criticism of the Scrutiny Committees report into the 3 Rivers debacle, widely seen as a whitewash, will the council consider instigating a public inquiry or at the very least a full and open public debate into the council and 3 Rivers failures or will it be left to members of the public to press for one ?</p> <p>Response from the Leader of the Council:</p> <p>The Council committed to a thorough and transparent review of 3Rivers some months ago. This task was performed by a working group formed and reporting back to the Scrutiny Committee. It came up with a number of key recommendations which were all accepted by the Committee. This report and its findings were all undertaken in public session. As has been confirmed previously it is not our intention to undertake additional investigations at further public expense. 3 Rivers has caused enough expensive for the Council and hence this administration is committed to close the business.</p> <p>Question 2:</p> <p>In the cabinet meeting of the 6th Feb at public question time, Mr Barry Warren asked the holder of the portfolio for housing if a full, independent, structural survey of St. Georges Court had been carried out and a report obtained.</p> <p>Is it not the case that structural issues with some of the properties will require remedial work in order to obtain building guarantees?</p> <p>Response from Cabinet Member for Housing & Property Services:</p> <p>I am not aware of any structural issues at this development. Obviously if Mr Davey has any evidence to refute this statement. Then please forward it to me so I can investigate the matter.</p>

<p>Page 22</p>	<p>Question 3:</p> <p>Mr Warren also asked if the portfolio holder had surveyed the properties in St. Georges Court and provided conservative estimates for the necessary extra expenditure on adaptations for this, Liberal Democrat controlled Councils scheme, for elderly person's social housing, and would these documents be made publicly available. The Council reply was that they would not release them.</p> <p>WHY what possible reason can there be for not releasing these documents- unless it is to spare the Council further embarrassment?</p> <p>Response from Cabinet Member for Housing and Property Services:</p> <p>An estimate for these additional conversion works has been prepared by our Housing Operations Manager. The actual costs, once incurred, will be a matter of public record.</p>
<p>Mr Paul Elstone</p>	<p>Mr Paul Elstone</p> <p>Question 1:</p> <p>Having run the MDDC 2023 election numbers. The Lib Dem's received a total of 19,872 votes or 48% of the total ballot. The other Parties plus Independents received 21,485 votes or 52% of the total ballot.</p> <p>Yet the Lib Dems hold 100% of Cabinet. They hold 10 of the 12 seats on Scrutiny or 83% including the Chair. They hold 7 out of the 8 seats on Audit or 88% including the Chair.</p> <p>Where is there any sense of Proportional Representation in Mid Devon District Council under this Lib Dem Administration. The Mid Devon Lib Dem's need to put their own house in order first.</p> <p>It would be Hypocritical by any measure to vote motion 604 thru and without the full commitment and a pledge from the Lib Dem Council Leader to remedy the situation and promptly. Will the Council Leader provide this pledge?</p>

Response from the Leader of the Council:

It had been clearly stated where proportional representation was required, unfortunately we are not in that system and at Mid Devon District Council were in a First Past the Post (FPTP). I am sure you are aware in 2019 the Liberal Democrats group were supportive of a rainbow cabinet at that time and based on the election returns and was declined by one other group and much in favour and will be supporting the motion today. First Past the Post (FPTP) doesn't work everywhere and perhaps you have explained how it doesn't represent everybody.

Question 2:

My next question relates to the Capital Program and in particular with regard to the substantial investment in Category 1 modular homes and which ZED PODS are. Given this Councils Capital Project multimillion pound financial losses I consider it necessary to bring the following to your attention.

That a House of Lords Committee only last month completed an investigation into the various problems being experienced with Modular Homes. An investigation that identified that Category 1 modular homes are between 30 and 50% more expensive than conventional builds.

That a very big social housing provider with over 42,000 homes and building over 1,600 Homes a year could not make the modular home economics work and no longer offers modular home contracts.

All evidence shows the MDDC Council Taxpayers are once again getting very poor value for money.

Will this Council fully interrogate the findings of the House of Lords enquiry? Then fully debate, this before voting thru the Capital Program It would not be prudent to do otherwise?

Response:

Full Council agreed the capital programme during the meeting.

Question 3:

Recently the Government sponsored a report into Modular Construction Fire Safety. A report commissioned after a series of modular building rapid and total loss fires. One which could have resulted in a significant loss of life.

An email has the Housing Minister saying quote [he] “finds the report very worrying” also “he agrees the report should not be published until we have done field checks”.

It has been stated that the report findings are being withheld this in order not to destabilise the modular build industry.

Additionally, The National Fire Chiefs Council has raised repeat concerns over the lack of large scale fire research involving modular builds.

I would suggest there should be particular concerns about Shapland Place modules given they are built over car parking spaces.

Will this Council fully investigate then provide full and independent expert assurance as to the intrinsic fire safety of the modular homes currently in construction. This before allowing any occupancy?

Response from Cabinet Member for Housing and Property Services:

The public questioner was invited to make any such relevant information available to the cabinet member in order that this might be considered.

MINUTES of a **MEETING** of the **CABINET** held on 5 March 2024 at 5.15 pm

Present

Councillors

L Taylor (Leader)
S J Clist, J Lock, J Buczkowski, S Keable,
J Wright and D Wulff

**Councillor
online**

N Bradshaw

Also Present

Councillor(s)

D Broom, G Czapiewski, C Harrower, L Kennedy, L Knight,
S Robinson,

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151), Richard Marsh (Director of Place & Economy), Paul Deal (Corporate Manager for Finance, Property and Climate Change), Matthew Page (Corporate Manager for People, Governance and Waste), Lisa Lewis (Corporate Manager for Digital Transformation and Customer Engagement), Darren Beer (Operations Manager for Street Scene), Luke Howard (Environment and Enforcement Manager), Laura Woon (Democratic Services Manager)

122. **APOLOGIES**

Apologies were received from Cllr N Bradshaw.

123. **PUBLIC QUESTION TIME**

The following questions were received from members of the public:

Mr Nick Quinn:

My questions concern Agenda Item 8 – The 3 Rivers Soft Closure Update Report Paragraph 2.4 lists a number of key actions to be carried out by the end of March 2024, my first questions are on these actions:

The assets/holdings listed as actively being transferred include "Knowle Lane, Park Nursery Expenditure and Working Capital".

Question 1:

The Council purchased Knowle Lane on February 2nd and the other two items were previously 'impaired' loan amounts, not assets – so can this statement be explained please?

Response from the Cabinet Member for Finance

The key actions listed in 2.4 made reference to assets/holdings that will be transferred by the 31/3/24. Some items had already been completed and some were still subject to completion. This was a simple statement to give reassurance that they would all be completed by the 31/3/24.

Question 2:

Has the Purchase of St Georges Court been completed yet?

Response from the Cabinet Member for Finance

No St Georges Court has not been completed yet. It was currently on target to complete next week.

It is also stated that "the management of assets on behalf of the General Fund will be transferred to a new external management company".

Question 3:

Is the Council setting up this "New External Management Company"?
If Yes?

Response from the Cabinet Member for Finance

No, the Council was simply looking to procure an external letting agent for 4 Council owned residential flats/houses.

Question 3(a):

Will it be set up properly, and implement the recommendations of the Scrutiny Committee 'Lessons Learned' report on 3 Rivers?

Response from the Cabinet Member for Finance

This would be awarded to an existing lettings company which would have its own governance arrangements.

Question 3(b):

Will the Director, or Directors, be External?

Response from the Cabinet Member for Finance

Yes as it is an external company

Question 3(c):

By what date will this be set up?

Response from the Cabinet Member for Finance

The external letting company and these arrangements would be in place by the 1/4/24.

Paragraph 3.1 puts the projected total loss at around £5.1Million - dependent on sales and the valuation of the transferred assets.

Question 4:

Has the interest on loans continued to be added, to the outstanding amounts, during this close-down process?

Response from the Cabinet Member for Finance

The Council had continued to charge interest against all live projects.

Question 4(a):

What is the current 'Total Outstanding Amount' owed to the Council, by 3 Rivers, inclusive of interest?

Response from the Cabinet Member for Finance

As at 1/3/24 the total gross outstanding amount was £19.0m. Obviously, this sum would significantly reduce as loans were cleared/repaid as assets were transferred and/or sold by the 31/3/24.

Question 4(b):

How is the value of each asset being assessed?

Response from the Cabinet Member for Finance

By a combination of: external formal valuations, costs incurred to date and reference to selling agents advice.

Paragraph 4.1 states there must be a 3 month "no-trading" period and asks Cabinet for a reduction to one Director. So, 3 Rivers will continue as a Company until at least the end of June and its Director will have to be paid.

Question 5:

Does the projected £5.1Million loss figure include these continuing? Director payments and any costs, and assumed liabilities, of final closure?

Response from the Cabinet Member for Finance

Assessment had been made of the total costs and the revenue from sales in order to deliver the closure of the company. Clearly, some of these were still based on market estimates and would vary, but at the current point were deemed materially correct.

Mr Paul Elstone

Each of my questions relate to Agenda Item 8- 3 Rivers Soft Closure.

Question 1:

There have been various and confusing figures provided in terms of the TOTAL losses incurred due to 3 Rivers. £5.1 million being the latest. Given that previously reported impairments do not appear to have been included in the latest number, can the S151 Officer please confirm the exact amount of losses incurred by this Council to date ?

Response from Cabinet Member for Finance:

£5.1m was the first publically announced figure provided that estimates the full trading loss of 3Rivers – so it was interesting to reflect on your comments about various and confusing figures. The figure that had been provided in the report you refer to had been produced by the Council’s S151 Officer and would include all previous calculations on impairments. As some of these calculations were still commercially sensitive a part 2 appendix had been included which showed precisely how the £5.1m had been calculated, including any previous impairment calculations. It should also be noted that these prior impairments and associated loss calculations were audited by the Council’s external auditors.

Question 2:

Given a totally different set of numbers were provided to the Planning Committee in terms of Haddon Heights property prices when the S106 contributions were decided, has a provision been made for any S106 payment for Affordable Homes for Haddon Heights. If not, why not?

Response from Cabinet Member for Finance:

The housing market was clearly in a different place than when the initial viability assessment was prepared. It was also worth reflecting that during the project build out of this development that both material and contractor costs had also risen significantly. In order to reassure the questioner, I can confirm that the Council would need to ensure that all company liabilities, including any potential S106, were assessed, as part of the company closure process.

Question 3:

With the income from the 2 sold properties and the 2 sales still to be completed – will the Council have to set a very high cash equivalent figure, for the transfer of the 5 unsold properties, so they can say this development did not produce yet another financial loss?

Question 4:

The report, at paragraph 2.3, stated that: “A small working group of Council Officers and 3 Rivers Directors who are working to ensure that everything is completed by 31st March 2024 and Officers have continued to secure external advice as required”.

On how many occasions have you contacted external advisors for advice?

Who were the organisations?

What external advice have you actually received?

Mr Barry Warren

My first question relates to item 4 on the Agenda – Minute 103. My questions, which I had submitted in advance, start on page 9. All my questions are shown in the minutes correctly. With the exception of the answer to question 2, all of the answers shown in the minutes are verbatim, as can be heard on the audio recording of the meeting - including your political statement of some 139 words before question 7 was addressed.

The answer shown in the minutes to question 2 is “We are not aware of contraventions or discrepancies with the approved planning permission.”

The answer given by the Cabinet member for Planning, which was repeated, can be heard on the recording of the meeting. He said: “Yes they have been complied with. But if the former leader of this Council has material evidence to indicate that they have not, I would be pleased for him to write to me, so that I may investigate”.

This is completely different from the answer shown in the minutes.

Question 1:

Will Cabinet please have this minute corrected to show the actual answer given, before approving the minutes as an accurate record?

Response from the Leader of the Council:

Yes, when the Leader puts forward to Cabinet the minutes this amendment will be included to answer to the question at the previous meeting correctly.

Paragraph 2.3 refers to a ‘*Small working group of Council Officers and 3 Rivers Directors.*’

Question 2:

Who are the Council Officers in the Group please?

Paragraph 2.4 refers to transfer of assets to a new external management company.

Question 3:

What is the name of this company so that, in the interests of openness and transparency, interested parties can be aware of Directors etc.?

Paragraph 3.1 makes reference to projected losses being funded by ‘*transferring some funds from previously agreed earmarked reserves.*’ In a recent press article by the Leader, and at the recent Council meeting, he was critical of the previous administration in using £600,000 from reserves to balance the budget - which he voted to approve.

Question 4:

The budget for 2024/25 has been approved which uses reserves to cover losses so what is different this year from last year?

Paragraph 4.1 refers to a reduction of Directors to ONE to finalise any remaining transactions.

Question 5:

Who will that Director be and what procedures will be in place to ensure that the interests of the residents of Mid Devon are protected from any further losses?

124. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

No interests were declared under this item. Members were reminded of the need to make declarations of interest where appropriate.

125. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 6th of February 2024 were approved as a correct record and **SIGNED** by the Leader. This included the following amendment to the answer to Mr Warren's question 2 to read as "Yes they have been complied with, but if the former Leader of this Council has material information, please will he provide it in writing to me, so that I may investigate it". Cllr S Clist left the meeting at item 18.

126. CUSTOMER CARE POLICY

Cabinet had before it a report * from the Corporate Manager for Business Transformation & Customer Engagement on Customer Care Policy.

The Cabinet Member for Working Environment and Deputy Leader of the Council outlined the contents of the report with particular reference to the following:

- The Customer Care Policy and Standards had been reviewed every two years to provide guidance to staff including the expectation of Mid Devon District Council customers to remain (remain?) in line with best practice.
- The Policy had been recommended to Cabinet via the Community Policy Development Group that the Policy and Standards be adopted.
- The Policy and appendix covered general customer service across the Council and was not solely focussed on the Customer Services team who staff the contact centre and enquiries desk.
- Care Leavers, with a focus on Corporate Parenting, Mid Devon District Council had recently implemented a discounted Leisure membership and Council Tax exemption for care leavers. This followed on from a previous decision to discount Leisure membership for Carers. All of which improved service access to vulnerable or disadvantaged groups.
- The Single Equalities Scheme was approved by Cabinet on 4 April 2023. After the May 2023 elections, new Members had joined the Equality, Diversity and Inclusion Group to focus on continued work to ensure effective access to Council services.

Discussion took place regarding:

- As Mid Devon District Council obtains personal data of residents should reference to this be in the policy along with safeguarding?
- A reference number be issued to residents when receiving emails and calls as Members could follow up at a later date to find out the status.
- The standard response time for the acknowledgement of emails or writing by post on general enquiries or complaints.
- The 10 days response time on enquiry or complaints was?? adequate time to provide a response.
- The name of the service as stated in the appendix, would this be the case officer?
- Would the hearing loops in customer services area work correctly due to the work ongoing in the Phoenix Chamber.

RESOLVED that:

Cabinet recommend to Council that the Customer Care Standards and Customer Care Policy contained in Annexes 1 and 2 be adopted.

(Proposed by Cllr J Lock and seconded by Cllr S Clist)

Note: * Report previously circulated.

127. ENVIRONMENT EDUCATIONAL ENFORCEMENT POLICY

Cabinet had before it a report * from the Environment and Enforcement Manager on Environment and Education Policy Review.

The Cabinet Member for Environment and Services outlined the contents of the report with particular reference to the following:

- The Street Scene Environment and Enforcement Team, together with Legal Services, had undertaken an internal review of the current policies in line with existing Government legalisation and they were now up to date and fit for purpose.
- The importance of the work to ensure the recycling waste was disposed of correctly under the new 3 weekly bin scheme and Mid Devon District Officers take appropriate action where offences happen to keep the streets tidy.

The Environment and Enforcement Policy outlined the contents of the report with particular reference to the following

- Inclusion of a 50% discounted rate for a period of 14 days enabled the authority to show proportionate measures in respect of littering. Discounted periods had shown to increase the percentage of payments against such fines

Discussion took place regarding:

- Clarification around the 50% reduction in the fixed penalty notice.
- The form of poverty premium, those that could afford to pay immediately get discounted at 50% and those who cannot will have to pay in full.
- Evidence of littering those would receive a penalty with a discounted rate and this went against Full Council agreement on Poverty Premium.
- Those in position of poverty, would the policy be flexible in regards to payment terms or plan to be put in place?
- Evidence of other Local Authorities with receiving payments quicker at a discounted rate.
- To add to the policy for residents to contact the Enforcement Team if they were in financial difficulty.
- The sale of dogs in the stray dog policy and did the policy reflect the new legislation on XL Bully's and euthanasia?
- Stray dogs were held for a minimum period of seven clear days what was the maximum?

- In regards to waste and recycling, did Mid Devon District Council have the appropriate resources?
- Communal areas being used incorrectly when disposing of waste.
- The abuse when out in the community litter picking. How many officers were there on the ground to catch the perpetrators when littering.
- If the perpetrators were minors would they face prosecution in regards to littering?
- What was the cost of administration of a 14 day fine or 30 day? Would this period need to be changed due to people receiving monthly salaries to save further administration costs.
- Concerns around the serving of a Section 46 (1) Notice did not imply that a household was not managing their waste properly and, as such, the notices may be served on as many properties as appropriate to enable a consistent and fair approach to enforcement across the District.
- The concerns about the stage one of the enforcement procedures.

The Chief Executive made particular reference to the following:

- The remit of the Council to seek to take a proportionate review on individual cases.
- The element of discretion of how robustly the Council takes forward prosecution and legal matters.

RESOLVED that:

1. Litter Policy to be implemented to reflect Defra guidance on proportionate, effective, targeted, transparent and consistent approach to littering offences (Appendix F)
2. Amend the Fixed Penalty Notice (FPN) for littering to include a 50% discount for a period of 14 days from the date of the offence
3. Review and approve wording simplification:
 - Stray Dog Policy (Appendix A)
 - Littering from Vehicles (Appendix B)
 - Compulsory Recycling (Appendix C)
 - Fly Tipping minor wording amendment regarding FPN value (Appendix D)
Note Only- Agreed at Cabinet on 12 December 2023.
4. Approve Abandoned Vehicle Policy wording changes (Appendix E)

Proposed by Cllr J Wright and seconded by Cllr J Lock)

Note: * Report previously circulated.

128. **3 RIVERS DEVELOPMENT LTD - SOFT CLOSURE PROGRESS UPDATE**

Cabinet had before it a report * from the Deputy Chief Executive (S151) Officer on 3 Rivers Development Ltd – Soft closure progress update

The Cabinet Member for Finance outlined the contents of the report with particular reference to the following:

- Appraised Cabinet and the wider membership on the progress of the closure of 3 Rivers.
- Mid Devon District Council were on track for the company to cease trading on the 31st March 2024 and then an application for the company to be dissolved after the statutory period.
- The recommendations enabled the full closure of the company as directed by Full Council in a timely and most effective way.

RESOLVED that:

1. Cabinet note the progress and milestones achieved and those that would be completed by 31/3/24.
2. Cabinet resolved to dissolve the Company by way of Voluntary Strike off.
3. Cabinet resolved to the disapplication of the requirement under the Articles of Association/Shareholder (Governance) Agreement to have three Directors, and that there be one Director in post for the purpose of dissolving the Company after the 31/3/24.
4. The Cabinet Member for Finance be given delegated authority on behalf of the Shareholder to sign the final resolution(s) to close the company.

(Proposed by Cllr J Buczkowski and seconded by Cllr S Clist)

Reason for Decision:

To ensure the company is closed in accordance with the Companies Act 2006.

Note * Report previously circulated

129. **NOTIFICATION OF KEY DECISIONS**

The Cabinet had before it and **NOTED** the Notification of Key Decisions *.

One change had been made to this since the publication of the document with the agenda for this meeting:

The following items were added to the Forward Plan:

- Crediton Town Centre Masterplan SPD and Delivery Plan.
- Tenure Reform working group recommendations.
- New Corporate Plan.

The following items were deferred to a future date:

- Planning Enforcement Policy had moved to June
- Tenure Reform and Change's to the Tenancy Agreement- Project Plan moved to October

Note: * Notification of Key Decisions previously circulated.

(The meeting ended at 19.05pm)

CHAIRMAN

Cabinet 5th March 2024 Public Questions and Answers

Name of person submitting	Questions
<p>Barry Warren</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 35</p>	<p>My first question relates to item 4 on the Agenda – Minute 103. My questions, which I had submitted in advance, start on page 9. All my questions are shown in the minutes correctly. With the exception of the answer to question 2, all of the answers shown in the minutes are verbatim, as can be heard on the audio recording of the meeting - including your political statement of some 139 words before question 7 was addressed.</p> <p>The answer shown in the minutes to question 2 is “We are not aware of contraventions or discrepancies with the approved planning permission.”</p> <p>The answer given by the Cabinet member for Planning, which was repeated, can be heard on the recording of the meeting. He said: “Yes they have been complied with. But if the former leader of this Council has material evidence to indicate that they have not, I would be pleased for him to write to me, so that I may investigate”. This is completely different from the answer shown in the minutes.</p> <p>Paragraph 2.3 refers to a ‘Small working group of Council Officers and 3 Rivers Directors.’</p> <p>Question 2: Who are the Council Officers in the Group please?</p> <p>Cabinet Member for Finance: This group is attended by a number of senior officers from; finance, legal, HR and property.</p> <p>Paragraph 2.4 refers to transfer of assets to a new external management company.</p> <p>Question 3: What is the name of this company so that, in the interests of openness and transparency, interested parties can be aware of Directors etc.?</p> <p>Cabinet Member for Finance See the answer provided to Q3 of Mr Quinn’s request.</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 38</p>	<p>Paragraph 3.1 makes reference to projected losses being funded by ‘<i>transferring some funds from previously agreed earmarked reserves.</i>’ In a recent press article by the Leader, and at the recent Council meeting, he was critical of the previous administration in using £600,000 from reserves to balance the budget - which he voted to approve.</p> <p>Question 4: The budget for 2024/25 has been approved which uses reserves to cover losses so what is different this year from last year?</p> <p>Cabinet Member for Finance Nothing has been agreed to be taken from reserves to balance the 2024/25 budget.</p> <p>Paragraph 4.1 refers to a reduction of Directors to ONE to finalise any remaining transactions.</p> <p>Question 5: Who will that Director be and what procedures will be in place to ensure that the interests of the residents of Mid Devon are protected from any further losses?</p> <p>Cabinet Member for Finance: This appointment is still to be determined.</p>
<p>Paul Elstone</p>	<p>Each of my questions relate to Agenda Item 8- 3 Rivers Soft Closure.</p> <p>Question 3: The Bampton Haddon Heights site Viability Report went to the Planning Committee with a Land Value of £213,000 - 3 Rivers were expected to make a profit of JUST 10.6% on the development. But when 3 Rivers went to Cabinet for funding, they showed a payment £420,000 for the land and that 3 Rivers had reduced their construction costs estimates this in order to show an increased profit and in support of obtaining loan agreements,</p> <p>With the income from the 2 sold properties and the 2 sales still to be completed – will the Council have to set a very high cash equivalent figure, for the transfer of the 5 unsold properties, so they can say this development did not produce yet another financial loss?</p> <p>Cabinet Member for Finance: It is currently anticipated that any remaining unsold properties will be acquired by the Council at a market value.</p>

Question 4:

The report, at paragraph 2.3, states that: “A small working group of Council Officers and 3 Rivers Directors who are working to ensure that everything is completed by 31st March 2024 and Officers have continued to secure external advice as required”.

On how many occasions have you contacted external advisors for advice?

Who were the organisations?

What external advice have you actually received?

Cabinet Member of Finance:

The Council has secured; legal, financial, governance and HR advice from a number of companies over the past few months. The details of this advice is currently commercially sensitive information.

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MINUTES of a **MEETING** of the **CABINET** held on 2 April 2024 at 5.15 pm

Present

Councillors

L Taylor (Leader)
S J Clist, J Lock, N Bradshaw,
J Buczkowski, S Keable and D Wulff

Apologies

Councillor(s)

J Wright

Also Present

Councillor(s)

D Broom, E Buczkowski, G Cochran, A Cuddy, G
Duchesne, C Harrower, L Knight

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Maria De
Leiburne (Director of Legal, HR & Governance (Monitoring
Officer), Richard Marsh (Director of Place & Economy),
Matthew Page (Corporate Manager for People,
Governance and Waste), Simon Newcombe (Corporate
Manager for Public Health, Regulation and Housing), Dean
Emery (Corporate Manager for Revenues, Benefits and
Recovery)(online), Dr Stephen Carr (Corporate
Performance and Improvement Manager)(Online), Jason
Ball (Climate and Sustainability Specialist), Tristan Peat
(Forward Planning Team Leader)(online), Laura Woon
(Democratic Service Manager) David Parker ((Democratic
Services & Policy Research Officer)

**Councillors
Online**

P J Colthorpe, L Cruwys, G Czapiewski, A Glover, F Letch

130. APOLOGIES

Apologies received from Cllr J Wright.

131. PUBLIC QUESTION TIME

Nick Quinn

The Appendix 2 - Corporate Risk Register shows a number of risks. I wish to ask questions about two of these:

CR9 (*Delivery of the 3 Rivers Closedown Plan*) - The accompanying text states that the Banksia Close property is being purchased by the Council and that the Haddon Heights Development, at Bampton, will complete in February 2024. It also states that marketing of the remaining five units continues and is now likely to extend past 31 March 2024.

Question 1:

Has the purchase of the Banksia Close property been completed?

Response from Cabinet Member for Finance:

Yes.

Question 2:

Has the Haddon Heights Development been completed?

Response from Cabinet Member for Finance:

Yes, with the final landscaping taking place when weather allows.

Question 3:

Were the five unsold units transferred to the Council by 31 March 2024?

Response from Cabinet Member for Finance:

Yes.

Question 3(a):

Will the Council continue to actively market these units, for sale, itself?

Response from Cabinet Member for Finance:

No – they will continue to be marketed by the current estate agents.

CR9a (*Reputational Impact of 3 Rivers*) - The accompanying text states that the reputational risk is mainly down to unhelpful and inaccurate statements being made about the Company and the consequential impact on the Council.

Question 4:

Does the Cabinet consider that the lack of proper information being provided by the Council, about the Company and its situation, may have contributed to such speculation?

Response from Cabinet Member for Finance:

This administration has been open and transparent with all elected members at all times, elected members that represent their community, at a level not seen with previous administrations; external reports and professional advice has been shared, along with updates and progress. As much of this as possible has been put into the public domain, but to protect the Councils financial interest, and in turn our residents interests, some of this information has been withheld from public domain.

Question 5:

Even though there has been a considerable loss of public money, is the Council hoping that the final closure of the Company will, by itself, restore the reputation of the Council?

Response from Cabinet Member for Finance:

Reputation is very much earned and while the final closure of the company in its self may not restore some of the confidence lost by previous administrations, the fact that this administration has done what it said would, i.e. not invest in further projects, seek professional advice, and close the company with the best possible return for the Tax Payer, in a timely and professional way to limit any further exposure, clearly demonstrates the integrity of the Leader and his cabinet, and in turn will further reinforce the trust our residents have in this Liberal Democrat Administration and support the restoration of this council's reputation under our stewardship.

Paul Elstone

This administration has repeatedly stated that it will be more open and transparent. However, it is noted that the results of the Residents Survey have been manipulated. This so as not to reflect the seriously worsening position related to this Council and its Councillor's lack of trust.
See sections 2.6 thru 2.8.

Yet a further example of why resident trust is increasingly eroding under this administration. What the published survey results don't show is:

That the trust in this Council has dropped from 50% to 40% over the last 12 months
That the trust in Councillors has dropped from 55% to 49% over the same period.

Seven (7) of those months when this administration has been in control and despite what this administration would perhaps like to argue against or even politicise.

Question 1:

Will the Council Leader ensure the Residents Survey is re-issued with all information, this including last year's reference data fully revealing this deteriorating level of trust?

Why is public trust in this Council and its Councillors in rapid decline and something that has become very much worse over the last few months?

Some examples.

- The attempted full-frontal assault in preventing or suppressing the public from asking questions or making statements at committee meetings.
- As statement by the Scrutiny Committee Chair no less. One which they would not retract, about "*cooking the books*" related to 3 Rivers financial losses. A statement I and others fully support, this as more information becomes available.
- A virtual complete lack of appropriate Statutory Officer oversight in regards to 3 Rivers. This has recently identified by the Grant Thornton Audit.
- A complete failure to hold those primarily responsible for the gross 3 Rivers failings to account and by any measure. In fact, all too frequently singing their praises.
- The apparent cover up culture that seems to pervade this Council, and with irrefutable evidence available.

- Awarding Statutory Officers extortionate pay awards based on increased role responsibilities when there is good evidence to show these officers failed in exercising their previous roles. Even a dereliction of duty it's believed.
- The back pedalling on the Committee System.
- The hypocritical approach to proportional representation. The Lib Dems holding all committee chair's including Scrutiny. Having all seats on external committees. Making up 100% of Cabinet. This despite having only 48% of the electoral vote.
- There are others.

Question 2

A fundamental Sigma 6 continuous improvement principle is Stakeholder Engagement, something the Leader will know full well. Will the Council Leader fully consider calling a public stakeholder meeting this to get everything into the open, to clear the air?

Supplementary Question:

You have the full opportunity come May to realign some of the committees, particularly Scrutiny where it has previously been suggest your marking your own homework. Would you give full consideration to at least Scrutiny and perhaps adding an opposition to Cabinet.

Response from the Leader of the Council:

There are always things taken into consideration and will be discussed.

Leader of the Council made a comment:

The public trust is an important part of the Council and the results in May last year were 48%. Were in a First Past the Post (FPTP) not in proportional representation. I would prefer a proportional representation unfortunately we are not in that system and Mid Devon District Council does not have the ability legally to change this. I will always be an advocate and campaigner for proportional representation.

Barry Warren

In the 'Risk Description' it says "A decision has now been made to soft close the company, so the remaining reputational risks are that public debate in future inadvertently damages the value of assets by hindering the remaining sales."

Question 1:

Do Cabinet consider that just closing the company will stop any debate about the reputation of the council when perfectly proper questions have been asked - but not answered openly and honestly, over a considerable time?

Question 2:

Do Cabinet consider that the closure of the company will reinstate the reputation of the council given the history of the setup of 3 Rivers and taking four years and a new administration to finally get senior officers to commission reports from external agencies which resulted in some 33 recommendations being made for improvement?

Question 3:

Public money has been, and is being, used to cover the losses on 3 Rivers. This means the projects the money would have been spent on, will be delayed or lost completely. Are Cabinet expecting the public to ignore what has happened and forget about it whilst those losses are made good?

Question 4:

St. George's Court will still have the potential to cause problems, even under HRA Management, and there will be knock on effects with regard to the handling of Post Hill, Knowle Lane and other sites taken on from 3 Rivers. If accurate and complete information is not made available regarding these sites, and members of the public have to repeatedly ask questions to try and get the truth, this will continue to damage the reputation of the council. What are Cabinet putting in place to ensure that this does not happen?

Question 5:

The notes state: "Any remaining reputational influences relate predominantly to external instigators who may choose to oppose the council activity or policy direction" Was the attempted introduction of restrictions on public speaking into the Constitution an indication that the Chief Executive would like to prevent or restrict public involvement?

Question 6:

There is little doubt that harm has been caused to the reputation of the Council as evidenced in the recent public survey. What are the Cabinet doing to ensure that those hard working officers who are providing excellent day to day service in regards to refuse collection, recycling, Customer First and Leisure Services, to name but a few, are not demoralised by the shortcomings within senior management?

Gwen Duchesne

Question

I'd like to ask a question about Devon County Council application DCC/4358/2023 for landfill at Greenway, Halberton.

I recognise MDDC is a consultee along with many others for this application I know MDDC will not be determining the application that responsibility lies with Devon County Council.

If this application is approved by DCC it will permit 6 metre-long vehicles to travel through Sampford Peverell, Halberton, Uplowman and Braid Park every 15 minutes from 8 am to 5 pm, 5.5 days a week. These vehicles are huge, and will be laden with aggregate brought from all over and outside of the county. They will be bruising the kerbs and battering the newly built roads along Enterprise Avenue, we already see it happening. They will be brushing past the newly opened play area for the little children there; they will push through nearby busy lanes. They will be fighting with buses and tractors along the recently narrowed roads around Sampford Peverell, at Uplowman Cross and through the priority signage at Halberton. The whole area will be under siege with our roads, verges and hedgerows as collateral damage.

Children's access to fresh air and exercise will be cancelled, adults will be similarly affected, cycling and walking will stop and only the bravest would entertain walking the route. Our beautiful bit of countryside will be turned into an industrial landscape. Indeed we are being industrialised and there is no upside. There will be no amenity here.

The above is a distillation of the many comments I have received from affected parties. It reflects the sadness and despair along with, it has to be said, and a fair amount of anger that this application has given rise to. Greed, not need is a common refrain. I haven't even touched upon other aspects of this application that give rise for concern or even the potential this application might have on the future development of Junction 27 and economic prosperity that might flow from it.

I am grateful for the work that so many MDDC councillors and officers have put into the updated consultation response to reflect legitimate concerns. I appreciate the limits of our power.

Devon County Council will determine the application. I can only hope that Devon County Council will view and give weight to the many comments and concerns that have been raised some of which have been reflected here today.

Question 1:

Can I be assured that MDDCs response to DCC is as robust as it can be, that it reflects the views of residents and the potential detrimental impact on the communities affected.

Response from Cabinet Member for Planning and Economic Regeneration:

You are quite right that this is an application which is with Devon County Council for determination, rather than Mid Devon. I appreciate that this might be confusing for some residents who are used to seeing us, at Mid Devon, determine planning applications, but this application is with Devon because it relates to a Waste use - and they (Devon) are the Authority responsible for planning matters relating to Waste and Minerals.

However, it should not be confusing for seasoned politicians who, as I understand have been distributing deliberately misleading and wrong information calculated to alarm local residents. Attention should focus upon the Conservative administration at County Hall and the local Conservative County Councillor as it is they who will determine this planning application.

In these circumstances we, Mid Devon as the Local Planning Authority (LPA) are, as you suggest Cllr DuChesne, simply a consultee in relation to the application and are invited to make a consultation response to it.

In terms of the points and concerns you raise; I personally recognise and understand the fears you raise on behalf of your residents. However, you will appreciate that the officers representing the LPA are necessarily required to provide technical responses which are based wholly upon material planning considerations, are objective and focused within their areas of expertise or within the areas of expertise of other council employees who support Planning in preparing these consultation responses.

I have seen the response that has been issued by officers on behalf of the Mid Devon LPA and believe that our officers have put forwards a robust and thorough consultation response in response to the application - notably objecting to the application and querying issues and information relating to key issues such as air quality and the proposed use of this site within the context of DCC's adopted Waste Plan. They have also asked that DCC take full account of the many comprehensive and detailed responses provided by our residents in response to this application.

Clearly we, as elected members, are also able to continue to voice our views and opinions in relation to this application and continue to encourage our residents to do likewise. The best way to do this is by responding to DCC's consultation on the application and I would encourage those who wish to have their say to do so by lodging their own comments with DCC so that these can be fully considered through the determination process by Devon County Council.

132. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

No interests were declared under this item. Members were reminded of the need to make declarations of interest where appropriate.

133. **MINUTES OF THE PREVIOUS MEETING ON 5 MARCH 2024**

The minutes of the previous meeting held on 5th March 2024 were approved as a correct record and SIGNED by the Leader.

134. **SILVERTON NEIGHBOURHOOD PLAN**

Cabinet had before it a report * from the Director of Place and Economy on the Silverton Neighbourhood Plan.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report with Particular reference to the following:

- The Silverton Neighbourhood Plan was subject to a local referendum held on Thursday 29th February 2024, at which persons eligible to vote in the neighbourhood plan area (Silverton Parish) were asked the following question: *“Do you want Mid Devon District Council to use the neighbourhood plan for Silverton to help it decide planning applications in the neighbourhood area?”*
- The result of the referendum was as follows: Number cast in favour of a yes recorded vote 459, number cast in favour of a no recorded vote 37, number of spoilt ballot papers recorded was 11. The total number of votes cast 507
- Since 90.53 % of voters who voted are in favour of the Silverton Neighbourhood Plan the plan had become part of the statutory development plan for the area. It had attained the same legal status as a local plan (and other documents that form part of the statutory development plan).
- Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Policies of the Neighbourhood Plan would be used alongside policies in the adopted Mid Devon Local Plan, and the Devon Minerals and Waste Plans, to help guide planning applications submitted to the Council for determination in the Silverton area and the decisions made on those.
- The Council must now formally adopt the Plan as soon as reasonably practicable after the referendum was held, and not later than 8 weeks from that date.
- The Council may refuse to make the Plan if it considers that making it would be a breach, or would otherwise be incompatible with, any remaining EU obligations or any human rights obligations. Council officers hold the view that the making of the Plan would not breach these obligations (as set out within

the Council's Decision Statement). The Council must decide whether to make, or refuse to make, the Plan.

- There is no opportunity at this stage to seek to amend the contents of the plan or make further representations to it.
- The Silverton Neighbourhood Plan was the fourth neighbourhood plan to pass a local referendum and come into force as part of the statutory development plan in Mid Devon, and there are three other Neighbourhood Plans (for Willand, Newton St Cyres and Lapford) that are also currently been prepared by their local communities. The Council encourages local communities to prepare neighbourhood plans that would help them have a greater say in the future planning of their local areas.

RESOLVED that:

That Cabinet **RECOMMENDS** to Council that:

1. The Silverton Neighbourhood Plan (Appendix 1) is 'made' (adopted) and brought into force as part of the statutory development plan for the Silverton area:
2. The Silverton Neighbourhood Plan Adoption Decision Statement (Appendix)
3. Is published to meet the publicity requirements in the Regulations.

(Proposed by Cllr S Keable and seconded by Cllr S Clist)

Note: * Report previously circulated.

Reason for Decision:

There is a need for the Council to 'make' (adopt) the Silverton Neighbourhood Plan, following its local referendum, under Section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended) and to publish a statement setting out the decision and the reasons for making this decision under the Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

135. **THE COUNCIL'S STATUTORY DUTY TOWARDS BIO DIVERSITY AND NATURE**

Cabinet received, and **NOTED** a verbal update on the Council Statutory Duty towards Bio Diversity and Nature.

The Cabinet Member for Climate Change made particular reference to the following:

- First consideration went to Cabinet in January.
- The Council Statutory duty towards Bio diversity and Nature has been presented to the Policy Development Groups (PDGs) and Planning Policy Development Group for everyone to beware.
- The planting of trees, working on wildlife and green spaces, river and seas motion to Scrutiny, water quality and nature.
- Great ideas from the State of District debate and this would feed into the consideration of performance towards Biodiversity.
- For all members to bring forward their ideas.

The Climate and Sustainability Specialist made particular reference to the following:

- The engagement through the PDGs and thanked Members for the feedback.
- The Government had asked for an action plan every five years to report back.
- The action plan would be created following the feedback from the PDGs for example promoting the good things that are already happening and sustainable farming and local food systems.
- Engagement with tenants regarding this issue needed to continue and be progressed. Other ideas included awareness training and improving access to the green areas when developing housing estates.
- The planting of community orchards and how this had already been a success.

Discussions took place regarding:

- The idea of planting a tree for each baby born in Mid Devon, including stillborn babies as there was a similar scheme in Somerset.

136. RESIDENTS SURVEY

Cabinet had before it and **NOTED** a report * from the Deputy Chief Executive (S151) Officers on the residents survey.

The Leader of the Council outlined the contents of the report with particular reference to the following:

- There was no significant change to the resident survey.
- The 43% trusted their local Council to make decisions about local services, compared to 2% trust for the Government.
- Percentage of residents that think the media has viewed local Councils positively in the last few months.

The Deputy Chief Executive (S151) Officer outlined in the report with particular reference to the following:

- The Council conducted a combined residents' and budget setting survey in November/December 2023.
- Many of the responses, and those for the LG Inform survey, had seen a deterioration in their scores/feedback, which may of had some bearing on the national challenges that had been faced currently.
- Resident feedback enables the Council to focus on the key concerns/messages, whilst also providing an important baseline, which can be utilise in order to measure feedback against in future years and assess the direction of travel.

Discussion took place regarding:

- The disappointment in the amount of respondents to this year survey.
- To engage more with the residents of the Council.
- The responses in regards to climate change and the wording around fairly or very important.
- Details of the percentages to see where improvements could be made.

- Mid Devon households pay on average £225.40 in Council Tax per year (£4.32 per week) in 2023/24 to the Council.

Note: * Report previously circulated.

137. CORPORATE PERFORMANCE REPORT

Cabinet had before it and **NOTED** a report * from the Corporate Manager for People, Governance & Waste and Corporate Performance and Improvement Manager on the Corporate Performance Plan.

The Corporate Performance and Improvement Manager on the Corporate Performance Plan outlined the contents of the report with Particular reference to the following:

- Appendices 1-5 provided Members with details of performance against the Corporate Plan and local service targets for quarter 3, financial year 2023/24. This spans the period October 2023 to December 2023.
- The Corporate Plan had four themes: Homes, Environment, Economy, and Community. Climate Change is a cross cutting theme of the Plan. Alongside the performance reported of the Corporate Plan, the Council presented performance information on a wide range of corporate performance indicators, these are detailed in Appendix 5.

Note: * Report previously circulated.

138. CORPORATE PERFORMANCE DASHBOARD

Cabinet had before it and **NOTED** a presentation * from the Corporate Manager for People, Governance & Waste and Corporate Performance and Improvement Manager on the Corporate Performance Plan.

The Corporate Performance and Improvement Manager on the Corporate Performance Plan outlined the contents of the presentation with particular reference to the following:

- The dashboard at a glance provided an overall annual target as a pie chart.
- The performance measures and finance measures were highlighted and the RAG rating of the red, amber and green.

Discussions took place regarding:

- The agency spend versus budget and if there was a budget for the agency or if the Council was £53k above it.
- Council tax on the report was amber and an update as of today for last year for 97.5% and business rates at 99.4% and a fantastic results.

139. CORPORATE RISK REPORT

Cabinet had before it and **NOTED** *report from the Corporate Manager for People, Governance & Waste and Corporate Performance and Improvement Manager on the Corporate Performance Dashboard.

The Corporate Performance and Improvement Manager outlined the contents of the report with particular reference to the following:

- The Corporate Risk Register contains the strategic risks which are most likely to impact the corporate priorities of the Council.
- It would be reviewed at least quarterly by Corporate Managers and the Leadership Team and updated as required. It is then presented to the Audit committee and to Cabinet. Risks are managed on the council's corporate performance and risk management system, SPAR.
- The corporate risks are presented on a risk matrix (heat map), Appendix 1. Information on each risk is presented in a standard template, Appendix 2.

Discussions took place regarding:

- The current risk on CR10 Cullompton Town centre relief road and CR1b Cullompton Garden Village – Delay/ impact to project arising from infrastructure delays as these would impact one another and the scoring is different.
- CR2 the cyber security risk rating level at high and the likelihood that a cyber-attack could happen. What is being done to support a cyber-attack with these sorts of threats?
- The processes of risk, the Council would identify a risk, accessing the severity and likelihood then the rating, it would be helpful if the mitigation could be included in the future reporting.

RESOLVED that:

1. Cabinet Members review the Corporate Risk Register and feedback any areas of concern.

140. **NEW CORPORATE PLAN**

Cabinet had before it and **NOTED**, a verbal update from the Corporate Performance and Improvement Manager on the new Corporate Plan.

The Leader of the Council outlined the contents of the update with Particular reference to the following:

- The current Corporate plan is from the previously administration.
- The new Corporate Plan will be presented to Council and set an ambitious manifesto to deliver and put into practice.
- The closure of 3 rivers and would like to progress further than the targets set.
- The current administration has worked with members of the Council and the PDGs on the Corporate Plan.

The Corporate Performance and Improvement Manager outlined the contents of the update with Particular reference to the following:

- The aims of the new the Corporate Plan and a draft will be presented to Cabinet in June and based on five Thematic Areas as follows:
Planning, Environment & Sustainability;

Community, People & Equalities;
Homes;
Economy & Assets;
Service Delivery & Continuous Improvement

- The recent Standards Committee agreed to take a report to Council for the Proposed Changes to PDGs to align with the thematic areas.
- This Council moves to a more robust implementation of the Hybrid system, utilising the PDGs and the Programming Panel to better develop policy and set strategic direction.
- Members will work closely to set out the draft thematic areas to align with the policy development group.

141. **SINGLE EQUALITIES POLICY AND EQUALITY OBJECTIVE**

Cabinet had before it a report* from the Corporate Manager for People, Governance & Waste and Corporate Performance and Improvement Manager on the Single Equalities Policy and Equality Objective.

The Cabinet Member for Working Environment outlined the contents of the report with Particular reference to the following:

- To provide Members with an update on action taken to help meet the Council's statutory duties under the Equality Act (2010).
- A change to our approach to Equality Objectives from 2024/25 is proposed to make them more specific and measurable whilst retaining the ambitious outcomes we wish to deliver.
- The Equality Objectives for 2024/25 are arranged by six themes, and proposed measurement is provided in parentheses. They have been discussed by the Equality Diversity Inclusion Group.

RESOLVED that:

Cabinet **APPROVED** the Single Equality Scheme together with the Equality Objectives for 2024/25.

Proposed by Cllr J Lock and seconded by Cllr S Keable)

Reason for Decision:

Approving the Single Equality Scheme and Equality Objectives helps to ensure the council meets its legal responsibilities in relation to the Equality Act (2010).

142. **REPORT OF THE CAR PARKING WORKING GROUP**

Cabinet had before it a report * from the Environment and Enforcement Manager and the Corporate Manager for People, Governance and Waste providing recommendations from the Parking Consultation Working Group.

The Cabinet Member for Finance outlined the contents of the report with Particular reference to the following:

- These are the first proposals put forward to the Cabinet for ratification by the recently formed Car Parking Consultation Group.
- The Working Group was made up of town, business and community representatives and the purpose was to ensure that future parking and permit tariffs and issues had the input of local people and leaders before they are considered by members.
- It was led by Cllr Guy Cochran and had the assistance of both Luke Howard, Environment Enforcement Manager and Matthew Page, Corporate Manager for People, Governance and Waste,
- The first two sets of proposals are for a new three hour tariff to be introduced in our long stay car parks to encourage residents and visitors to be able to spend longer in our District and Town Centres.
- The second is for five free Car Parking Saturdays to be agreed in the build up to Christmas 2024 so local communities and businesses can plan ahead accordingly for this important time of year.
- The Economy PDG have carefully considered these proposals and are very happy to send them to Cabinet for ratification this evening. You will see from the report that a wide set of terms of reference have been established and I look forward to bringing future recommendations from the group forwards over the coming months.

RESOLVED that:

1. For Cabinet to **APPROVE** the proposed tariff changes that have come from the Car Parking Consultation Working Group and been recommended for approval by Economy PDG for ratification.
2. For Cabinet to **APPROVE** five free Saturdays for parking at the Multi Storey car park, Tiverton, High Street (St Saviours), Crediton and Station Road, Cullompton in the lead up to Christmas 2024.

(Proposed by Cllr J Buczkowski and seconded by Cllr S Keable)

Reason for the Decision:

Road Traffic Regulation Act 1984 regulates how changes can be implemented. Any decisions need to have consideration for this act and requirements for amendments.

143. THE DEVON SERIOUS VIOLENCE STRATEGY

Cabinet had before it a report * from the Corporate Manager for Public Health, Regulation and Housing on the Devon Serious Violence Strategy.

The Cabinet Member for Community and Leisure outlined the contents of the report with Particular reference to the following:

- The Devon Preventing Serious Violence Strategy was a new strategy which outlined the Safer Devon Partnership's framework for preventing and reducing serious violence in Devon.
- It was grounded in a public health response to violence which was recognised that addressing the root causes of violence is crucial for prevention. It outlined the overall vision, priorities and intended impacts for work to prevent violence.

A delivery plan exploring work towards these priorities and its impacts would accompany the strategy and provide details about specific actions and activities.

- This Preventing Serious Violence Strategy outlines our collective ambition for keeping people, families and communities in Devon safe from the risk and experience of violence.”
- Here, violence is defined as “the intentional use of physical, sexual or psychological force or power (including threats of violence, and including coercive and controlling behaviour).”
- Work was completed last year through the Safer Devon Partnership to commission the Special Needs Assessment and agreed five core strategy components: Overall vision, Definition of violence, Priorities and intended impacts for work to prevent violence, Focus areas, and Principles and timeline for a delivery plan.
- These components were agreed at the Safer Devon Partnership Executive meeting including all Community Safety Partnerships across Devon in November last year.
- The strategy vision has been further refined within the final publication version as: “Our vision is for people, families and communities in Devon to thrive, safe from the risk and experience of violence.”
- The report set out the three stages of prevention and the core priorities which have been simplified and are now set out across seven areas, separated into core and cross-cutting approaches.
- For the next steps, all Community Safety Partnerships will be working with the Safer Devon Partnership to define achievable actions, outputs, outcomes and impacts, with the subsequent long-term changes we aim to see in our communities, in an overarching strategy delivery plan. This will be developed during 2024 following publication of the Strategy.
- In order to discharge our duties under the Serious Violence Duty we are required to agree publish a strategy and governance arrangements that underpin delivery going forward. The Devon Preventing Serious Violence Strategy has been developed by the Safer Devon Partnership including East and Mid Devon Community Safety Partnership as Safer Devon Partnership Executive members. The strategy utilises a public health approach over the next five years to address the key areas identified through the Special Needs Assessment.

Discussion took place regarding:

- The unfortunate language used in the report when referring to children in care as it appeared they were being demonised.
- The definition of violence and the wording “intentional” use of physical, sexual or psychological force or power (including threats of violence, and including coercive and controlling behaviour).

RECOMMENDED to Full Council that:

1. The adoption the Devon Preventing Serious Violence Strategy 2024-29 as attached in Annex A to enable delivery by as appropriate by the Council's Community Safety Partnership (as a specified authority under the Serious Violence Duty).

(Proposed by Cllr D Wulff and seconded by Cllr J Buczkowski)

Reason for Decision:

The overarching vision and aims underpinning the strategy is for residents, families and communities in Devon to thrive, safe from the fear and experience of violence. It sets out to work with our communities to prevent harms as early as possible, address the impacts of harms that have occurred, and work to strengthen people's wellbeing, resilience and opportunities in life.

Note: * Report previously circulated.

144. ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC

The Leader proposed to continue the meeting in public session following a discussion.

145. CONTRACT FOR THE UNLICENSED ASBESTOS SURVEYING AND REMOVAL WORKS 2024 - 2028

Cabinet had before it a report * from the Corporate Manager for Public Health, Regulation and Housing on the Contract for the Unlicensed Asbestos Surveying and Removal Work 2024-2028.

The Deputy Leader and Cabinet Member for Housing and Property Services outlined the contents of the report with Particular reference to the following:

- Advised Cabinet Members on the results for the tendering of the Measured Term Contract for the Removal of Unlicensed Asbestos 2024 – 2028.

RESOLVED that:

1. It is recommended that the new Measured Term Contract for the Removal of Unlicensed Asbestos 2024 – 2028, be awarded to Contractor 7.
2. Delegated authority be granted to the S151 Officer (in consultation with the Cabinet Member for Housing and Property Services) to complete the associated Measured Term Contract for the Removal of Unlicensed Asbestos 2024 – 2028.

(Proposed by Cllr S Clist and seconded by Cllr J Lock)

Reason for the Decision:

We have a legal duty to meet the Decent Homes Standard, and maintain the health and safety of our employees and tenants. The conditions of engagement are based on a standard JCT Measured Term Contract. This provides a robust framework for

managing and controlling the performance of the contractor to meet our legal obligations.

Note: * Report previously circulated.

146. **CONTRACT FOR THE LICENSED ASBESTOS SURVEYING AND REMOVAL WORKS 2024 - 2028**

Cabinet had before it a report * from the Corporate Manager for Public Health, Regulation and Housing on the Contract for the Licensed Asbestos Surveying and Removal Work 2024-2028.

The Deputy Leader and Cabinet Member for Housing and Property Services outlined the contents of the report with Particular reference to the following:

- Advised Cabinet Members on the results for the tendering of the Measured Term Contract for the Removal of Licensed Asbestos 2024 – 2028.

RESOLVED that:

1. It is recommended that the new Measured Term Contract for the Removal of Licensed Asbestos 2024 – 2028, be awarded to Contractor 2.
2. Delegated authority be granted to the S151 Officer (in consultation with the Cabinet Member for Housing and Property Services) to complete the associated Measured Term Contract for the Removal of Licensed Asbestos 2024 – 2028.

(Proposed by Cllr S Clist and seconded by Cllr J Lock)

Reason for the Decision:

We have a legal duty to meet the Decent Homes Standard, and maintain the health and safety of our employees and tenants. The conditions of engagement are based on a standard JCT Measured Term Contract. This provides a robust framework for managing and controlling the performance of the contractor to meet our legal obligations.

Note: * Report previously circulated.

147. **NOTIFICATION OF KEY DECISIONS**

The Cabinet had before it and **NOTED** the notification of Key Decisions.

The Democratic Services Manager added the New Corporate Plan to June's Cabinet meeting.

Note: * Notification of Key Decisions previously circulated.

(The meeting ended at 19.01pm)

CHAIRMAN

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Public Questions Cabinet meeting 2 April

Name of person submitting	Questions
<p>Barry Warren</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 57</p>	<p>In the 'Risk Description' it says "A decision has now been made to soft close the company, so the remaining reputational risks are that public debate in future inadvertently damages the value of assets by hindering the remaining sales."</p> <p>Question 1: Do Cabinet consider that just closing the company will stop any debate about the reputation of the council when perfectly proper questions have been asked - but not answered openly and honestly, over a considerable time?</p> <p>Response from Cabinet Member for Finance: No. But we can confirm that all questions have been responded to in an open, honest and timely manner – subject to any commercial sensitivities/regulations.</p> <p>Question 2: Do Cabinet consider that the closure of the company will reinstate the reputation of the council given the history of the setup of 3 Rivers and taking four years and a new administration to finally get senior officers to commission reports from external agencies which resulted in some 33 recommendations being made for improvement?</p> <p>Response from Cabinet Member for Finance: No not immediately. But it is hoped that the prompt and effective company closure that has been delivered by the current Administration will begin to rebuild some of the reputational damage done by previous ones. In 2019/20 the Council commissioned and then acted upon external advice to make governance and financial changes to the company. All 33 recommendations were implemented (some of these actually came from our own Committees). The fact that the trading position of the company significantly deteriorated, after this period, might reflect that external factors, such as Covid, COL crisis and supply issues impacted by the war in Europe, were also contributory factors. It is fair to reflect that many public and private development companies have experienced difficult trading conditions over the past 3-4 years.</p>

Question 3:

Public money has been, and is being, used to cover the losses on 3 Rivers. This means the projects the money would have been spent on, will be delayed or lost completely. Are Cabinet expecting the public to ignore what has happened and forget about it whilst those losses are made good?

Response from Cabinet Member for Finance

As a previous Council Leader and Chair of Scrutiny one would imagine that you would understand how investment losses are funded. We are certainly not expecting the public to ignore what has happened – but at least reflect on when, how and why it happened and consider, in part, whether it was in some way a direct consequence of the Central Govt. imposed funding cuts that forced local govt. in to more innovative ways of generating income. Operating in any commercial environment exposes the funder to both risk and reward.

Question 4:

St. George's Court will still have the potential to cause problems, even under HRA Management, and there will be knock on effects with regard to the handling of Post Hill, Knowle Lane and other sites taken on from 3 Rivers. If accurate and complete information is not made available regarding these sites, and members of the public have to repeatedly ask questions to try and get the truth, this will continue to damage the reputation of the council. What are Cabinet putting in place to ensure that this does not happen?

Response from Cabinet Member for Finance

The Cabinet has been provided with regular updates on the progress of the soft closure of the company. Much of these updates are commercially sensitive and have therefore only been included in part 2 reports. Once all associated transactions have been concluded they will be a matter of public record at both Companies House and in Council reports and Accounts. It is also unhelpful to include unsubstantiated or incorrect information in the body of your questions. It would be appreciated if you could liaise with our officers to source your information and refrain from making emotive and misleading comments.

Question 5:

The notes state: "Any remaining reputational influences relate predominantly to external instigators who may choose to oppose the council activity or policy direction...". Was the attempted introduction of restrictions on public speaking into the Constitution an indication that the Chief Executive would like to prevent or restrict public involvement?

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 5 of 5 Paul Elstone</p>	<p>Response from Cabinet Member for Finance: Absolutely not.</p> <p>Question 6: There is little doubt that harm has been caused to the reputation of the Council as evidenced in the recent public survey. What are the Cabinet doing to ensure that those hard working officers who are providing excellent day to day service in regards to refuse collection, recycling, Customer First and Leisure Services, to name but a few, are not demoralised by the shortcomings within senior management?</p> <p>Response from Cabinet Member for Finance: As can be evidenced in our Resident Survey report, most of the national scores that we have used as a benchmark have also deteriorated over the past 12 months. Your final comment is noted, however I simply don't share your views or the inference you are attempting to make. However, we at least agree on one issue, that our officers are hardworking and provide excellent day to day service for the residents of our District.</p>
	<p>This administration has repeatedly stated that it will be more open and transparent. However, it is noted that the results of the Residents Survey have been manipulated. This so as not to reflect the seriously worsening position related to this Councils and its Councillor's lack of trust. See sections 2.6 thru 2.8.</p> <p>Yet a further example of why resident trust is increasingly eroding under this administration. What the published survey results don't show is:</p> <p>That the trust in this Council has dropped from 50% to 40% over the last 12 months That the trust in Councillors has dropped from 55% to 49% over the same period.</p> <p>Seven (7) of those months when this administration has been in control and despite what this administration would perhaps like to argue against or even politicise.</p> <p>Question 1: Will the Council Leader ensure the Residents Survey is re-issued with all information, this including last year's reference data fully revealing this deteriorating level of trust?</p>

Response from the Leader:

We are one of only a handful of Councils locally that undertake a Resident Survey. This clearly evidences our openness and transparency and that we positively want to hear from our residents and highlight the things they feel we do well and focus on the things they think we should do better. We will reflect on all of the findings from the survey and embed them into our future service decisions and they will also be utilised in shaping the content of this Administration's emerging Corporate Plan. I can confirm that the survey will not be reissued, but we will repeat the exercise next year in order to establish where trends of improvement, or otherwise, are identified, so further actions can be taken. This is fundamental to a Council that takes stock in embedding the values of continuous improvement at its heart. I would again thank all the residents that engaged in this process.

Why is public trust in this Council and its Councillors in rapid decline and something that has become very much worse over the last few months?

Some examples.

- The attempted full-frontal assault in preventing or suppressing the public from asking questions or making statements at committee meetings.
- As statement by the Scrutiny Committee Chair no less. One which they would not retract, about "*cooking the books*" related to 3 Rivers financial losses. A statement I and others fully support, this as more information becomes available.
- A virtual complete lack of appropriate Statutory Officer oversight in regards to 3 Rivers. This has recently identified by the Grant Thornton Audit.
- A complete failure to hold those primarily responsible for the gross 3 Rivers failings to account and by any measure. In fact, all too frequently singing their praises.
- The apparent cover up culture that seems to pervade this Council, and with irrefutable evidence available.
- Awarding Statutory Officers extortionate pay awards based on increased role responsibilities when there is good evidence to show these officers failed in exercising their previous roles. Even a dereliction of duty it's believed.
- The back pedalling on the Committee System.
- The hypocritical approach to proportional representation. The Lib Dems holding all committee chair's including Scrutiny. Having all seats on external committees. Making up 100% of Cabinet. This despite having only 48% of the electoral vote.
- There are others.

Question 2

A fundamental Sigma 6 continuous improvement principle is Stakeholder Engagement, something the Leader will know full well. Will the Council Leader fully consider calling a public stakeholder meeting this to get everything into the open, to clear the air?

Response from the Leader:

This Council prides itself on public engagement. This can be evidenced by the recent State of the District Debate held on the 20/3/24 to engage with all of our local Town and Parish Councils (so a very large and public representative group). These 62 bodies who spent 3hrs in public discussion at Phoenix House did not raise any of the matters that you have drawn to our attention. So it may be interesting to reflect/speculate the purpose of this stakeholder meeting you refer to. When reviewing and reflecting on the above 9 bullet points (which aren't questions) it is apparent that many of them are your own personal views, don't correctly reflect what was written in the findings of external reports and the refutable evidence you constantly refer to has, either not been provided, or when it has, been deemed, by external parties, to not substantiate your allegations. Clearly, if you feel you have any new evidence you are most welcome to provide it to us, or the appropriate authorities, as you have been reminded of on numerous occasions.

Supplementary Question:

You have the full opportunity come May to realign some of the committees, particularly Scrutiny where it has previously been suggest your marking your own homework. Would you give full consideration to at least Scrutiny and perhaps adding an opposition to Cabinet.

Response from the Leader of the Council:

There are always things taken into consideration and will be discussed.

Leader of the Council made a comment:

The public trust is an important part of the Council and the results in May last year were 48%. Were in a First Past the Post (FPTP) not in proportional representation. I would prefer a proportional representation unfortunately we are not in that system and Mid Devon District Council does not have the ability legally to change this. I will always be an advocate and campaigner for proportional representation.

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Report for: Cabinet

Date of Meeting:	5 March 2024
Subject:	Customer Care Policy
Cabinet Member:	Cllr Jane Lock, Working Environment
Responsible Officer:	Lisa Lewis, Corporate Manager for Business Transformation & Customer Engagement
Exempt:	N/A
Wards Affected:	All
Enclosures:	Appendices 1-3

Section 1 – Summary and Recommendation(s)

Review of the Customer Care Policy and Customer Standards of Mid Devon District Council (MDDC).

Recommendation(s):

That Cabinet recommends to Council that the Customer Care Standards and Customer Care policy contained in Annexes 1 and 2 be adopted.

1.0 Introduction/Background

- 1.1 The Customer Care Policy was last reviewed in [November 2021](#). The key requirements for providing a good customer service remain unchanged; however, the policy has been amended to ensure ease of understanding around customer vulnerability and MDDC's approach. A separate document created to establish expected Standards of Customer Service across the council is at Appendix 1.

- 1.2 The provision of good customer service is important for every employee of Mid Devon District Council to understand. It is not service specific and applies across all services and posts.
- 1.3 This report and the revised policy at Appendix 2 covers general customer service across the council and is not solely focussed on the Customer Services team who staff the contact centre and enquiries desk.
- 1.4 This policy and associated standards sets out the approach to customer service that customers can expect from us when using the contact method of their choice.
- 1.5 Appendix 1 shows the adopted standards.
- 1.6 Appendix 3 includes the Equalities Impact Assessment accompanying the revised policy. One of the aims of the policy is to ensure residents are not excluded or disadvantaged by our approach to customer service.

2.0 Customer Service and recent Officer/Member activities

- 2.1 MDDC are committed to frequently reviewing our service provision and Members are actively participating in various groups to shape how we improve services. Details of recent activities are included below.
- 2.2 The Single Equalities Scheme was approved by Cabinet on 4 April 2023. After the May 2023 elections, new Members have joined the Equality, Diversity, and Inclusion Group to focus on continuing work to ensure effective access to council services. Included in this work has been a review of our Equalities action plan and a new Equality Impact Assessment form to accompany policy decisions, an example of which can be seen at Appendix 3.
- 2.3 The Community PDG currently has a working group looking at the impact of access to Phoenix House for vulnerable residents due to the reduced opening hours of Phoenix House. Outcomes of this group will be reported back to Community PDG via the Chair. Additionally at the Community PDG of [22 August 2023](#) a statement around Vulnerability was agreed and is published on the MDDC [website](#).
- 2.4 Care Leavers – With a focus on Corporate Parenting MDDC has recently implemented a discounted Leisure membership and Council Tax exemption for care leavers. This follows on from a previous decision to discount Leisure membership for Carers. All of which improves service access to vulnerable or disadvantaged groups.
- 2.5 The new Customer Relationship Management (CRM) self-service portal has now gone live with 24/7 access for requesting Clinical Waste collections. Assisted Waste collection requests will shortly follow. These services are also

available for customers to request in person or via the contact centre. This is a major project with a significant transition timeline. Whilst we are focussed on improving our digital access for customers, members should be reassured that we are not intending to limit access via other communication channels.

- 2.6 MDDC's Customer and Digital Services are currently transitioning the Customer Feedback system onto the new CRM platform and is expecting to deliver this early in 2024. As part of this migration, we are aiming to improve our monitoring of customer feedback to assist us with service and performance improvements.
- 2.7 Access to council services for non-digital residents. We continue to offer access to customers via telephone 9.00 until 5.00 Mon-Fri. Appointments can be made for face-to-face enquiries with Customer Services during morning opening hours. Afternoon appointments are also available upon request if customers are unable to attend during our published opening hours.
- 3.0 **Customer Care Policy**
- 3.1 Our Customer Care Standards will be available in our reception area at Phoenix House and published on our website. The standards will set out what customers can expect from us.

Financial Implications – None

Legal Implications – To ensure that all staff are aware of data protection requirements, along with their duties under the Equality Act 2010.

Risk Assessment – None

Impact on Climate Change – None

Equalities Impact Assessment – An Equalities Impact Assessment (EIA) has been completed to accompany the reviewed policy as an example of the new EIA referred to in the covering report.

Relationship to Corporate Plan - The policy underpins the core values of Mid Devon District Council as stated in the Corporate Plan around People, Performance, Pride and Partnership.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 09 Jan 2024

Statutory Officer:

Agreed on behalf of the Monitoring Officer

Date:

Chief Officer: Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 09 Jan 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 03 Jan 2023

Cabinet member notified: yes

Section 4 - Contact Details and Background Papers

Contact: Lisa Lewis, Group Manager for Business Transformation and Customer Engagement

Email: llewis@middevon.gov.uk

Telephone: 01884 234981

Background papers: Customer Care Standards

Customer Care Standards



Introduction

Our Vision

An organisation that provides consistently high-quality customer services, which add value to the customer and to the Council

Strategy

The standard of service a customer receives when they contact the Council will influence their view of the Council and potentially the area it serves. At a time when customer expectations are continually changing, and councils are striving to make efficiencies.

- We aim to address these challenges by making the best use of technology to deliver cost effective services to customers.
- Prevent valuable resources being wasted on providing poor customer service.
- Transform services to make them simple to deliver and easy for customers to access, whilst making use of social media and other methods of communications.

We work to: -

- Transform services to make them streamlined and easy for you to access and for us to deliver.
- Embed a culture of good practice across the Authority where staff and customers are clear about the standards of service they can expect to receive.

Council Values

People - a people focused business

Performance - as individuals and a collective

Pride - in our work and outcomes achieved

Partnership - delivering outcomes through partnership

“We are a progressive council committed to creating an environment where people can flourish and to providing quality services to those who live and work in the district. Equally as important to the ‘what’ we are trying to achieve, is the ‘how’ the organisation operates and conducts itself. To that end we have introduced an increased focus on values within the organisation to try and ensure that, whatever type of service is being provided, our colleagues all have a shared understanding of the values that are important. We use these within the organisation to help guide discussions around behaviours, culture, and performance but at its heart we are simply reflecting how we can apply these values to best deliver the quality service and outcomes that the Council and our residents expect.”

Chief Executive: Stephen Walford - Corporate Plan 2020-2024

Outcome

We aim to get it right first time to promote high regard and trust in the Council. We will keep you informed on progress of your enquiry.

When you contact us, you can expect us to:

- Achieve targets and service delivery
- Aim to get it right first time to promote high regard and trust in the Council
- Keep customers informed on progress or delays
- Achieve high satisfaction ratings
- Acknowledge and learn from mistakes
- Have a robust Complaints Policy and Procedure

Choice

Our intention is to make it easy for you to contact us and to provide a friendly and professional service at all times.

- We aim to provide access to services 24/7 via on-line and digital channels whilst retaining choices including telephone, email, post and in person visits during office hours
- During office hours, we will offer an appointment service to achieve mutual convenience, either face to face or virtually

- We will offer telephone interpretation services where English is not your first language to make it easier for you to understand and communicate with us
- We will support services including Type Talk for hearing impaired customers
- If you need a private space to talk to someone, we will arrange that for you, this may mean coming back later if there is no space available at the time
- We will provide an emergency service outside of our normal working hours

Quality

We will offer a service which reflect the core values of the council, ensuring that the focus remains on you, the customer.

When you contact us, you can expect us to:

- Resolve your enquiry wherever possible at the first point of contact
- Offer a range of access options including interpretation service for other languages
- Identify and address any special needs with sensitivity
- Clearly define timescales for service delivery
- We will aim to avoid unnecessary further contact

Speed

We aim to resolve queries at the first point of contact. If this is not possible, we will find the right person who can help*

When you use social media

- We will monitor our main twitter and Facebook accounts during normal working hours (except bank holidays and public holidays)
- If you contact us via these channels during these times we will respond as soon as possible. There could be delays whilst we investigate but we will keep you updated or log a request for assistance with the appropriate service

When you use our online forms

- We will acknowledge your email within 3 working days
- We will provide the name of the service you have contacted
- We will normally provide a full response to your query in 10 working days
- If we are unable to answer your query in 10 working days, we will keep you informed (this does not include service requests where there are statutory deadlines for responses i.e. Planning Applications)

When you email us

- We will acknowledge your email within 3 working days
- We will provide our name and the name of the service you have contacted
- We will normally provide a full response to your email in 10 working days
- If we are unable to answer your query in 10 working days, we will keep you informed (this does not include service requests where there are statutory deadlines for responses i.e. Planning Applications)

When you telephone us

- We will answer your call in a friendly and professional manner

- We will aim to answer your call quickly, although at busy times there may be a short wait
- If we need to transfer your call, we will explain the nature of your call to the person you need to speak to. If their voicemail is on, we will retrieve the call and offer to transfer you to the voicemail, or offer to take a message for the person to contact you
- Occasionally you may get through to an officer's voicemail, these will be checked regularly, messages will be up to date and confirm officer availability and alternative contacts if available

When you write to us by post

- We will acknowledge your letter within 5 working days
- We will normally provide a full response within 10 working days of receipt
- If we are unable to fully respond within 10 working days, we will tell you within those 10 days when you can expect a full response

When you visit Customer Services

- We will provide 15-minute appointments to deal with your enquiries face to face
- If you require assistance from an officer from a service, e.g. Planning or Housing, we will assist you understanding how that can be arranged
- If you have an appointment, you will normally be seen on time
- If you do not have an appointment, we will make one with you for the next available slot

*Some services have statutory response times which may differ from those identified in these standards. Service specific details are provided on our web pages where applicable.

Behaviour

You can expect our staff to have a professional, helpful, courteous attitude whilst observing the councils values.

When you contact us, you can expect us to:

- Have a professional, helpful, and courteous attitude
- Maintain confidentiality
- Listen to your enquiry
- Take ownership of the enquiry
- Explain what we can do to help or find someone who can help you

When you visit us:

- Staff will greet you in a polite, courteous, and professional manner
- Where possible we will assist you with use of public access computers to self-serve

When you telephone us:

- We will answer in a polite and courteous manner with a standard greeting
- We will provide you with a name and name of the service you have called

Additional Support

Mid Devon District Council is responsible for delivering a range of services to the people who live, work, and visit and invest in the area. The Council are committed to equality and improving quality of life for everyone across the district.

We recognise how important accessible information and buildings are:

- We aim to ensure that our building is accessible for everyone who wants to visit us
- Our reception will be accessible, welcoming, and clean
- In our reception area and meeting rooms there are loop systems in place for customers with hearing loss
- We aim to publish information in plain language that is easy to understand, without jargon and unnecessary abbreviations
- If a customer who does not speak English contacts us, we will arrange for telephone interpretation services to assist with the enquiry

Mid Devon District Council

Customer Care Policy

January 2024

Version Control Sheet

Title: **Customer Care Policy**

Purpose: **To detail the commitment of Mid Devon District Council to provide customer services that meet the varying needs of customers and to set the standards that can be expected from the Council and its officers to customers.**

Owner: **Corporate Manager for Digital Transformation and Customer Engagement**

Email: **llewis@middevon.gov.uk**

Telephone number **01884 234981**

Date: **December 2023**

Version Number: **4.0**

Status: **DRAFT**

Review Frequency: **Every 2 years or sooner if required.**

Next review date: **December 2025**

Consultation **This document was sent out for consultation to the following:**

Operational and Corporate Managers

Leadership Team

Cabinet Member

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Operational and Corporate Managers	Jan 2024	
Leadership Team	Jan 2024	
Portfolio Holder for Working Environment	Jan 2024	

1. Introduction

Vision

Mid Devon District Council are committed to ensuring that customer service excellence is an integral part of planning, resourcing, and delivery of our services. Our vision is to be an organisation that provides consistently high-quality customer services, which add value to the customer and to the Council.

2. Strategy

The standard of service a customer receives when they contact the Council will influence their view of the Council and potentially the area it serves. At a time when customer expectations are continually changing, and councils are striving to make efficiencies, we aim to address these challenges by

- Making the best use of technology to deliver cost effective services
- Preventing valuable resources being wasted on providing poor customer service by reviewing what we do and how we do it.
- Transform services to make them simple to deliver and easy for customers to access
- Consider alternative methods of communications such as social media

Whilst this policy is concerned with standards, the Council has a policy specifically for Compliments, Comments and Complaints which is available via the website or from the Customer Service Team. This policy guides customers through the process of making a compliment, comment, or complaint.

3. Scope

This document applies to all Mid Devon residents and customers of the Council and all Council staff. Where third parties provide services on behalf of the Council, those third parties must be able to deliver a customer service which is broadly in line with this policy.

4. Related Documents

- a. [Complaints Policy](#)
- b. [Customer Care Standards](#)
- c. [Equality Policy](#)
- d. Safeguarding

5. Customer Service Promise

We will:

Have policies and procedures which support the right of all customers to expect excellent levels of service, and that meet the diverse needs of our customers.

Have policies and procedures which support our most vulnerable residents to ensure access to council services and their interactions with us.

Have staff that are polite and friendly to customers and understand our customer needs.

Advise our customers and potential customers about our customer care standards and what can be expected from our services in terms of timeliness and quality.

We aim to improve how we learn from customer feedback, both good and bad and use that to improve services.

We will also ensure staff have the skills and knowledge to support customers and resolve queries at the point of contact wherever possible.

6. Customer Service Standards

We would like all customers to know the standards and behaviours they can expect from us. Customer Service Standards set out how we will behave, and how quickly we will respond.

What the responsibilities of customers are when contacting us by their chosen method.

We will ensure that standards consider our responsibility to deliver national and statutory standards and targets.

In addition to the standards set to support this policy, some services may also have standards and targets specific to their areas of work (e.g. Housing benefit applications, planning applications, social landlord function).

7. Measuring success

Over time we aim to have customers involved in setting and monitoring customer service standards. The Council will develop ways of engaging with customers and encouraging customer feedback.

Performance will be monitored by self-assessment, comparisons with similar organisations, customer satisfaction ratings and sometimes feedback from external bodies.

As a Council we are developing ways of getting customer feedback and finding out whether our customers are satisfied with the standard of service they have received. Comments, compliments, and complaints are an important part of the continued improvement process and are needed for us to be a customer-focused organisation.

8. Staff training

Standards will be included in induction for all new staff. All staff will be required to read and adopt this policy via Learning Management System (LMS) and to review annually. A programme of targeted training and workshops for all staff, to ensure they know what is expected of them within their role in behaviour and response to customers will be delivered. This will be supported by a staff guide, regular promotion of good customer service and useful resources via The Link weekly staff newsletter and other resources available. Appraisals will include discussion around customer focus and customer service, linked to the core competencies for the role.

Equality Impact Assessment

Purpose of the Equality Impact Assessment process:

The Equality Act (2010) introduced the [Public Sector Equality Duty](#) (PSED) requiring public bodies to give due regard to the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity
- Foster good relations

Consideration must be given to the protected characteristics covered by the Equality Act (2010). Assessments should consider relevant evidence relating to persons with protected characteristics in relation to assessments of potential impact.

The purpose of an Equality Impact Assessment (EIA) is to ensure that policies, functions, plans or decisions (hereafter referred to as 'policy/ decision') do not create unnecessary barriers for people protected under the Act. Where negative impacts are identified these should be eliminated or minimised, and opportunities for positive impact should be maximised. An EIA is not required for a decision in relation to an individual.

Screening is a short exercise to determine whether a policy/ decision is relevant to equalities, and if so, whether a full EIA should be conducted.

Section 1: Equality Impact Assessment Screening

Title and description of the policy/ decision:	Customer Care Policy		
Job title of the person(s) undertaking the assessment:	Lisa Lewis, Corporate Manager Digital Transformation & Customer Engagement		
Council service:	Corporate		
Date of assessment:	13/12/2023		
What are the aims, purposes, objectives and proposed outcomes of the policy/ decision?			
The aim of the policy is to set out the standards and approach to customer service/service delivery of Mid Devon District Council (MDDC).			
Who may be affected by the policy/ decision?	All residents		
How have stakeholders been involved in the development of the policy/ decision? E.g. a consultation exercise	The policy is a pre-existing policy which has been reviewed. The policy has been minimally amended and will proceed through Corporate Management, Community PDG and ultimately Cabinet.		
Will there be scope for prompt, independent reviews and appeals against decisions arising from the policy/ decision?	N/A		
To which part(s) of the Public Sector Equality Duties is the policy/ decision relevant:			
	Yes	No	Details
1. Eliminate unlawful discrimination	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The policy states our intention to provide excellent customer service and the standards which customers should expect from us.
2. Advance equality of opportunity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Foster good relations between different groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Which of the protected characteristics is the policy/ decision relevant to?

Tick and briefly describe any likely equalities impact (positive, negative, or neutral)

Characteristic	Positive	Negative	Neutral	Comments
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Characteristic	Positive	Negative	Neutral	Comments
Pregnancy/ maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Marriage and Civil partnership*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

*Applies only to Employment and the duty to give regard to the elimination of discrimination.

Decision by Corporate Manager to recommend this policy/ decision for an Equality Impact Assessment?

Yes

If the answer is “Yes”, please continue to the Section 2 and complete the Equality Impact Assessment. If the answer is “No”, please give a brief reason here.

EIA Screening Complete

Section 2: Equality Impact Assessment

Evidence and Consultation

What existing sources of information have you gathered to help identify how people covered by the protected characteristics may be affected by this policy/ decision? E.g. consultations, national or local data and/or research, complaints or customer feedback. Please identify any gaps in the available information that might make it difficult to form an opinion about the effect of the policy on different groups.

It is appropriate to review equalities impact of any new policy or revised policy as appropriate in line with the recently revised and agreed EIA form.

The Customer Care policy reflects council standards of general good practice around customer service. It is therefore the author's opinion that it should be assessed as 'neutral' in the context of protected characteristics.

Existing policies cover MDDC's responsibilities around protected characteristics. The following policies have been reviewed recently, or are shortly due to be reviewed within the coming months by officers and committee(s) and have been referred to in the context of the Customer Care policy to ensure that this policy remains relevant and presents best practice.

Single Equalities Scheme – agreed 2023

The Safeguarding of Children and Vulnerable Adults Policy is due for review imminently and a member briefing on the subject was delivered to members on 6 December 2023.

The Complaints and Feedback policy is due to be reviewed 2024.

Please complete this table for all the Protected Characteristics. If you have identified any negative impacts you will need to consider how these can be justified or where possible mitigated either to reduce or remove them. (Please add rows where needed)

Potential Impacts/ Issues Identified/ Opportunities identified	Mitigation required (action) or Justification	Lead Officer and target completion date	What is the expected outcome from the action?
Sex			
	N/A		
Age			
	N/A		
Disability			
	N/A		
Religion or Belief			
	N/A		
Race			
	N/A		
Sexual Orientation			
	N/A		
Gender Reassignment			

	N/A		
Pregnancy/ maternity			
	N/A		
Marriage and Civil partnership (Applies only to Employment and the duty to give regard to the elimination of discrimination)			
	N/A		

Please provide details of arrangements to monitor and review the policy/ decision and any mitigating actions or actions to promote equality:

Please state where the EIA will be published (e.g. on the Mid Devon District Council website): MDDC website

=====

Equality Impact Assessment Sign off

For completion by Corporate Manager

Are you prepared to agree and sign off the EIA?

Yes **No**

If "No", provide details of why and next steps:

Name: Lisa Lewis

Job Title: Corporate Manager for Digital Transformation & Customer Engagement

Date: 14/12/2023

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Report for: Cabinet

Date of Meeting:	2 nd April 2024
Subject:	Silverton Neighbourhood Plan – adoption of Silverton Neighbourhood Plan
Cabinet Member:	Councillor Steve Keable, Cabinet Member for Planning and Economic Regeneration
Responsible Officer:	Richard Marsh, Director of Place
Exempt:	None
Wards Affected:	Silverton Ward
Enclosures:	Appendix 1 – Silverton Neighbourhood Plan: Appendix 2 – Decision Statement

Section 1 – Summary and Recommendation(s)

The Silverton Neighbourhood Plan has successfully passed a local referendum. The Council now has to ‘make’ (adopt) the Silverton Neighbourhood Plan in order to meet the requirements of the relevant Acts and Regulations.

Recommendation(s):

That Cabinet recommends to Council that:

- 1. the Silverton Neighbourhood Plan (Appendix 1) is ‘made’ (adopted) and brought into force as part of the statutory development plan for the Silverton area;**
- 2. the Silverton Neighbourhood Plan Adoption Decision Statement (Appendix 2) is published to meet the publicity requirements in the Regulations.**

Section 2 – Report

1.0 Introduction

- 1.1 The Localism Act 2011 and Neighbourhood Planning (General) Regulations 2012 (as amended) introduced powers to allowing qualifying bodies (parish councils, or neighbourhood forums in areas without parish councils) to produce**

neighbourhood plans and Neighbourhood Development Orders. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided. The Neighbourhood Plan can be used to inform planning applications in the neighbourhood area submitted to the local planning authority for determination and the decisions made on these. Neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community's needs and where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

- 1.2 Mid Devon is a fully parished district, where parish councils can choose to prepare a neighbourhood plan and can work with other members of the community who are interested in, or affected by, the neighbourhood planning proposals to allow them to play an active role in preparing a neighbourhood plan or Order.
- 1.3 There are currently seven designated neighbourhood areas in Mid Devon, for which the preparation for Neighbourhood Plans has reached various stages.
 - Cullompton Neighbourhood Plan – adopted / 'made' 1st July 2021.
 - Crediton Neighbourhood Plan – adopted / 'made' 26th October 2022.
 - Tiverton Neighbourhood Plan – adopted / 'made' 14th December 2022.
 - Willand Neighbourhood Plan – Regulation 16 consultation stage.
 - Newton St Cyres Neighbourhood Plan – Neighbourhood Area designated December 2021.
 - Lapford Neighbourhood Plan – Neighbourhood Area designated September 2023.
 - The Silverton Neighbourhood Plan, awaiting decision to 'make' (adopt) following a local referendum - which is the subject of this report.

The role of the Council

- 1.4 The Council, as the Local Planning Authority must take decisions at key stages in the neighbourhood planning process and within specified time limits, and has a duty to provide advice or assistance to a parish council as it considers appropriate for the purpose of, or in connection with, facilitating the making of proposals in relation to the neighbourhood plan. This includes providing comments on 'general conformity' of the neighbourhood plan policies with the strategic policies of the Local Plan, advising on neighbourhood plan requirements (including Strategic Environmental Assessment 'SEA' and

Habitat Regulations Assessment 'HRA'), undertaking post-submission consultation on the neighbourhood plan (Regulation 16 consultation), the appointment of an independent examiner, making arrangements for the referendum, and bringing the neighbourhood plan into force.

- 1.5 This report seeks Council approval to bring the neighbourhood plan into force through its formal adoption i.e. that the Silverton Neighbourhood Plan is 'made'.

2.0 Silverton Neighbourhood Plan

About the Plan

- 2.1 The Silverton Neighbourhood Plan has been prepared by the Silverton Neighbourhood Planning Group and the period to which it relates is 2013 – 2033.

- 2.2 The Silverton Neighbourhood Plan includes:

- A vision statement for Silverton
- 6 Sections:
Natural Environment; Built Environment; Housing; Business and Jobs;
Traffic and Travel; Community Spaces and Activities.

Each section has identified a series of objectives which support the delivery of the vision, but which do not constitute planning policies. The neighbourhood plan includes 23 policies covering a range of planning matters. The neighbourhood plan identifies a few housing sites that are available and have potential for development. It also recognises the need for reduction of carbon emissions to net zero.

Examination

- 2.3 The Silverton Neighbourhood Plan has been subject to an independent examination. The Examiner's report has concluded that, subject to the modifications set out in his report, the Silverton Neighbourhood Plan met the basic conditions and other statutory requirements and can proceed to a Referendum in the Silverton Neighbourhood Area (Silverton parish).

Referendum

- 2.4 On the 12th December 2023 (minute 80) the Council's Cabinet agreed that the Silverton Neighbourhood Plan (subject to the Examiner's modifications) proceed to a local referendum, and that a Decision Statement be approved. The Decision Statement was published on the Council's website and to meet the publicity requirements in the Regulations.
- 2.5 The local referendum for the Silverton Neighbourhood Plan was held on Thursday 29th February 2024.

2.6 In accordance with the Neighbourhood Planning regulations the referendum asked persons eligible to vote within the neighbourhood plan area (Silverton Parish) the following question:

“Do you want Mid Devon District Council to use the neighbourhood plan for Silverton to help it decide planning applications in the neighbourhood area?”

2.7 The result of the referendum was as follows:

Ballot papers	Votes Recorded
Number cast in favour of a Yes	459
Number cast in favour of a No	37
Number of spoilt ballot papers	11
Total number of votes cast	507
Electorate:1,636	Turnout: 31%

2.8 Since 90.53% of voters are in favour of the Silverton Neighbourhood Plan the plan becomes part of the statutory development plan for the area and the Council must bring it into force through the plan being ‘made’ (adopted).

3.0 Adoption of the Neighbourhood Plan

3.1 In accordance with Section 38(4) of the Planning and Compulsory Purchase Act 2004 (as amended) and regulation 25A of The Neighbourhood Planning (General) Regulations 2012 (as amended), the Council must make (adopt) the Plan as soon as reasonably practicable after the referendum is held and, in any event, not later than the last day of the period of 8 weeks from the day after the referendum is held.

3.2 However, the Council may refuse to make the Plan if it considers that making it would be a breach, or would otherwise be incompatible with, any remaining EU obligations or any human rights obligations. Council officers hold the view that the making of the Plan would not breach these obligations (as set out within the Council’s Decision Statement). The Council must decide whether to make, or refuse to make, the Plan. There is no opportunity at this stage to seek to amend the contents of the plan or make further representations to it.

3.3 It is recommended that the Plan is ‘made’ and the Adoption Decision Statement (**Appendix 2**) is published to meet the publicity requirements in the Regulations.

4.0 Groups Consulted

4.1 The Planning Policy Advisory Group was consulted on 11th March, and has endorsed the recommendations in this report and the decision to adopt the Silverton Neighbourhood Plan following its successful referendum.

5.0 Next steps

5.1 The Silverton Neighbourhood Plan (**Appendix 1**) and the Adoption Decision Statement (**Appendix 2**) will be published on the Council's website and made available to the public.

5.2 Silverton Parish Council will be responsible for any future review of the Silverton Neighbourhood Plan, although there is no requirement to review or update a neighbourhood plan.

5.3 Requests for printed copies of the Silverton Neighbourhood Plan should be made to Silverton Parish Council.

Financial Implications

There are no direct financial implications from adopting the Silverton Neighbourhood Plan. However, the process leading to the adoption of a Neighbourhood Plan has had financial implications. The costs of support in terms of advice and technical support, examination and referendum must be met by Mid Devon District Council. The Council has received a burdens payment from the Government to help meet these costs to the sum of £5,000¹ for the area designation process, and is now eligible to claim £20,000 to cover costs associated with the examination and referendum. Since the Council has resolved (at its meeting on 6th January 2021, Minute 270) not to progress a Community Infrastructure Levy for Mid Devon there will be no neighbourhood proportion of a Community Infrastructure Levy to be passed to Silverton Parish Council.

Legal Implications

Changes made to section 38 of the Planning and Compulsory Purchase Act 2004 (through provision 3 of the Neighbourhood Planning Act 2017) mean a neighbourhood plan attains the same legal status as a local plan (and other documents that form part of the statutory development plan) once it has been approved at a referendum, rather than when it is made (adopted) by the relevant authority. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Policies of the Neighbourhood Plan will be used alongside policies in the adopted Mid Devon Local Plan, the Devon Minerals and Waste Plans, to help guide planning applications submitted to the Council for determination and the decisions made on these. There

¹ Local Planning Authorities can claim £5,000 for the first five neighbourhood areas designated only.

is a need for the Council to ‘make’ (adopt) the Silverton Neighbourhood Plan, following its local referendum, under Section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended) and to publish a statement setting out the decision and the reasons for making this decision under the Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

Risk Assessment

None identified.

Impact on Climate Change

The preparation of development plans is a key method for climate change mitigation and environmental protection, through appropriate policies and development strategy. The Silverton Neighbourhood Plan includes policies that can have positive (beneficial) impacts to climate change, including Policy TR02 for the creation of a safe pedestrian and cycle link between the village and the A396 which can reduce the need to travel by private car, Policy TR04 Off road parking which supports charging points for electric vehicles, and Policy EN04 to reduce local flood risk through development.

Equality Impact Assessment

The Council has previously determined that ‘the Plan, as modified, meets the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990’ and that the Silverton Neighbourhood Plan complies with provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004’. Therefore, the Council has concluded that the ‘making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area, which were subject to a full Equalities Impact Assessment. On this basis, the Silverton Neighbourhood Plan will not in itself lead to any impacts on the equality strands protected under the Equality Act 2010 (the “protected characteristics”) over and above those considered and addressed through the Local Plan Equalities Impact Assessment.

The Silverton Neighbourhood Plan has been subject to a screening exercise to determine whether its content is relevant to equalities, and if so, whether a full Equality Impact Assessment should be conducted. The screening exercise has found the policies of the Silverton Neighbourhood Plan will have neutral equalities impacts on all protected characteristics. The screening exercise has concluded the Silverton Neighbourhood Plan is not recommended for a full Equalities Impact Assessment.

Relationship to Corporate Plan

Now that it has been approved by referendum, the Silverton Neighbourhood Plan forms part of the statutory development plan for Mid Devon and the strategy for guiding new development in the district, allocate sites for housing and economic development, the provision of infrastructure, as well as policies for the protection of

the environment and managing development. The plan will help meet the Corporate Plan priorities: 'Homes', 'Environment', 'Community' and 'Economy'.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 19 March 2024

Statutory Officer: Maria De Leburne

Agreed on behalf of the Monitoring Officer

Date: 19 March 2024

Chief Officer: Richard Marsh

Agreed by or on behalf of the Corporate Director

Date: 18 March 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 07 March 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact:

Tristan Peat, Forward Planning Team Leader,
01884 234344 tpeat@middevon.gov.uk

Mojca Sonjak, Forward Planning Assistant
msonjak@middevon.gov.uk

Background Papers :

Appendix 1 – Silverton Neighbourhood Plan referendum version

Appendix 2 – Silverton Neighbourhood Plan – Adoption Decision Statement

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Silverton Parish Neighbourhood Plan

2013-2033

Made Version



Silverton Parish Council

February 2024

Version History	
Initial Draft	January 2016
Second Draft - 1 st full consultation version for MDDC	June 2018
Reg 14 Pre-submission version for public consultation	September 2021
Reg 14 - Version 4 Submission to Parish Council	November 2022
Reg 16 - Version 5 Submission to Mid Devon District Council	December 2022
Referendum Version	November 2023
Made Version	February 2024

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Foreword

This is the Made Version of the Silverton Neighbourhood Plan which has been prepared by a working group of volunteers on behalf of Silverton Parish Council. It is the product of much research, consultation and debate over the past ten years. We trust it fairly represents a shared vision for the area. Its purpose is to help realise that vision by shaping development and growth of the local area. The Neighbourhood Plan is intended to ensure that we get the appropriate type of development in the right place.

We adhered to national planning policy and conformed to the strategic policies of the Mid Devon Local Plan. Beyond that, we were free to set the neighbourhood planning policies that we felt were necessary.

We were made aware, via the Housing Needs Survey Assessment 2016, that there was a need for genuinely affordable housing in the Parish.

Climate Emergency

The UK Parliament declared a Climate Emergency on 1st May 2019, and this, together with the outcome of COP26 and more recent reports by the UN International Panel on Climate Change have emphasised the need for urgent action. This Plan encourages the reduction of carbon emissions to net zero, where such endeavours are in keeping with the traditional nature of the Parish. It also proposes (Annex B) that Silverton Parish Council takes co-ordinating action, and creates a Green Action Group to help the Parish take this forward.

Community Involvement

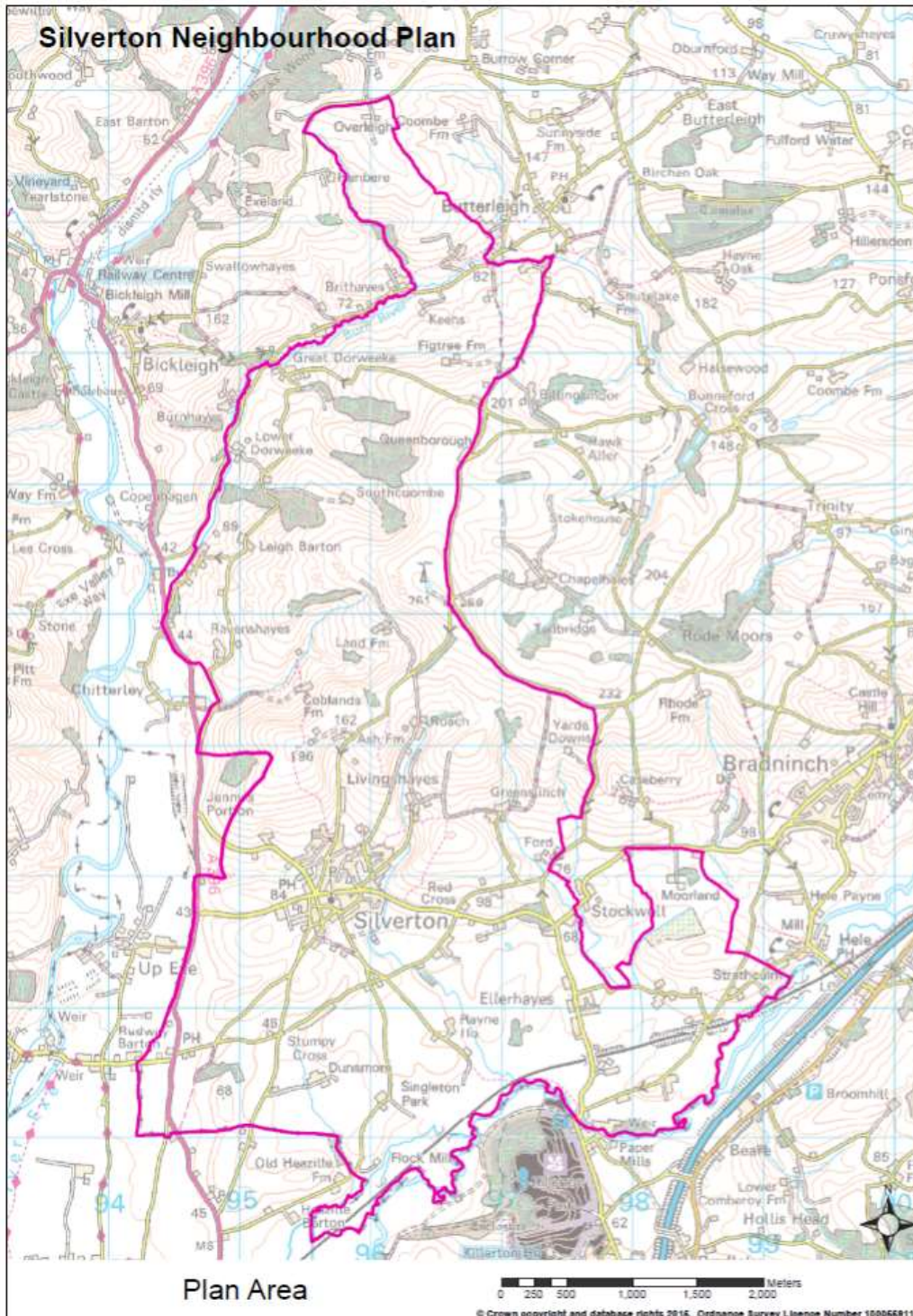
This Plan proposes many initiatives, some of which will be addressed by the Parish Council, District Council, and other planning authorities. Others, however, will require concerted action on the part of the Parish Community to be taken forward.

1. Introduction

The Plan Area

- 1.1 The Silverton Parish Neighbourhood Plan applies to the area that is under the jurisdiction of Silverton Parish Council. The Plan area, designated as a neighbourhood area by Mid Devon District Council on 3rd July 2014, is shown on Map 1 below (delineated by the red boundary).
- 1.2 In the interest of clarity, all references to 'Silverton' in this document apply to the whole of the Parish. The Village of Silverton, the main settlement area in the Parish, is referred to throughout the document as 'the Village'. Other settlement areas are referred to by their names.

Map 1 - Designated Neighbourhood Plan Area



2. Silverton in 2023

Our Parish

- 2.1 The Parish of Silverton lies on the east side of the Exe Valley, descending from hilly country in the north to flat land in the south, an extent of about 5 miles north to south, and 2 miles east to west, in all 1914 hectares (4730 acres). Most of the Parish is farmed as it always has been, with no spare land for leisure and community activities other than in and around Silverton Village and Ellerhayes
- 2.2 The fact that Silverton is within easy commuting distance of Cullompton, Tiverton and Exeter, combined with the beauty of its green landscape, means that it is subject to pressure for development, raising concerns in the community about sustainability. The network of narrow roads and lanes which cross the Parish is becoming ever more unequal to the ever-increasing size and weight of traffic. This presents hazards for cyclists, walkers and riders. In places the natural environment also suffers with ancient Devon banks becoming eroded and unstable.
- 2.3 The main settlements of the Parish are Silverton Village and Ellerhayes, which with other hamlets, provide homes for about 95% of the total population of 1,875 people¹. Outlying farms and houses account for the other 5%.

Silverton Village

2.4 Silverton is one of the larger historic villages of Mid Devon dating back to the Domesday Book and before. Its Conservation Area covers a large part of the Village and includes many Listed buildings setting the character and charm of the old streets and the central square. The Church of St. Mary the Virgin, built in the mid-15th century, stands above the ancient Berry looking out over countryside to the south. Together this provides a rich heritage deserving respect and care.



2.5 In the 20th century the old Village expanded with extensive new housing developments to the north and east - a total of 438+ houses and flats since 1926. More recently, sites in the village have been re-developed and in-filled raising questions about density and design. Houses in Silverton are expensive making it difficult for local people, especially the young, to stay in the Village.



2.6 More housing means more cars and one of the pressing concerns of the Village today is the shortage of parking space. With limited opportunities for employment within the Village, people who live here must depend on their own means of transport, or the bus service.

2.7 The Village is the hub of the Parish with a shop/post-office, a doctor's surgery, a health and wellbeing centre (Room4U), a primary school, three churches, a hairdresser, a barber, an estate agent, a gift shop, a free Community Larder, and two pubs, providing excellent services to the whole area.



¹ Office of National Statistics Census 2011

2.8 The Community Hall is one of several indoor meeting places where all kinds of clubs and activities take place. Outside space for recreation is more limited but the Rec has a children’s play park, adult exercise equipment, a skateboard park, tennis court, ping pong table and a football field. There is also the Little Rec in the Square (which is protected by virtue of being a Space of Merit within the Silverton Conservation Area, as marked on Map 6 on page 26), a play space for younger children and meeting place and includes the free Book Swap. There are also three allotment sites. The Village is an active and thriving place where the whole Parish community share events like the monthly Saturday Mini Market, the Street Market in August, and the Christmas Tree Festival in December.

Ellerhayes

2.9 Ellerhayes is the only other sizeable settlement in the Parish with some 51 households. It was built in 1900 to house workers for the local paper mill, and enlarged with an estate in the 1960s which was extended in the early 1990s as a private build scheme. It lacks sufficient off-road parking areas. The only community space for the residents is a small children’s play area, and allotments created recently by the community in a field rented from the National Trust whose Killerton estate adjoins the hamlet.



Our Community

2.10 Well over half of the Parish population (60%) falls within the age group 16 – 65 years. In 2011, children from 0 – 15 years made up 18%, and people of retirement age comprised 22%. The age distribution of our population follows the National Profile up to the age of 20, but falls below it in the age band 21 – 40, perhaps reflecting the price of houses here or lack of employment. However, we have more people over the age of 40 living in the Parish than nationally and a significant increase in those over 85².



2.11 Since the closure of the paper mill at Ellerhayes in 1999, there is now no major local employer in the Parish, so most of those of working age commute to Exeter or to other local towns and beyond. There is some employment in the Parish in agriculture, education, health, building, retail and hairdressing, with 22% of the working population being self-employed³. The arrival of High-Speed Broadband to the Village in 2015 will have helped some people working from home but, as yet, the network does not extend to the whole Village and beyond. Opportunities for working within the Parish would be increased by small workshop and light industry provision.

2.12 The sense of community and pride in our local neighbourhood remains strong. Like many communities, we have a Parish magazine, a Parish Council website and social media sites. All are important channels of information and communication, keeping us informed, linking us up and encouraging us to ‘live, work and play’ together. The first draft of the Neighbourhood Plan featured on the website for all to read and share their reactions, an important element in the picture of Silverton in 2016.



² Office of National Statistics Census 2011

³ Office of National Statistics Census 2011

3. The Strategic Context

- 3.1 In preparing our Neighbourhood Plan we are obliged, by law, to:
- have regard to national policies and advice contained in guidance issued by the Secretary of State
 - ensure the Plan is in general conformity with the strategic policies contained in the Local Plan

National Planning Policy Framework

- 3.2 In preparing the Neighbourhood Plan we have been aware of the current national planning framework. The National Planning Policy Framework (*NPPF)⁴ sets out the Government’s planning policy to which all plans and proposals for development should comply. The NPPF includes, at its heart, a “*presumption in favour of sustainable development*”. It states that neighbourhood plans should “...*support the strategic development needs set out in Local Plans, including policies for housing and economic development...*” and “...*plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan*”. The NPPF goes on to say that “*The ambitions of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.*” Outside of strategic policies however, we are encouraged to shape and direct sustainable development in our area through our Neighbourhood Plan.

Mid Devon Local Plan

- 3.3 The local strategic context is provided by the Mid Devon Local Plan which was adopted in July 2020. The Local Plan will guide development in the district over the next 20 years. “*It aims to make sure that new homes, jobs and services required by communities are located in the most sustainable places. It will also help deliver the infrastructure, facilities and other development needed to make this possible.*” The Silverton community has engaged with the review process. The local planning authority has staged a consultation event in the area and had a dialogue with Silverton Parish Council.

Local Plan Strategic Objectives and Policies

- 3.4 The strategic policies of the Local Plan number 13 in total. Three of these refer specifically to the main towns of the district, Tiverton, Cullompton and Crediton. The other 10 provide the strategic context with which our Neighbourhood Plan must conform. Policy S13 makes direct reference to the villages, including the Village:

“The following rural settlements will be designated as villages suitable for limited development:

*Bampton, Bow, Bradninch, Chawleigh, Cheriton Bishop, Cheriton Fitzpaine, Copplestone, Culmstock, Halberton, Hemyock, Holcombe Rogus, Kentisbeare, Lapford, Morchard Bishop, Newton St Cyres, Sampford Peverell, Sandford, **Silverton**, Thorverton, Uffculme, Willand and Yeoford.*

Development will be limited to proposals within their defined settlement limits and to allocations for:

a) small-scale housing, employment, tourism and leisure;

b) Services and facilities serving the locality; and

c) Other limited development which enhances community vitality or meets a local social or economic need.”

Silverton Parish Council - Position Statement

- 3.5 Silverton is a rural parish in the middle of rural Devon. We are proud of where we live. We are content with the quality of life it provides us. We want to ensure this situation continues.

⁴ *National Planning Policy Framework, Department for Communities and Local Government, July 2021

- 3.6 To protect what we have does not mean resisting change and development. On the contrary, we recognise that a certain amount of change and growth is necessary. We are content with that premise as long as the growth is relatively slow and the change is incremental. This is the way it has always been in Silverton and should remain so; we will ensure that Silverton remains an inclusive and thriving community.
- 3.7 The NPPF sets the agenda for sustainable development. These include the key principles:
- ensuring high quality design and a good standard of amenity for all
 - recognising the different roles and character of different areas
 - supporting the transition to a low carbon future in a changing climate, taking full account of flood risk
 - contributing to conserving and enhancing the natural environment and reducing pollution
 - reusing land that has been previously developed
 - promoting mixed use developments
 - conserving heritage assets in a manner appropriate to their significance
 - making the fullest possible use of public transport, walking and cycling
 - supporting local strategies to improve health, social and cultural wellbeing for all
 - delivering sufficient community and cultural facilities and services to meet local needs
- 3.8 Most significantly, the NPPF says that sustainable development should be the objective which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 3.9 In preparing a Neighbourhood Plan for Silverton we have adhered to the NPPF principles. In local land use terms this means development should normally:
- be relatively small in scale
 - incremental over the Plan period
 - meet local need
 - contribute to community life
 - enhance the quality of the environment
 - respect local character
 - bring economic benefits
 - ensure Silverton remains a sustainable community
 - encourage the Parish to reduce carbon emissions

4. Purpose of the Neighbourhood Plan

- 4.1 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of the local area. The National Planning Policy Guidance says that, in accordance with the Localism Act 2011, the Parish Council, as a qualifying body can *“choose where it wants new homes, shops and offices to be built, have a say on what those new buildings should look like and what infrastructure should be provided”*.

The Neighbourhood Planning Process

- 4.2 We approached the task with an open mind as to what the Silverton Parish Neighbourhood Plan would cover and what its themes and purposes would be. We understood from the outset that it would have to meet the basic conditions:
- have regard to national policies and advice contained in guidance issued by the Secretary of State
 - contribute to the achievement of sustainable development
 - be in general conformity with the strategic policies contained in the development plan for the area – the Mid Devon Local Plan

- 4.3 With these constraints in mind, we have consulted widely and engaged with our local community to understand what is needed and what it is possible to influence and effect through a set of neighbourhood planning policies. We have considered carefully the policies of the Local Plan Review and assessed, based on our agreed objectives, whether a more localised or detailed neighbourhood plan policy is necessary. In several instances, we have concluded that the Local Plan policy is sufficient. We have only introduced a Neighbourhood Plan policy where it will help ensure the area develops in the way we wish it to.
- 4.4 The resultant Silverton Parish Neighbourhood Plan sets out how we would like to see the area developed over the next 9 years and, through its policies, shape and direct sustainable development that will benefit those that live, work or visit in our area.
- 4.5 The development and preparation of the Silverton Parish Neighbourhood Plan has been undertaken by a Steering Group comprised of local people and parish councillors, under the auspices of the Parish Council.
- 4.6 It was understood from the outset that for the Plan to be truly representative of the planning issues of relevance in the area and to be *the community's plan*, we needed to carry out a thorough and on-going consultation process with those who live and work in the area and those that visit here on a regular basis. We also recognised that the Plan could not be properly developed without the input of organisations and agencies with a district, county, sub-regional or national remit and an interest in the area.
- 4.7 The process and the types of consultation exercise and discussion that we have gone through are documented in detail in our **Consultation Statement** which accompanies the Made version of the Neighbourhood Plan. The key methods we have used have included:
- Public exhibitions, meetings and events
 - Regular articles in the parish newsletter 'Silverleigh Parishes Magazine'
 - Pages on parish website
 - Noticeboards and poster sites (electricity poles)
 - Workshops
 - Correspondence with local businesses and community groups
 - Every Steering Group meeting has been open to the Public
 - Correspondence with wider than local organisations and agencies (strategic stakeholders) which have an interest in our planning issues
 - Three consultations during which comments were invited on draft documents
 - Surveys
- 4.8 The development of the Silverton Parish Neighbourhood Plan was based on a desire to be open and to welcome comments and contributions from all quarters. Our intent has been to encourage and foster discussion and debate within the community about the issues and opportunities that face us and strive to achieve a community consensus. This Plan represents the consensus of this process.
- 4.9 Having developed the Plan through this iterative and inclusive approach, the fourth draft of the Plan was shared with the community and other stakeholders in expectation that it would need further refinement or revision to reflect comments before progressing through the regulatory framework.
- 4.10 The regulations required us to carry out a formal consultation on the pre-submission version of the Plan, followed by a formal submission to the local planning authority and examination of the Neighbourhood

Plan by an Independent Examiner. The Plan passed through the examination successfully, and a public referendum of all residents on the electoral register were asked if they would support the final Plan. The majority of voters who turned out for the Referendum on the Thursday 29th February 2024, voted to accept the Plan, which was therefore “made” (i.e. adopted) by the local planning authority, Mid Devon District Council.

The Plan’s Status

- 4.11 This Neighbourhood Plan will be a Statutory Development Plan. That means that its policies will have significant influence when it comes to being used by the local planning authority to help determine proposals for development submitted through planning applications. It will form the local tier of planning policy in our Parish. It sits with the district-wide Local Plan, produced by Mid Devon District Council (also a Statutory Development Plan) and underneath the umbrella of national planning policy in the Government’s National Planning Policy Framework (NPPF), as the main planning policy documents relevant to the Silverton area. Other important planning documents which govern specific issues are the Minerals and Waste Plans produced at the county-wide level.
- 4.12 The Neighbourhood Plan’s policies cannot guarantee that a development proposal will be refused or be granted permission, but the policies will carry significant weight, alongside policies of the NPPF and Mid Devon Local Plan when weighing up the appropriateness of the development proposal in question.

5. The Structure of Our Plan

- 5.1 The Neighbourhood Plan sets out the community’s aims and objectives for the neighbourhood area, which have been developed following a dialogue with the community, and shaped by existing planning policies, plans and contributions of key organisations and agencies.
- 5.2 Having explained our rationale for these, the Plan sets out our neighbourhood planning policies for the Parish on a topic by topic basis. The brief introduction to each topic is based on the findings of the research, surveys and consultations that have taken place as part of the neighbourhood planning process. More detail can be found in our Local Evidence Report 2022.
- 5.3 Under each topic heading we summarise the characteristics of that topic and the key issues which have been identified, and set out the agreed objectives the neighbourhood planning policies are seeking to achieve. Then, for each Neighbourhood Plan policy that follows we set out:
- the policy statement;
 - our explanation of and justification for the policy; and,
 - reference to the other planning policies in national and district planning documents which relate to that policy.
- 5.4 It is important to note that, while we have set out policies under topic headings, when development proposals are being assessed, the whole Plan (i.e. all policies) should be considered since policies in one topic may apply to proposals which naturally fit under another.
- 5.5 Our Plan finishes with an explanation of how we will monitor and review the Plan, a glossary which seeks to demystify some of the planning terminology used in our Plan and a bibliography which includes the details of the main documents used in the preparation of the Plan.

Companion Documents

- 5.6 Five other documents have been prepared to accompany the Neighbourhood Plan. They are as follows:
- Consultation Statement
 - Basic Conditions Statement

- Design Statement
- Strategic Environmental Assessment - dated 22 Sep 2022
- Local Evidence Report

5.7 The Neighbourhood Plan was subject to testing as it developed to help determine its positive or negative impact on the social, environmental and economic character of the neighbourhood area. A screening opinion was obtained from MDDC in November 2018. With the allocation of development sites, the Plan was assessed as having “significant environmental effects”. This has been done through a Strategic Environmental Assessment (SEA), which accompanies the Plan. As a consequence, an environmental report was prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004.

6. Vision, Aims and Objectives

Establishing a Neighbourhood Plan Framework

6.1 The framework for the Silverton Parish Neighbourhood Plan comprises:

- **a vision** – for the long-term future of Silverton;
- **the aims** – that it is hoped that the Plan can help achieve; and
- **the objectives** – that we expect the Plan to attain by the application of appropriate neighbourhood planning policies and community action

Our Vision

Silverton is a rural Parish in the Exe Valley, yet within easy reach of Exeter and other local towns. We seek to protect the special character of both its country setting and ancient heritage, while encouraging the change and development needed to make our Parish a more thriving, more sustainable and safer place for the present community and for those who will live here in the future.

6.2 A Neighbourhood Plan should set out a vision for the future of its neighbourhood. The vision should reflect a desired end state that is consistent with the values and overall priorities of the community.

6.3 Our vision is represented by the following set of topics based themes. The topics and themes have been derived from the consultation process and our analysis of what we have been told. We believe they capture the direction the community wants the Neighbourhood Plan to take to bring benefits for local people.

Topics	Themes
Natural Environment (EN)	<i>enjoying and respecting the countryside and rural setting</i>
Built Environment (BE)	<i>being careful when making changes and additions to the built environment</i>
Housing (HS)	<i>being willing and able to accommodate changing needs</i>
Business and Jobs (BJ)	<i>maintaining a living and working parish</i>
Traffic and Travel (TR)	<i>reducing the impact of motor vehicles</i>
Community Spaces and Activities (CS)	<i>creating a healthier and more active community and becoming more resilient and self-supporting</i>

The Aims and Objectives of the Neighbourhood Plan



- 6.4 The process of arriving at an agreed set of aims and objectives started with a ‘workshop’ event at which members of the Neighbourhood Plan Steering Group examined the evidence and the response we had received to surveys and other consultation activities. Much of the community based evidence came from the results of a community consultation undertaken during the Spring of 2014. The workshop process and outcomes can be found described fully in a Workshop Report, November 2014⁵.
- 6.5 A draft set of aims and objectives was the focus of a further community consultation in the Parish during December 2014. The response we received was positive and encouraging. As a result of the reaction and comments, a number of revisions were made to the draft aims and objectives. The final set (see table below) was approved by Silverton Parish Council in March 2015. We believe it fairly reflects the community’s neighbourhood planning and development agenda. It is this agenda that underpins the Neighbourhood Plan’s policies.
- 6.6 We recognise that not all the objectives that were derived from this consultative process would lead to a neighbourhood planning policy. A number have been categorised as ‘Community Objectives’⁶. These have been referred to the Parish Council for further consideration and action.

⁵ Workshop Report, 21 November 2014, Silverton Neighbourhood Plan – see report at <https://parish.middevon.gov.uk/media/123258/local-evidence-report-draft-291114.pdf>

⁶ The List of Community Objectives can be viewed at <https://parish.middevon.gov.uk/media/194720/community-objectives.pdf>

Silverton Parish Neighbourhood Plan

Aims	Objectives
Natural Environment	
Protect our rural environment	1. <i>Protect the Devon banks and hedgerows from destruction by future development</i>
Ensure any new development that takes place outside the built-up area is appropriate and un-intrusive	2. <i>Accept farm diversification where it is proven to be in the interests of viability</i>
Move towards net zero	3. <i>Encourage development of community led electricity generation initiatives where disturbance and visual impact are limited</i>
Enhance access to the countryside around us for enjoyment and wellbeing	4. <i>Maintain and improve existing routes</i> 5. <i>Support development of new footpaths and bridleways and cycle paths</i>
Promote the wellbeing benefits of the countryside	6. <i>Protect existing green spaces in and around Silverton Parish</i> 7. <i>Ensure future development does not compromise the landscape, rural and built heritage, wildlife habitats, geological assets and archaeological sites, or cause flooding</i>
Built Environment	
Ensure all new development in the Parish contributes positively to character, visual appearance and community safety	1. <i>Establish appropriate design standards where they are required</i>
Respect and value the history and heritage of the Parish	2. <i>Raise awareness of the need to protect and enhance our history and heritage</i> 3. <i>Any new development should be only as an extension of Silverton Village or Ellerhayes, other than the conversion of existing farm buildings.</i>
Reduce carbon emissions	4. <i>Ensure new buildings are net zero as regards carbon emissions</i> 5. <i>Encourage moves towards net zero carbon emissions for new and existing buildings</i>

Housing	
Encourage small-scale development that meets local needs	<ol style="list-style-type: none"> 1. <i>Restrict the provision of new housing to small-scale development</i> 2. <i>Identify preferred housing development sites</i> 3. <i>Establish development criteria for new housing development</i>
Explore and promote alternative ways of building and providing new homes	<ol style="list-style-type: none"> 4. <i>Encourage alternative house building initiatives that help provide more genuinely affordable homes for local people and introduce more flexibility into the local housing stock</i>
Ensure new housing meets adequate standards of design, energy efficiency and off-road parking	<ol style="list-style-type: none"> 5. <i>Ensure housing is built in keeping with the local character and distinctiveness of the area</i> 6. <i>Set space standards around new dwelling houses to provide adequately for cars, storage and garden</i> 7. <i>Encourage new houses to be built to carbon net zero standard with vehicle charging points using vehicle-to-grid connectivity</i> 8. <i>Encourage terraced housing which offers increased insulation, land economy and harmony with local properties</i>
Encourage reduction of carbon emissions for existing housing	<ol style="list-style-type: none"> 9. <i>Encourage energy efficiency for existing housing</i>
Business and Jobs	
Seek opportunities to provide additional employment opportunities for local people	<ol style="list-style-type: none"> 1. <i>Identify and allocate appropriate sites for business development</i> 2. <i>Establish development criteria and limits for new business development</i>
Remove major barriers to home working	<ol style="list-style-type: none"> 3. <i>Facilitate high speed broadband by fibre or wireless</i>
Encourage the provision for small work units and other business opportunities	<ol style="list-style-type: none"> 4. <i>Protect existing employment space</i> 5. <i>Support development of micro business spaces such as artisan workshops, small offices, live-work units</i> 6. <i>Resist large-scale industrial units</i>
Reduce carbon emissions	<ol style="list-style-type: none"> 7. <i>Encourage new developments to be as close to net zero as possible and parking to provide the ability to charge electric vehicles using vehicle-to-grid connectivity when available.</i>
Traffic and Travel	
Make it easier and safer for people to walk and cycle within the Parish	<ol style="list-style-type: none"> 1. <i>Explore proposals to provide new facilities for cyclists should they come forward</i> 2. <i>Explore possibility of foot and cycle link between the Village and A396</i> 3. <i>Encourage a reduction in car usage</i>
Manage traffic in the interests of safety	<ol style="list-style-type: none"> 4. <i>Explore appropriate traffic management measures to reduce the speed of traffic thus lowering pedestrian risks from traffic</i>
Address parking issues	<ol style="list-style-type: none"> 5. <i>Encourage the creation of off-road parking space</i> 6. <i>All new housing should have adequate off-road parking for their residents and visitors</i>
Reduce carbon emissions	<ol style="list-style-type: none"> 7. <i>Encourage the adoption of electric vehicles</i>

Community Spaces and Activities

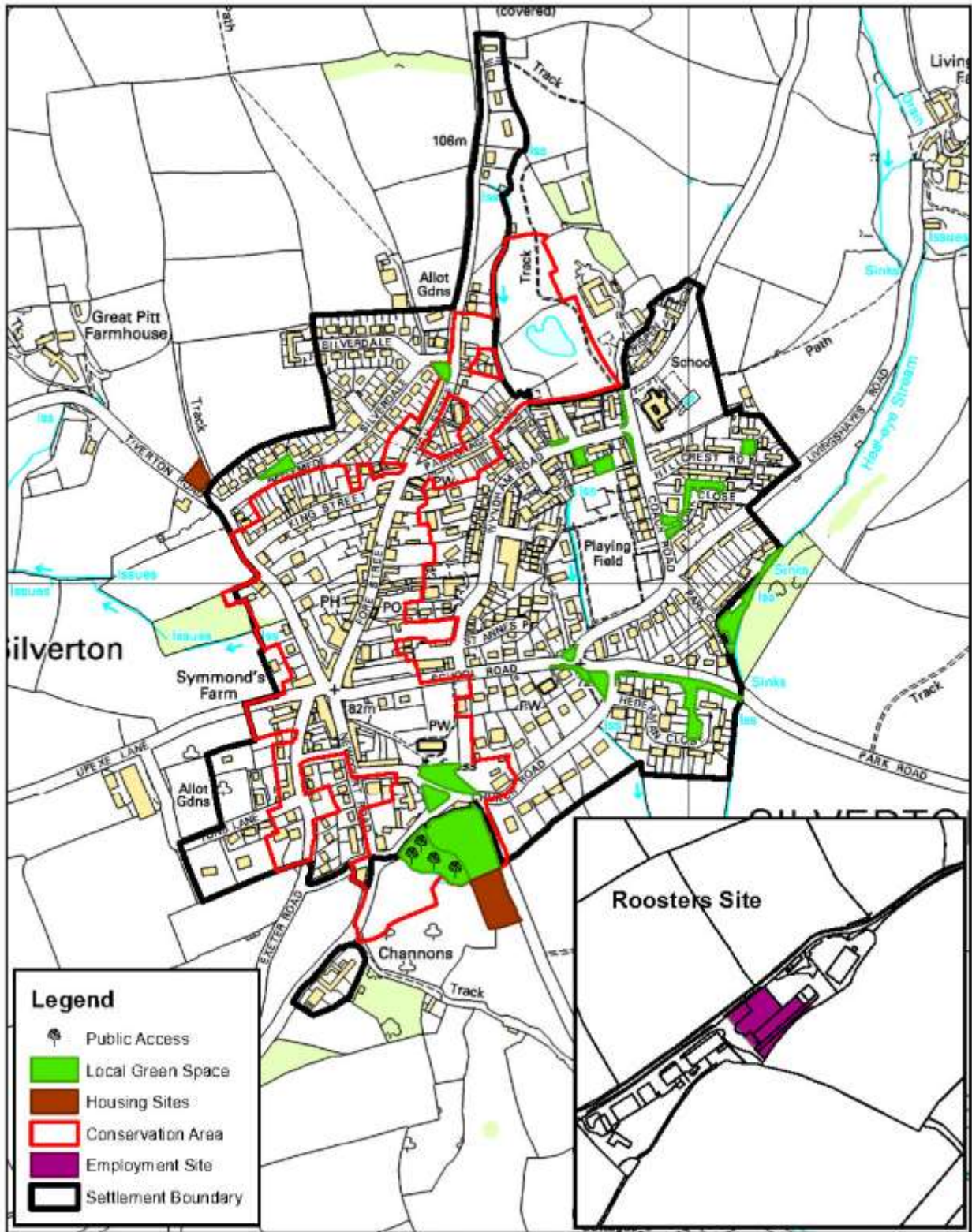
Recognise their value and further strengthen our sense of community	1. <i>Support community-based facilities</i>
Safeguard existing facilities and services	
Recognise and respond to the needs of all members of the community	2. <i>Provide more public open space for community use</i>
Ensure there are recreational facilities and opportunities for all	
Make people aware of community land and involve them in its care	3. <i>Keep community spaces well maintained and fit for purpose</i>
Encourage participation of all ages in sport and recreation	

7. Key Map

- 7.1 The Silverton Parish Neighbourhood Plan sets out policies relating to the planning and land use in the area. Some of these policies apply to specific types of development and some relate to specific parts of the area. The Key Map, Map 2 below, provides a composite policy map, which shows those policies which apply spatially to parts of the Neighbourhood Plan area such as areas of land which are designated for specific uses.

Silverton Neighbourhood Plan

Map Title: Key Plan



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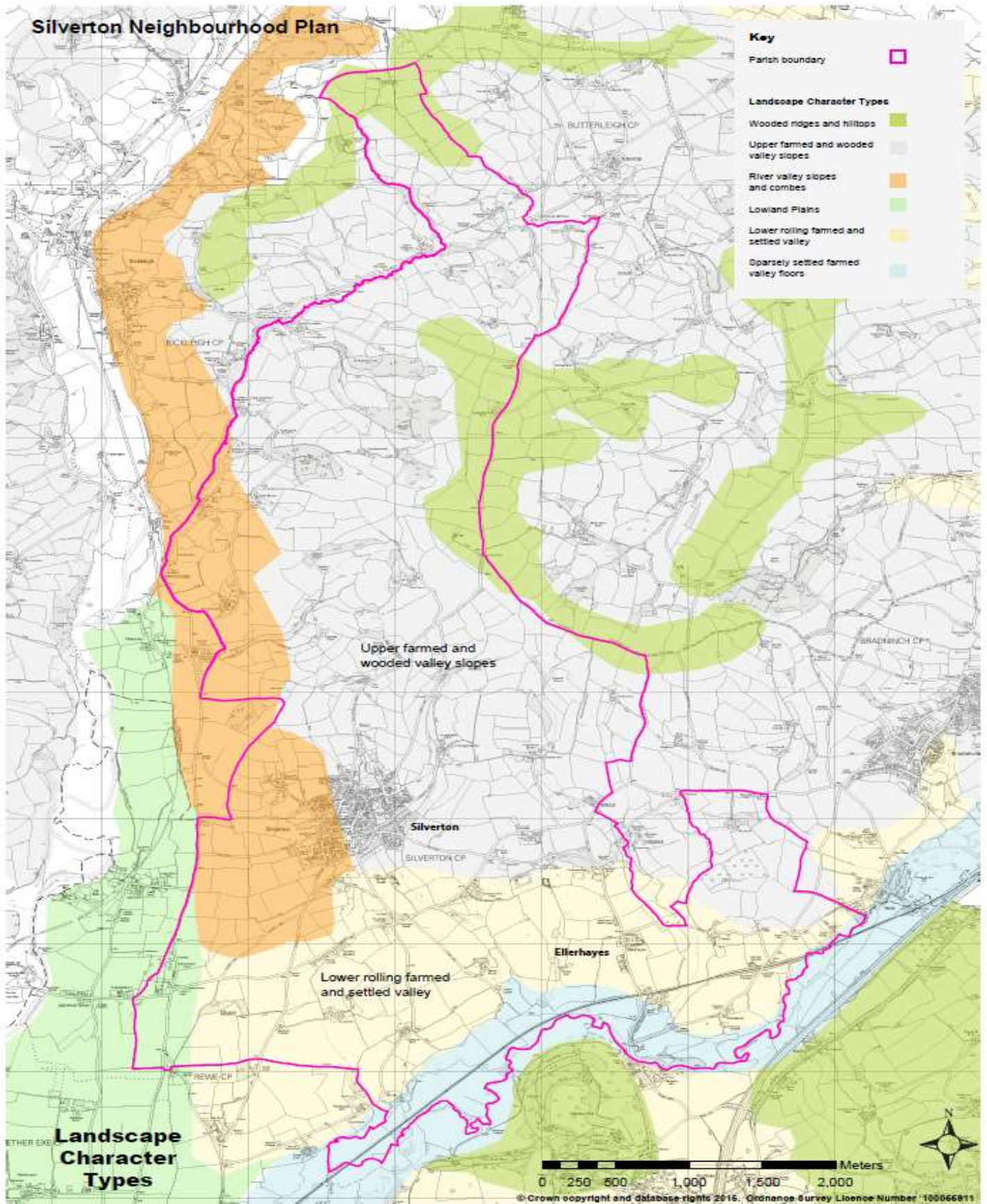
8. Natural Environment (EN)

Overview

- 8.1 The parish of Silverton is rural and largely agricultural, with a landscape of rolling hills and valleys. The small valleys are mostly wooded and there are plenty of natural broadleaved copses scattered throughout the Parish. The Parish stretches north to south above the Exe Valley and includes the village of Silverton and the hamlet of Ellerhayes. Some of the land is owned by the National Trust and belongs to Killerton Estate.
- 8.2 The Parish comprises three main landscape character areas (see Map 3), for which management guidelines⁷ have been set out by Mid Devon District Council.
- 8.3 However, no part of the Parish is included in any national landscape designations, which leaves it vulnerable to development pressures. It is hoped that the Exe Valley will be designated as an AONB (Area of Outstanding Natural Beauty) which may afford the Parish some protection from over-development. The need for farmers and landowners especially, but also all parishioners, to remain responsible, aware and vigilant is crucial in maintaining the rural nature of the Parish that we cherish.

⁷ Mid Devon Landscape Character Assessment, Mid Devon District Council, October 2011
<https://new.middevon.gov.uk/media/103735/introduction.pdf>

Map 3 - Silverton Landscape character areas



Natural Environment - Objectives

1. *Protect the Devon banks and hedgerows from destruction by future development*
2. *Accept farm diversification where it is proven to be in the interests of viability*
3. *Encourage development of community led electricity generation initiatives where disturbance and visual impact are limited*
4. *Control the scale and type of development in the countryside to limit disturbance and visual impact.*
5. *Maintain and improve existing routes*
6. *Support development of new footpaths and bridleways*
7. *Protect existing green spaces in and around Silverton Parish*
8. *Ensure future development does not compromise the landscape, rural and built heritage, increase flooding, wildlife habitats, geological assets and archaeological sites*

Our Neighbourhood Plan Policies and their Explanation/Justification

Policy No. EN01 Retaining and Enhancing the Natural Beauty of our Parish

Policy

1. **Development proposals will not be supported where they have a greater than minimal adverse impact on the natural environment (landscape and biodiversity), unless they satisfactorily mitigate these adverse impacts. Development will be expected to enhance the natural environment where there is the opportunity to do so.**
2. **Where mitigating measures are unavoidably required for development to be acceptable within its landscape setting, appropriate landscaping should be employed to mitigate the impact of the development, and such measures should include the use of native species of trees and hedges where planting is required.**
3. **Where change to existing traditional Devon banks is unavoidable, proposals for development which affect traditional Devon hedges will only be supported where they have demonstrated that options have been assessed and, as a result, have proposed the least damaging option (to the hedgerow / bank, setting in the landscape, biodiversity and habitats).**

Explanation/Justification

a. The character of Silverton is defined largely by its rural setting. The Parish comprises mainly three identifiable character types according to the Mid Devon Landscape Character Assessment (LCA) 2011:

- Upper Farmed and Wooded Valley Slopes (3A)
- Lower Rolling Farmed and Settled Valley Slopes (3B)
- River Valley Slopes and Coombes (3G)

b. The ancient woodlands and copses, mature trees, hedgerows and Devon banks are all noted in the LCA as being major contributory factors to the distinct special quality of the area and worthy of protection and/or enhancement. This is emphasised in Mid Devon District Council's strategic guidelines within the LCA, which are intended to influence local landscape policies. The lanes of the Parish are important parts of the ecological network and what is now called our 'green infrastructure'. Trees and gardens are important green elements in the existing built-up area of the Village. They help provide diversity and richness to the landscape, as well as forming wildlife havens and corridors and providing a rich source of food for insects, birds and wild animals.

c. The community has made it plain during consultation that it wishes to protect the rural status and feel of the Parish. It has also expressed concern at the loss of hedgerows. Hedges and trees associated with potential development sites would divide the landscape into recognisable units and give them natural boundaries. These should be retained whenever possible. Our policy EN01 will protect our landscape from the impact of development and ensure, should the loss of particular landscape features be unavoidable (to create an access for instance), that there is no net loss in bio-diversity and habitats as a result of future development.

d. Where mitigation or enhancement planting takes place, we would expect trees and hedges that are considered native to the Parish to be provided.

National Planning Context

Our policy aligns with current national planning policies and guidance:

NPPF para. 170 *Contribute to and enhance the natural and local environment*

NPPG para. 007 Promote local character

NPPG para. 017 Protect and enhance biodiversity

Mid Devon Local Plan

Our policy relates to the following Local Plan policies:

Policy S1 – Sustainable development priorities

Policy S9 – Environment

Policy S14 - Countryside

Policy DM1 – High quality design

Policy DM9 – Conversion of rural buildings

Policy DM28 – Other protected sites

Policy No. EN02 Rights of way (Public Footpaths, Bridleways and Cycleways)

Policy

Proposals for development affecting public rights of way will be supported where:

- I. They promote, protect, maintain and enhance the existing local footpath and bridleway network for use on foot, bicycle or horseback and**
- II. they improve and enhance the existing network through the provision of new or extended routes (where it is feasible to do so) and**
- III. they prevent motorised vehicles (except those specifically designed for the disabled) using designated footpaths, bridleways and cycleways and**
- IV. they protect and/or enhance the value of the rights of way as a biodiversity corridor.**

Explanation/Justification

a. The rights of way and permissive paths in the Parish (see Map 4) are well used and popular. Most of them are used very regularly by locals, especially dog walkers, and hikers. They are an important asset for people who like to get away from the roads and lanes and into the open countryside, as well as creating a green link between lanes and roads. The Parish is fortunate to have a few landowners who allow permissive footpaths across their land.



b. The current network has many inadequacies at present. The Silverton Health Walks Group, 'Walk & Talk', reports that the *“limited number of safe public footpaths in the parish severely restricts the choice and variety of the walks. Many of the paths do not link with each other”*⁸. Our policy EN02 encourages further enhancements to existing routes and to the network. In doing so we would expect any development work that does take place to ensure that habitats are protected and whenever possible enhance their value as biodiversity corridors. The Devon Biodiversity Records Centre emphasised in its November 2014 report⁹ for the Silverton Parish Neighbourhood Plan that linear green features provide important habitats and feeding routes for wildlife.

National Planning Context

Our policy aligns with current national planning policies and guidance:

NPPF para. 98 *Protect and enhance public rights of way and access*

NPPG para. 004 *Protect and enhance public rights of way*

Mid Devon Local Plan

Our policy relates to the following Local Plan policies:

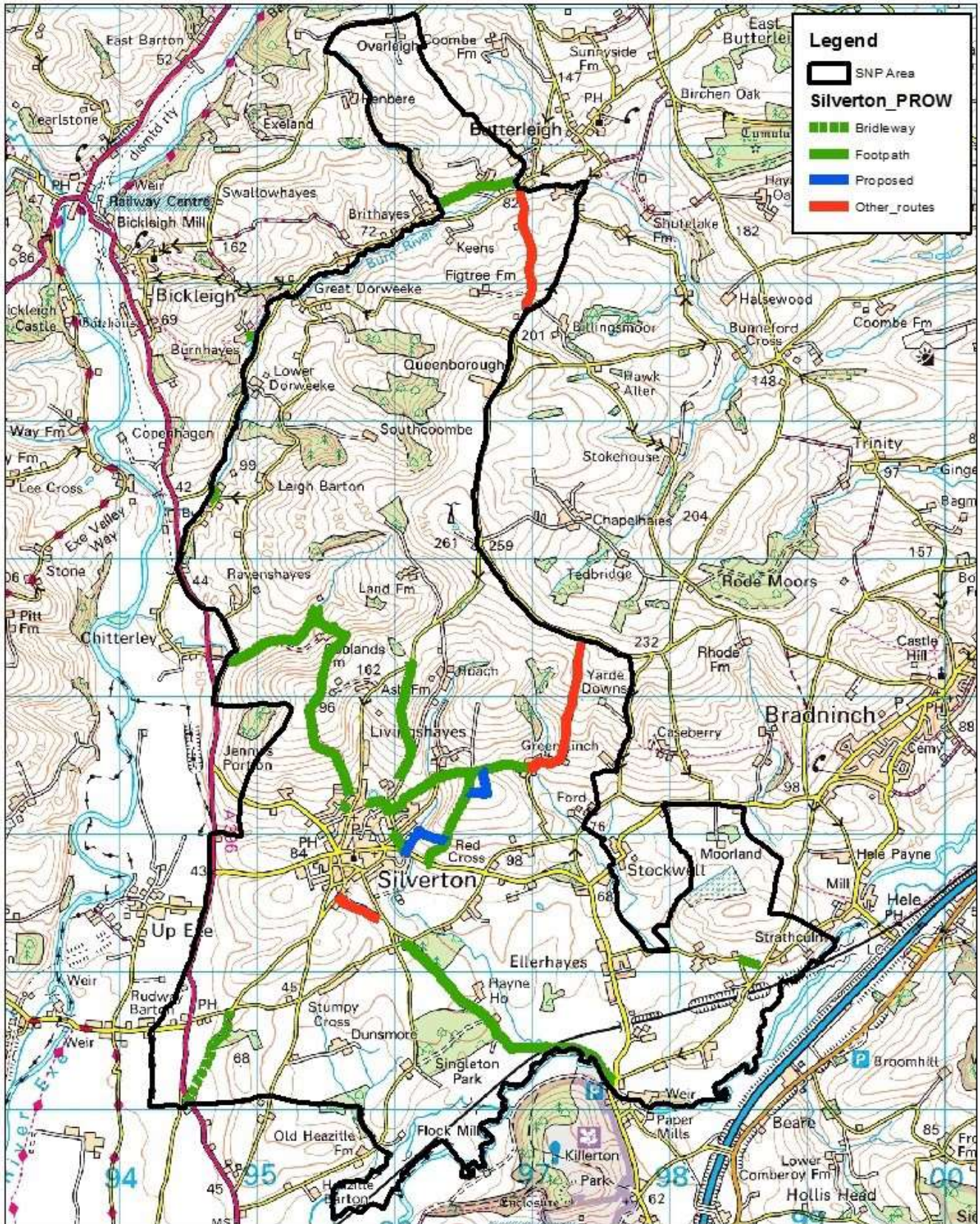
Policy S1 – Sustainable Development Priorities

Policy DM26 – Green Infrastructure in Major Development

⁸ P. Kidds on behalf of Walk & Talk Silverton, March 2016

⁹ Wildlife Site Resource Map and Species Information for Neighbourhood Planning – Silverton Parish, Devon Biodiversity Records Centre, Nov 2014

Map 4 - Silverton Parish Footpath Network



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Policy

The areas listed below and identified on the key diagram (and inset Map 5) are designated as Local Green Spaces where new development is ruled out other than in very special circumstances:

- A. Land at Church Road (The Berry)**
- B. Park Close**
- C. Oak Close**
- D. Open Space at Hillcrest**
- E. Wyndham Road**
- F. Land in front of bungalows in Applemede**
- G. Land at junction of Silverdale and High Street (Old Pond site)**
- H. Hederman Close**
- I. Land at Junction of School Road and Church Road**

Explanation/Justification

a. Designating areas of Local Green Space in policy EN03 is a way of ensuring that those important areas of amenity and recreation space in Silverton are not at risk from development. The community said, during the Community Consultation 2014, that it likes the Village the way it is and wishes to see the character of the Village and those traditions we hold precious to be protected. The NPPF enables us to designate certain areas in and around the settlement areas of Silverton as Local Green Space. To qualify for designation, the sites must be:

- *“in reasonably close proximity to the community it serves;*
- *demonstrably special to a local community and hold a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *local in character and not an extensive tract of land.”¹⁰*



b. The following areas all meet the required criteria and are important contributors to the character and traditions (activities and events) of Silverton:

A. Land at Church Road – the Berry is an historic and important area of green space at the front entrance of the Church. It contains a group of mature trees and, as a sloping site, affords views across the countryside to the south of the Village.

D. Land at Hillcrest – is a small piece of open space that provides amenity and activity space for residents of the estate that surrounds it.

E. Wyndham Road – is a small piece of open space that provides amenity and activity space for local residents that surround it.

F. Land at Applemede – One green amenity site that contributes significantly to the visual appearance of this area of bungalows.



¹⁰ Paragraph 101 National Planning Policy Framework, DCLG, 2019

The following sites are all important amenity sites with mature trees at road junctions, which add to the essential character of the Village and ease the transition between the rural and urban area:

B. *Park Close*

C. *Oak Close*

G. *Land at junction of Silverdale and High Street*

H. *Hederman Close*

I. *Land at Junction of School Road and Church Road*



National Planning Context

Our policy aligns with current national planning policies and guidance:

NPPF para.100 *Identify for special protection green areas of particular importance*

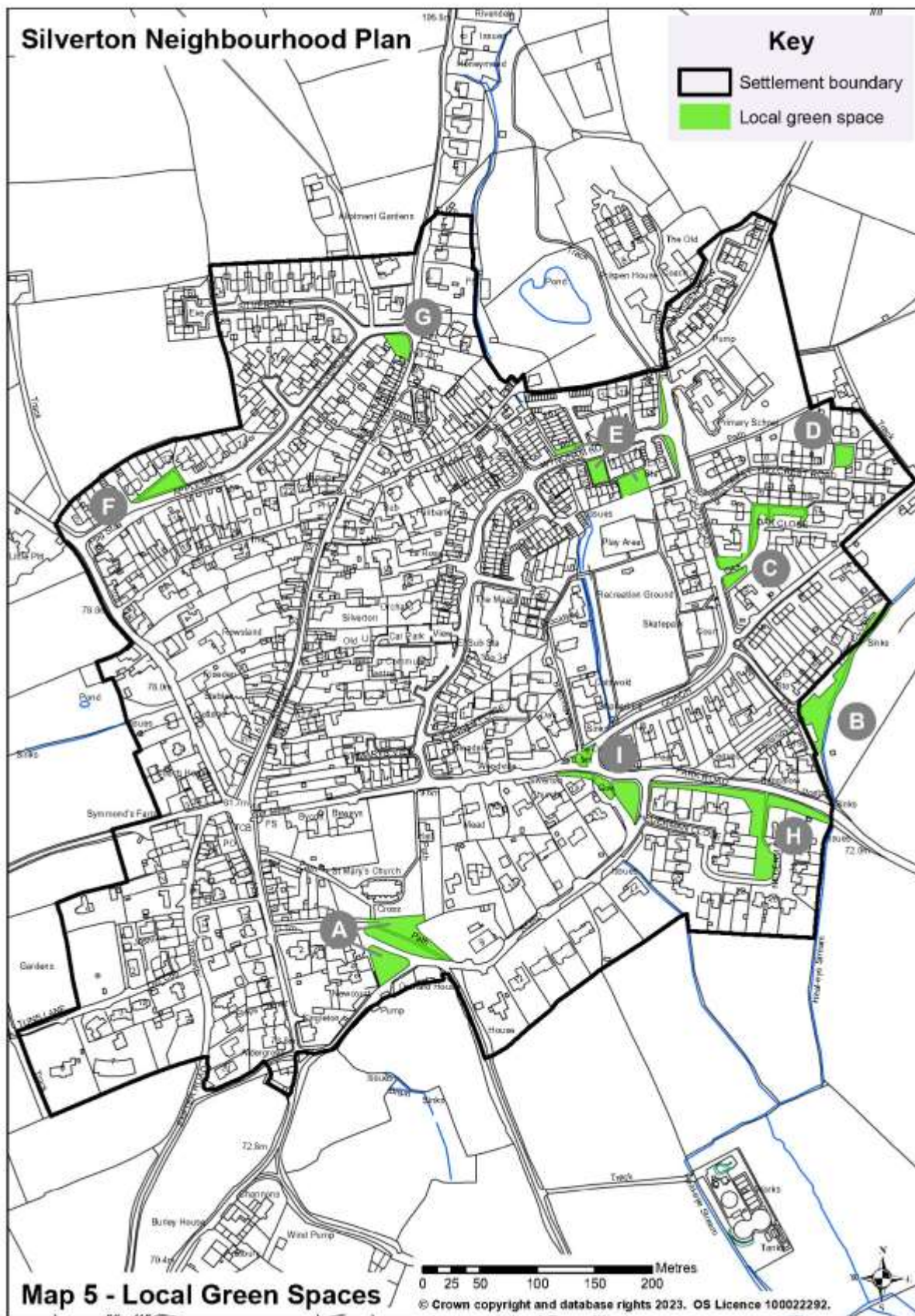
NPPG para. 006-007 Designating local green space

Mid Devon Local Plan

Our policy relates to the following Local Plan policies:

Policy S1 – Sustainable Development Priorities

Policy DM24 – Protection of Local Green Space and Recreational Land/Buildings



Policy

Proposals for new buildings/extensions/engineering operations should show how they will incorporate Sustainable Drainage System (SUDS) principles and provision for their ongoing maintenance in order to buffer rainwater runoff and to ensure there is no adverse impact on local flood risk through development.

Explanation/Justification

a. Flooding is an issue in parts of the Parish and fears are widespread that it will get worse because of Climate Change. This needs planning for and must not be exacerbated by new development.



b. In the Village, the Leat which runs the length of High Street and Fore Street drains spring water and helps dispose of rain water. During protracted periods of rain the Leat is unable to cope, which causes the road to flood and water to enter houses on either side of the street near Baker's Cottage, particularly those houses below the level of the road and pavement. A lot of this flood water comes via run-off from the steep sided fields on either side of Butterleigh Hill, which then cascades down the road and through the Village. Mid Devon District Council's Landscape Character Assessment acknowledges the increased risk of flooding due to Climate Change and reduced water quality from increased public use and farming techniques.

c. Our policy EN04 seeks to ensure that future development will not make matters worse and should, where possible, help to alleviate existing problems. We expect all new development to incorporate appropriate methods to ensure that water discharge from the development is minimised and controlled so as not to risk adding to the local flood problem.



National Planning Context

Our policy aligns with current national planning policies and guidance:

NPPF para. 155 *ensure areas at risk of flooding should be avoided by directing development away from areas of highest risk..*

NPPG para. 079-080 Sustainable drainage systems

Mid Devon Local Plan

Our policy relates to the following Local Plan policies:

Policy S1 – Sustainable Development Priorities

Policy S9 – Environment

Policy DM1 – High Quality Design

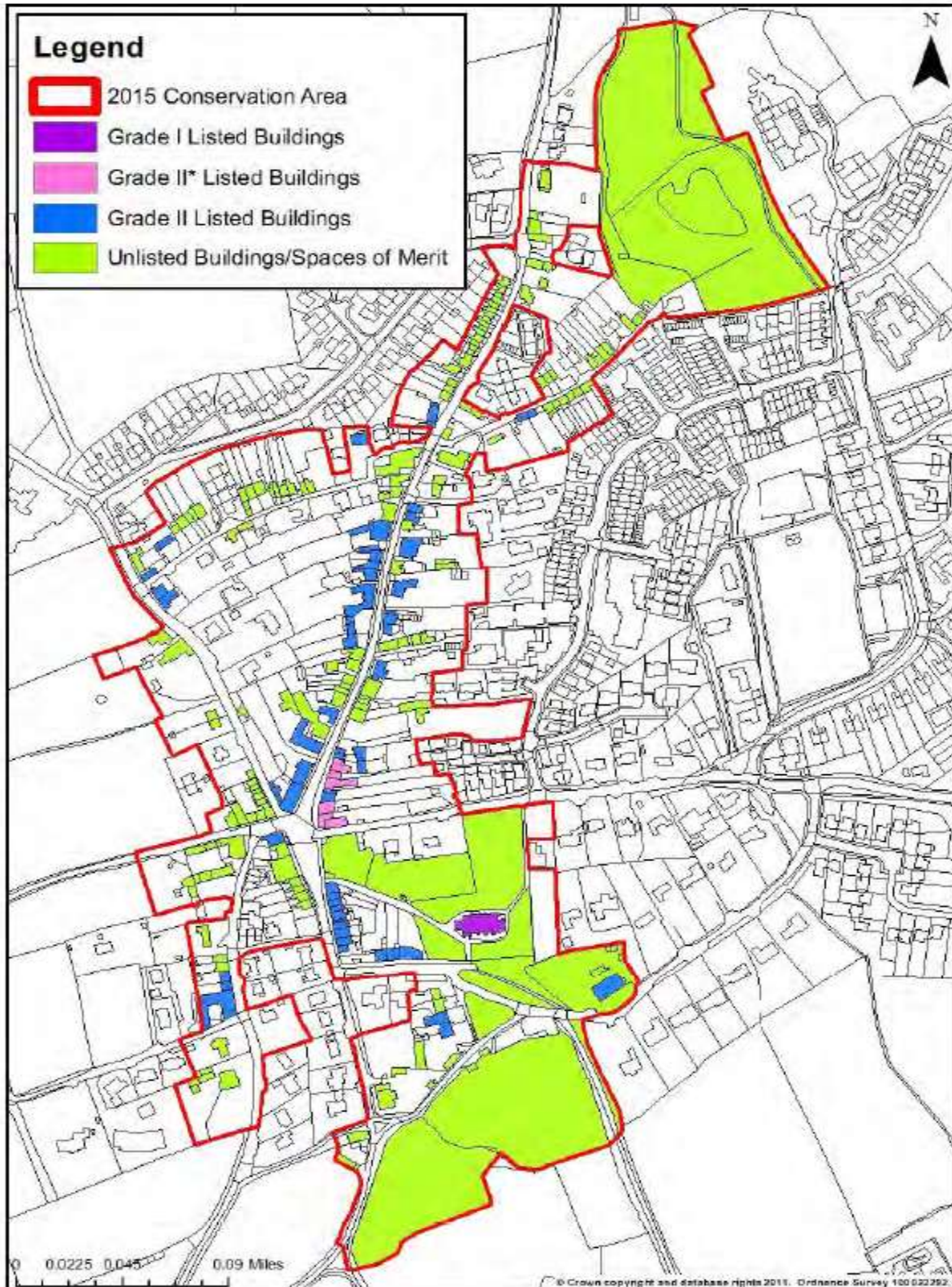
Policy DM26 – Green Infrastructure in Major Development

9. Built Environment (BE)

Overview

9.1 Silvertown is one of the oldest villages in Devon. The layout of the historic core of the Village is medieval in character. The properties along Fore Street, with dwellings on the street frontage and long narrow plots of land to the rear, are characteristic of medieval burgh plots.

Map 6 - Silvertown Conservation Area and Buildings/Sites of Merit



The historic part of the Village was designated a Conservation Area in 1973 and has been the subject of intermittent reviews since that time. Many structures and buildings within the Conservation Area and nearby are subject to statutory protection as ‘Listed buildings’, several others are recognised by the latest Conservation Area Appraisal¹¹ as being of ‘merit’ and contributing to the overall character of the Village

(See Map 6 on page 26).

9.2 Many of the remaining older properties are constructed with cob walls and thatched roofs, which add particularly to the visual attraction of the Village. Later buildings were built with solid stone or brick walls and slate roofs. Since the beginning of the 20th century, building material has consisted of brick or rendered brick/block with mainly tiled roofs. More recently, timber frame construction has proved popular.

9.3 The Conservation Area Appraisal identifies several distinct ‘character areas’ within the Conservation Area. The Parish Council has commissioned a Design Statement for the Parish which extends the identification and appraisal of the character of the built environment across the whole Parish and underpins the Neighbourhood Plan policies we are putting in place to ensure that new development achieves our chosen objectives.

Built Environment - Objectives
<ol style="list-style-type: none"> 1. <i>Establish appropriate design standards where they are required</i> 2. <i>Raise awareness of the need to protect and enhance our history and heritage</i> 3. <i>Further development should only be as an extension of Silverton Village and Ellerhayes</i> 4. <i>Encourage moves towards net carbon emissions for existing buildings</i>

Our Neighbourhood Plan Policies and their Explanation/Justification

Policy No. BE01	Local Character and Design Standards
Policy	

1. **Development proposals should be of a design which:**
 - I. **complements and enhances where appropriate the prevailing size, height, scale and mass, materials, layout, density and access of the existing surrounding development;**
 - II. **demonstrates that the development is in keeping with the existing character of the locality;**
 - III. **demonstrates that the amenities of neighbouring residential occupiers will not be unacceptably adversely affected through overlooking, loss of light or outlook, over dominance or disturbance; and minimises visual impact through sensitive design and an appropriate level of landscaping and screening which complements and enhances the character of the local area.**
2. **Development proposals should demonstrate how the proposed development fits in with the character of the site and its wider context; and how the Silverton Design Statement has been taken into account.**

¹¹ Silverton Conservation Area Appraisal and Management Plan, Mid Devon District Council, 2015
www.middevon.gov.uk/residents/planning/conservation/conservation-areas/conservation-area-appraisals/silverton-conservation-area-appraisal-and-management-plan/

Explanation/Justification

a. The NPPF emphasises the importance of good design. We are in no doubt that the communities of Silverton feel it is important that development should be sensitively done, respect the historic character and, wherever possible, enhance it. This message came through clearly in the Community Consultation 2014. We have been told by the community that the design aspect of new development is important. This does not mean that all design needs to mimic the past that there isn't a role for good modern design.



b. The Mid Devon District Council's Conservation Area Appraisal recognises that new developments and changes within the Conservation Area are by no means prohibited, but should be to a high standard of design.

c. To facilitate high quality and appropriate design, the Parish Council has produced a Design Statement for the settlement areas of the Parish. It focuses on the visual character of the Parish and how it might be protected or enhanced. Once completed and approved, it will set out the guidelines and parameters which developers are expected to acknowledge when preparing their proposals. The Silverton Design Statement takes account of the several different character areas we have. The Mid Devon District Council's Conservation Area Appraisal identified five areas within the Conservation Area alone with distinct and separate character to them.



d. Given that most of the built-up area of the Village is in a Conservation Area and the rural character of the rest of the Parish is widely recognised as being special¹², our policy BE01 requires developers to demonstrate how their proposed development has taken the Silverton Design Statement into account.

National Planning Context

Our policy aligns with current national planning policies and guidance:

NPPF paras. 127-128 *identifying the special qualities of each area and explaining how this should be reflected in development*

NPPG para. 001-002 Good design

Mid Devon Local Plan

Our policy relates to the following Local Plan policies:

Policy S1 – Sustainable development priorities

Policy S9 – Environment

Policy S14 – Countryside

Policy DM1 – High quality design

Policy DM9 – Conversion of rural buildings

Policy DM11 – Residential extensions and ancillary development

¹² "Silverton is a large and very pleasant village, containing much domestic building in cob and thatch ranging in date from the 16th century to the 19th. The whole parish is very beautiful, diversified and undulating, and one could walk its roads and lanes and fields for days on end to enjoy its richness" - from Devon by W G Hoskins (1954),

Policy

1. **Development proposals within, or which affect, the setting of the Silverton Conservation Area will be expected to demonstrate how they will positively conserve and enhance the unique characteristics of its location as identified in the Silverton Conservation Area Appraisal and Management Plan.**
2. **Where a Heritage Statement is required to accompany a planning application it will be required to identify the heritage assets, provide a clear assessment of the significance and impact of the proposal on those assets and their setting and to justify the design approach taken.**

Explanation/Justification

a. Whilst we are planning for controlled growth in and around the Village and the wider Parish, we have been told, during the Community Consultation 2014, we must ensure that which is most special and distinctive about the Village in terms of its heritage, natural environment and sense of community, is retained and enhanced. This means that any development in or around the Village should empathise with the heritage and unique character of its locality.



b. Of the utmost importance to parishioners is making sure that future development helps Silverton Village, and Parish, to grow sustainably, without destroying its heritage and traditions.



c. Our policy BE02 supports the policies and approach established in the Silverton Conservation Appraisal and Management Plan and ensures that any development proposal for a location in any part of, or close enough to have an effect on, the Conservation Area addresses the impact it will have on this historic settlement. It also makes certain that the same standards apply to development proposals in the wider Parish.

National Planning Context

Our policy aligns with current national planning policies and guidance:
 NPPF paras. 174-178 *conserving and enhancing the historic environment*
 NPPG para. 007 Addressing heritage issues

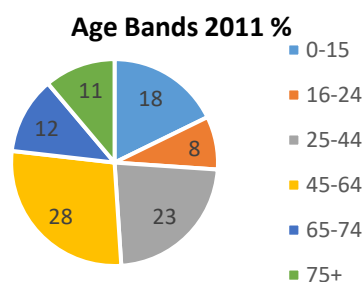
Mid Devon Local Plan

Our policy relates to the following Local Plan policies:
 Policy S1 - Sustainable development priorities
 Policy S9 - Environment
 Policy DM1 - High quality design
 Policy DM25 - Development affecting heritage assets

10. Housing (HS)

Overview

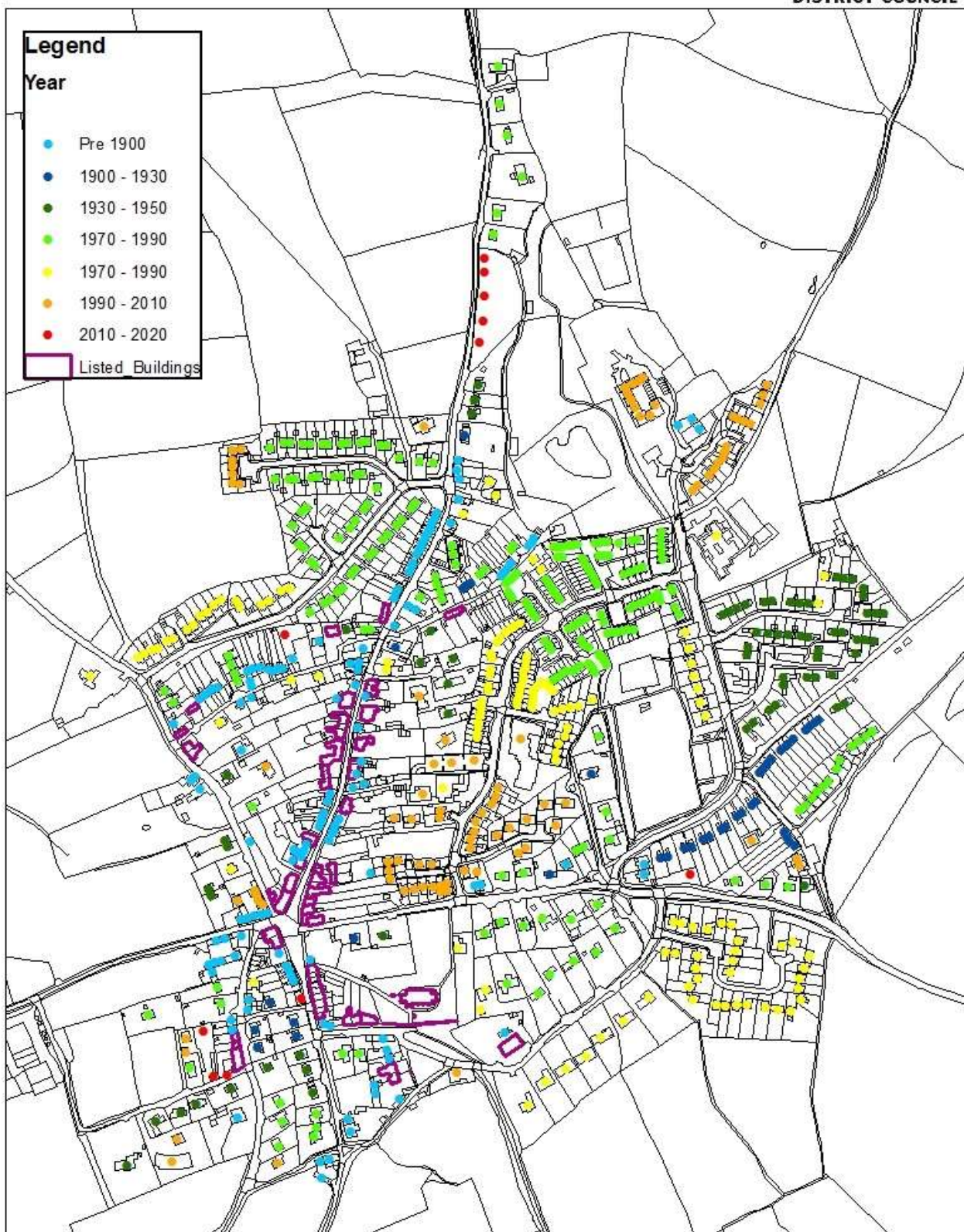
- 10.1 In 2011 the Parish had 864 dwellings that provided homes for 1,875 persons in 839 households (an average household size of 2.2 persons). One person households comprised over 30% of all local households. Over 75% of all houses in the Parish are owner-occupied. Less than 10% can be categorised as ‘social rented’ homes.
- 10.2 Most parishioners live in the Village of Silverton. Surrounding an historic core, the Village grew regularly and in phases throughout the 20th century, mainly as a result of successive housing estate developments (see Map 7).
- 10.3 South east of the Village is the hamlet of Ellerhayes. It was established in the early 20th century to provide housing for workers at the nearby Silverton Mill. Ellerhayes experienced further housing post-1945, with an additional small estate of detached houses developed in the 1970s. More houses were built in the early 1990s when 4 houses were built.
- 10.4 Since the Millennium there have been two small developments in the Village featuring mainly detached properties. There has also been significant infilling over recent years. There has also been a recent re-development of a prominent shop into mews style housing with an attempt to retain a shop front on one house conversion. Many dwellings have also been extended to provide more space.
- 10.5 A small number of affordable homes have been provided over the past 18 years. Three affordable homes for rent were built at Prispden View as a result of a formal Housing Needs Survey that took place in Silverton in 2005. A further six new affordable homes, Exe View, have been built adjacent to Silverdale since the survey.
- 10.6 Community consultations in 2014, 2016 and 2021 have demonstrated a preference for a continuation of the recent trend for small incremental additions to the housing stock that help to increase diversity in the interests of meeting identifiable local needs. Our policies are intended to ensure that this approach to growth is acknowledged and adhered to. We are supportive of small-scale housing development that contributes to meeting local needs.
- 10.7 To ensure that development takes place on the most appropriate sites, the Neighbourhood Plan identifies some of the future housing areas. The Parish Council indicated in 2015 that it wished to be pro-active in the identification and allocation of future housing sites. The Neighbourhood Plan Steering Group made a local ‘call for land’ in February 2016. The purpose was to identify land that was ‘available’ and consider its potential for development. The call resulted in six sites being appraised. On the basis of that appraisal and the response to the community consultation held in September 2016, two specific sites have been included in the Neighbourhood Plan, with policies aimed at ensuring the development is appropriate to the area and its locality. The site assessment process is described in detail in the Site Appraisal Report May 2017 that has been made available on-line¹³. In order to ensure that the environmental aspects of proposed new developments are fully considered and an independent report,



¹³ <https://parish.middevon.gov.uk/media/123264/site-appraisal-report-may-2017.pdf>

the “Strategic Environmental Assessment for Silverton Parish Council” was produced and has been taken in to account.

- 10.8 During the period 2014-2021, while the Neighbourhood Plan was being developed (and so had no influence on planning in the Parish) planning permission was given by Mid Devon District Council for houses on Butterleigh Road, and outline planning permission for development of the land above Silverdale, although refused by Mid Devon District Council, but was overruled by a government planning inspector.



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Housing - Objectives

1. Restrict the provision of new housing to small-scale development
2. Identify preferred housing development sites
3. Establish development criteria for new housing development
4. Encourage alternative house building initiatives that help provide more genuinely affordable homes for local people and introduce more flexibility into the local housing stock
5. Ensure housing is built in keeping with the local character and distinctiveness of the area
6. Set space standards around new dwelling houses to provide adequately for cars, storage and garden
7. Ensure all new houses are built to carbon net zero standards, and have solar panels.
8. Ensure all new houses are provided with electric vehicle charging points, using vehicle-to-grid connectivity.
9. Encourage terraced housing which offers increased insulation, land economy and harmony with local properties
10. Encourage energy efficiency for existing housing

Our Neighbourhood Plan Policies and their Explanation/Justification

Policy No. HS01	Scale of Housing Development
Policy	

Proposals for housing development of five and fewer dwellings within Village Settlement Boundary as shown on the Policies Map and on sites allocated in the Neighbourhood Plan will be supported provided they conform to the other policies of this Plan.

Explanation/Justification

a. Historically housing development in Silverton has been incremental, reflecting the needs of different times. Community Consultation in 2014 indicated that large-scale growth or development, particularly in the Village, is not welcome nor tolerable. Concerns were raised about narrow access roads, parking, the capacity of the Primary School and of the GP surgery, and the additional space and facilities needed for exercise and recreation. Infrastructure, for example, drainage and sewage, might not cope with a large number of new houses. It is clear from the results of our 2016 Housing Needs Survey that the majority preference, if development is to take place, is for small-scale developments of up to five houses¹⁴.

b. We recognise that there is a need to provide land for new housing. The local evidence report¹⁵ confirms that Silverton is a popular housing market. House prices are relatively high compared with the more urban parts of the district. Average house prices reflect the limited supply, of houses for sale, and the fact that Silverton is regarded as a good place to live and functions as part of the wider housing market of neighbouring towns. In accordance with the strategic context of the Local Plan a total of **13** dwellings is the obligation that the Silverton Neighbourhood Plan has to comply with in contributing to meeting future housing demand. We do not wish to over constrain the local market and therefore push housing prices even further out of reach of local people.

¹⁴ Silverton Housing Needs Survey 2016

<https://parish.middevon.gov.uk/media/194721/housing-needs-report-by-dct-apr-16.pdf>

¹⁵ Local Evidence Report, Silverton Neighbourhood Plan, 2014

<https://parish.middevon.gov.uk/media/123258/local-evidence-report-draft-291114.pdf>

c. Our policy HS01 therefore is supportive of incremental growth via small-scale housing development throughout the Plan period. It also reflects the community's desire to ensure that future housing development is appropriately small in scale so as not to have an adverse affect on the visual amenity and essential infrastructure of the area.

d. It is essential to make sure our waterways are protected by ensuring that each new build is only permitted if it will not overload our sewage plant and stop it functioning efficiently. Overloading the plant, especially after heavy rain or surges, stops efficient separation and allows sewage (including phosphorous contamination) to enter the rivers. Phosphorous contamination kills fish, plants, and wildlife, and makes rivers dangerous for bathing and recreational activities.

National Planning Context

Our policy aligns with current national planning policies and guidance:

NPPF paras. 78-79, 130 *plan housing development to reflect local needs; respond to local character and history*

NPPG para. 026 Consider scale

The Environment Act 2021, DEFRA Guidelines.

Mid Devon Local Plan

Our policy relates to the following Local Plan policies:

Policy S13 - Villages

Policy No. HS02 Meeting Local Housing Need

Policy

Housing development proposals should demonstrate how they:

- I. help maintain a relevant and balanced mix of housing types and sizes; and**
- II. contribute towards meeting the identified local housing needs in the Silverton Parish Neighbourhood Plan Area by reference to the most recent Housing Needs Assessment for Silverton.**

Explanation/Justification

a. In connection with the Neighbourhood Plan a Housing Needs Survey was commissioned by the Silverton Parish Council and undertaken in February 2016. We wished to investigate the affordable housing need, tenure and house size for local people in the Parish of Silverton, those wishing to return and those who work in the Parish.

b. The Housing Needs Survey 2016 identified a significant local need for affordable housing. In accordance with the guidance offered by the Planning Advisory Service (PAS) about meeting housing needs¹⁶, the Steering Group sought the opinion of the local planning authority. The PAS advises that a housing needs assessment indicating a high level of demand does not necessarily need to result in significant new housing development, if the supply side constraints indicate that there is insufficient land to do so. Mid Devon District Council has confirmed that there is no obligation on the Parish Council to use the Neighbourhood Plan to meet the local need for affordable housing either in full or part within the Silverton neighbourhood area. Silverton Parish should not be treated as an isolated housing market. Housing opportunities in nearby areas and the overall policies for affordable housing provision being pursued by the District Council in different parts of the district can be taken into account. The main responsibility for ensuring housing needs is met rests with the local planning authority i.e. the District Council. The Silverton Housing Need Report of 2016 has provided Mid Devon District Council with an up-

¹⁶ Housing Needs Assessment for Neighbourhood Plans, Planning Advisory Service and AECOM, 2015
<http://www.pas.gov.uk/documents/332612/0/PASNP/5cd2a9da-dc5e-4c5c-a982-e2f4a23d3fcc>

dated statement on the scale and nature of local housing need. The local planning authority will be able to take this into account when applying Local Plan Policy S3 to help maximise the number of affordable dwellings on appropriate developments in the local housing market area.

c. Our call for land and site assessment¹⁷ during 2016 indicated that there were relatively few suitable and available development sites. Moreover, with our preference for smaller incremental development in accordance with policy HS01, we realise that we cannot insist on a proportion of the dwellings being 'affordable'¹⁸.

d. However, we do want new housing development to relate to local needs. In the 2016 Housing Needs Survey, parishioners were asked if they are in favour of a small number of homes being built for local people. 86% of respondents said they were in favour. Our policy HS02 requires developers to be cognisant of the local housing market, through reference to the latest needs assessment and local market intelligence, and provide dwellings that contribute to meeting need and widening choice. For instance, the 2016 Housing Needs Survey clearly indicated a local need for smaller dwellings for singles and couples. The community consultations and the Housing Needs Survey 2016 have highlighted a demand from older residents who are looking to downsize to single storey dwellings, that are easy to maintain and well connected to shops, amenities and health/support services.

e. We have included a policy in the Neighbourhood Plan, HS05, that seeks to address the local affordable housing issue by encouraging and facilitating a community housing initiative.

National Planning Context

Our policy aligns with current national planning policies and guidance:

NPPF paras. 78-79 *plan housing development to reflect local needs and seek rural exception sites to provide affordable housing*

NPPG para. 006 Using guidance to identify needs

Mid Devon Local Plan

Our policy relates to the following Local Plan policies:

Policy S1 - Sustainable development priorities

Policy S3 - Meeting housing needs

Policy No. HS03	The Glebe Housing Development Site
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Policy

Land at The Glebe is allocated for a mixed use development to provide up to 5 dwellings on the area shaded brown and an area of public open space on the area shaded green as indicated on Map 8. A comprehensive development proposal will be supported provided:

- I. The housing scheme is sensitive to its setting, adjacent to the conservation area and its close proximity to the countryside;**
- II. the visual impact of the housing development from the Churchyard and the Berry is minimised. A Heritage Assessment would be taken into account.**
- III. the housing development minimises the loss of existing trees and hedges and includes additional planting and other measures to protect Priority Habitat on the**

¹⁷ <http://www.middevonparish.co.uk/media/123264/site-appraisal-report-may-2017.pdf>

¹⁸ The small sites affordable housing contributions policy was introduced by the Government in November 2014 to help boost housing delivery and incentivise brownfield development. It introduced a national threshold of ten units or fewer (and a maximum combined gross floor space of no more than 1,000 square metres) beneath which affordable housing contributions should not be sought.

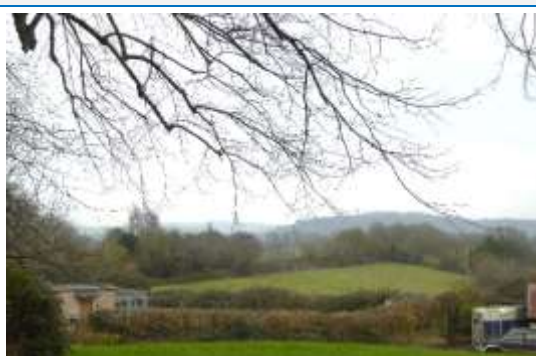
western boundary and improve ecological connections in the area, including the provision of green infrastructure enhancements to ensure a net gain in biodiversity;

- IV. vehicular access to the housing development is provided from a single point with visibility splays appropriate to the speed of traffic, and the public open space incorporates a footpath link from the housing development to the village;
- V. sufficient parking spaces for residents of the new housing and their visitors are provided within the housing site;
- VI. adequate recycling and storage areas are included on the housing site as an integrated part of the design and layout of the scheme so as not to harm visual amenity.

Any planning application for the housing development on the land shaded brown shall be accompanied by a planning obligation that provides for the transfer of the land shaded green (excluding the small building shaded brown) to the Parish Council before the housing development is commenced.

Explanation/Justification

a. The site known as the Glebe in the Village (see Map 8) was 'nominated' for consideration when the Neighbourhood Plan Steering Group made its 'call for land' in 2016. The site was appraised alongside the other sites that came forward. The appraisal and conclusions on its suitability for mixed development was shared with the community at a consultation event in September 2016. Given the limited alternatives, we are supportive of a small-scale



residential development, of up to five dwellings on a part of the site, if there is a significant permanent community gain in terms of play and recreation space and a community woodland/orchard on the rest of the site that will be held in trust as a community asset by Silverton Parish Council to serve the recreation needs of the community in perpetuity. The site lies within the Conservation Area and is highly visible from the churchyard. It is designated in the Conservation Area Appraisal as a "space of merit" (see Map 6). Design and layout will be critical. There is significant community concern about the visual impact of any development on the character of this historic part of the Village. There is concern about the environmental impact too, as the site is currently part of the countryside that surrounds the Village. These concerns are reflected in the criteria of policy HS03.

b. These criteria require the development to avoid the loss of existing trees and hedges and for the development to be suitably screened with native planting appropriate to the area. They also require the provision of sufficient parking spaces, private gardens and outdoor storage areas that are sensitively located within the development site to minimise their visual impact. Ensuring that site access by motor vehicle and foot is safe is also important, particularly as we require a public footpath link from the Village to the new public open space to be an integral part of the development.

c. Development on the southern part of the site will require an imaginative and high quality design, taking our Design Statement into account, with careful planting to screen it from the historic Berry and the Grade I listed church to the north.

d. Development of the northern part for community recreational space and woodland/orchard would compliment the avenue of trees on the Berry and protect the views outward into the countryside and enhance the green biodiversity adjacent to the Village.

National Planning Context

Our policy aligns with current national planning policies and guidance:

NPPF paras. 78-79, 130-131 *respond to local character and history while not preventing or discouraging appropriate innovation. Respond to local needs for housing while providing green space for recreation*

Mid Devon Local Plan

Our policy relates to the following Local Plan policies:

Policy S3 - Meeting housing needs

Policy S13 - Villages

Map 8 - The Glebe Site



Key

- Green – potential recreation space and a community woodland/orchard
- Brown – potential small-scale residential development

Policy

Development proposals to provide at least two dwellings on the site indicated on Map 9 will be supported provided:

- I. use of the existing topography to ensure that there will be no unacceptably detrimental impact on the skyline;**
- II. existing boundary hedgerow and trees are retained, except where some loss is unavoidable to create safe vehicular access to the site. If this loss occurs, it must be mitigated by restoration and re-creation to provide net-gain in biodiversity;**
- III. sufficient parking spaces for residents and their visitors are provided within the site;**
- IV. private garden space for each dwelling commensurate with the size of the dwelling is provided; and**
- V. adequate recycling and storage areas are included on site as an integrated part of the design and layout of the scheme so as not to harm visual amenity.**

Explanation/Justification

a. The site on Tiverton Road at the edge of the current settlement area (see Map 9) was ‘nominated’ for consideration when the Neighbourhood Plan Steering Group made its ‘call for land’ in 2016. The site was appraised alongside the few other sites that came forward. The appraisal and conclusions on its suitability for development was shared with the community at a consultation event in September 2016.



b. We are supportive of a small development on this site that would provide at least two dwellings. Because the site is on the edge of the countryside it requires sensitive design and layout to ensure that its visual appearance and impact on the local environment is minimised. This includes ensuring that all aspects of the development are contained within the site.

c. The site is separated from the Conservation Area to the south east by a pair of detached two and three storey houses built in the late 1980s, and the modern housing development in Applemede. The impact on the Conservation Area is considered negligible.

National Planning Context

Our policy aligns with current national planning policies and guidance:
NPPF paras 78-79 *Plan housing development to reflect local needs.*

Mid Devon Local Plan

Our policy relates to the following Local Plan policies:
Policy S3 - Meeting housing needs
Policy S13 - Villages



Key

- Brown – potential small-scale residential development

Policy

Community Housing schemes, such as a Community Land Trust, of more than five dwellings will be supported on a site, or sites adjacent to the settlement boundary, where development would not otherwise be permitted providing:

- I. the development meets the requirements set out in Policy DM6 of the Mid Devon Local Plan 2013 - 2033 including providing an appropriate mix of dwelling types and sizes reflecting identified local need and meets demand based on a current Local Housing Needs Assessment; and**
- II. the development will not have a significant adverse impact on the character of the area and local landscape setting and;**
- III. the scheme demonstrates it has taken the Silverton Design Statement into account; and the affordable or low-cost housing will remain affordable in perpetuity to meet local needs.**

Explanation/Justification

a. We are encouraged by the NPPF to ensure that our policies for housing reflect local needs. The Housing Needs Survey 2016¹⁹ identified a significant local need for affordable housing. Meeting affordable housing requirements is the responsibility of the local planning authority and this matter is addressed by the Local Plan.

b. Land availability and suitability, makes it difficult to secure affordable housing as part of a ‘market housing’ development. The Neighbourhood Plan does however, provide an opportunity to encourage the provision of affordable housing in the Parish through a ‘rural exception site’ development. Rural exception sites are locations, outside the settlement area, but as close as possible to the Village to keep safe walking routes to Village amenities. The NPPF defines them as “*small sites used for affordable housing in perpetuity where sites would not normally be used for housing... [they] seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection*”²⁰. They can be used to deliver starter homes, retirement homes or to encourage self-build housing, if a need is proven.

c. Silverton Parish Council is keen to explore the potential for realising ‘rural exception site’ development on the edge of the settlement area, through a Community Land Trust initiative. Community housing is defined as residential development by a group who build on land that is held in common ownership or trust for the benefit of the residents. Our policy HS05 sets criteria by which an exception site development proposal, aimed at meeting an identifiable housing need during the Plan period, can be judged. We also require the land on which such development takes place to be held in trust for the long-term benefit of the community and any affordable housing to remain affordable in perpetuity.

National Planning Context

Our policy aligns with current national planning policies and guidance:

NPPF paras. 78-79 *plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate*

Mid Devon Local Plan

¹⁹ Silverton Housing Needs Survey 2016

<https://www.parish.middevon.gov.uk/media/194721/housing-needs-report-by-dct-apr-16.pdf>

²⁰ Annex 2 Glossary, NPPF, July 2021

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Our policy relates to the following Local Plan policies:

Policy S3 - Meeting housing needs

Policy S13 - Villages

Policy No. HS06 Parking Spaces on Housing Developments

Policy

New housing development will be required to provide a minimum of two off-road parking spaces for units with 1 or 2 bedrooms and a minimum of three off-road parking spaces for units with 3 or more bedrooms. Garages that count against this requirement must be of a size that allows for the parking of a family size car and a bicycle unless separate cycle storage is provided in accordance with Policy DM 5 of the Mid Devon Local Plan 2013 - 2033.

Explanation/Justification

In a rural area like ours, with a limited bus service in the Village only, car ownership is high. In 2011 it averaged over 1.5 cars per household. With insufficient public car parks, car parking is one of the Parish's major problems.

Residential roads are congested with parked cars on a daily basis, often making access for buses and large vehicles difficult, even hazardous. Ambulances and fire-engines have difficulty getting to where they are needed, as was the case in recent years when a fire in Mill Cottages could not be doused because the fire-engine was unable to reach it.



Large tractors and heavy farm machinery regularly use the lanes and go through the Village. The presence of parked cars forces them to the side of the road damaging verges and hedgerows. New houses with sufficient off-road parking space will not solve the problem, but it should help ensure it does not get any worse.



Our policy HS06 sets a standard for off-road parking (and bicycle storage) provision for new housing development that we feel is necessary given the prevailing levels of car ownership and the lack of capacity of the road network to accommodate parked cars.

National Planning Context

Our policy aligns with current national planning policies and guidance:

NPPF para. *Setting local parking standards*

NPPG para. 040 Housing design issues

Mid Devon Local Plan

Our policy relates to the following Local Plan policies:

DM1 – High quality design

Policy DM5 – Parking

11. Business and Jobs (BJ)

Overview

- 11.1 The Village's history goes back to pre-Roman times. It is one of the oldest villages in Devon. It was a village of some wealth and said to be one of the richest areas in Devon due to its nurture of sheep and trade in wool.
- 11.2 Throughout most of its early existence, the main source of employment was agriculture. This waned with the industrial revolution generating alternative forms of employment, although it is still of some significance locally today. With the advent of machinery, the Culm Valley spawned a concentration of paper mills, one of the largest was the Silverton Mill which at its peak had over 350 employees, a significant proportion of whom came from the Village. Even though the Silverton Mill is located just outside the Parish boundary, several houses in the Parish were owned by the Mill Company. However the Mill closed in 1999 and papermaking ceased. Most of the buildings have been demolished in anticipation of redevelopment for mixed residential and commercial purposes. Also, outside the Parish is the Chitterley Business Centre where sites and buildings are available to provide employment opportunities. The Ruffwell Inn, currently closed, may provide work on reopening.
- 11.3 There are no longer any large-scale employers within the Parish, meaning that most residents in employment have to commute daily to Exeter or other neighbouring towns and beyond for work. A small proportion of the local population is still employed in the Parish in agriculture, education or the retail trade i.e. mainly in the public houses and the shop. The Landmark Trust have made extensive renovations to Silverton Park Stables, which is helping to encourage tourism to the area.
- 11.4 There has been a distinct growth in home working, especially since the pandemic of 2021, despite the limitations of the local broadband service. "Super broadband" service should be available to the whole of the Parish (1 gigabit). To help ensure we remain sustainable, our policies support local business development and enterprise in the interest of ensuring that local services and local working opportunities remain available.
- 11.5 Local Primary Schools at Silverton, Bickleigh, Bradninch and Stoke Canon serve the Parish, with an average of 20 pupils a year from the Parish moving on to secondary education and to higher education thereafter. The community told us during the Community Consultation in 2014 that it would be good to create more local job opportunities, particularly so that school leavers feel that they do not have to leave the area to find suitable employment.

Business and Jobs - Objectives

- 1. Identify and allocate appropriate sites for business development*
- 2. Establish development criteria and limits for new business development*
- 3. Facilitate high speed broadband by fibre or wireless*
- 4. Protect existing employment space*
- 5. Support development of micro business spaces such as artisan workshops, small offices, live-work units*
- 6. Resist large-scale industrial units*
- 7. Require new developments to be as close to net zero as possible, with all parking to provide the ability to charge electric vehicles using vehicle-to-grid connectivity when available.*

Policy No. BJ01 Roosters, Babylon Lane Employment Site

Policy

Redevelopment proposals to protect existing or provide improved business/employment space at the site shown on Map 10 will be supported provided any redevelopment of the site does not result in a net increase in the total footprint of buildings on the site and they:

- I. minimise the loss of existing trees and hedges and include additional planting and other measures to ensure a net gain in biodiversity;**
- II. include adequate and appropriate screen-planting to minimise visual impact and ensure that adjoining uses are not adversely impacted by business activity on the site;**
- III. provide sufficient on-site parking together with an adequate service and turning area on site;**
- IV. satisfactorily address traffic and highway issues with any new access being designed to ensure that vehicles can only enter and leave the site from and towards the west;**
- V. conform to the other policies of this Plan.**

Explanation/Justification

a. The site known as Roosters (see Map 10) was ‘nominated’ for consideration when the Neighbourhood Plan Steering Group made its ‘call for land’ in 2016. It is a brownfield site that contains a vacant and redundant chicken shed. Its owner was content for it to be considered either for residential or light industrial use.

b. The site was appraised alongside the few other sites that came forward. The appraisal and conclusions on its suitability for development was shared with the community at a consultation event in September 2016. As a residential site, it did not ‘score’ highly or gain much community support, particularly because of its distance away from settlement areas and relatively difficult access.

c. However, it was recognised that as the buildings adjacent to the nominated site have been used for employment purposes it would be acceptable for the site to be redeveloped for light industrial use.

d. Our policy BJ01 seeks to facilitate its use as a business/employment facility as long as the development respects its rural location and seeks to minimise visual impact and any negative impact on the local environment.

National Planning Context

Our policy aligns with current national planning policies and guidance:

NPPF paras.84 – *support for continued use for light industrial or storage.*

NPPG para. 033 assessing economic development

Mid Devon Local Plan

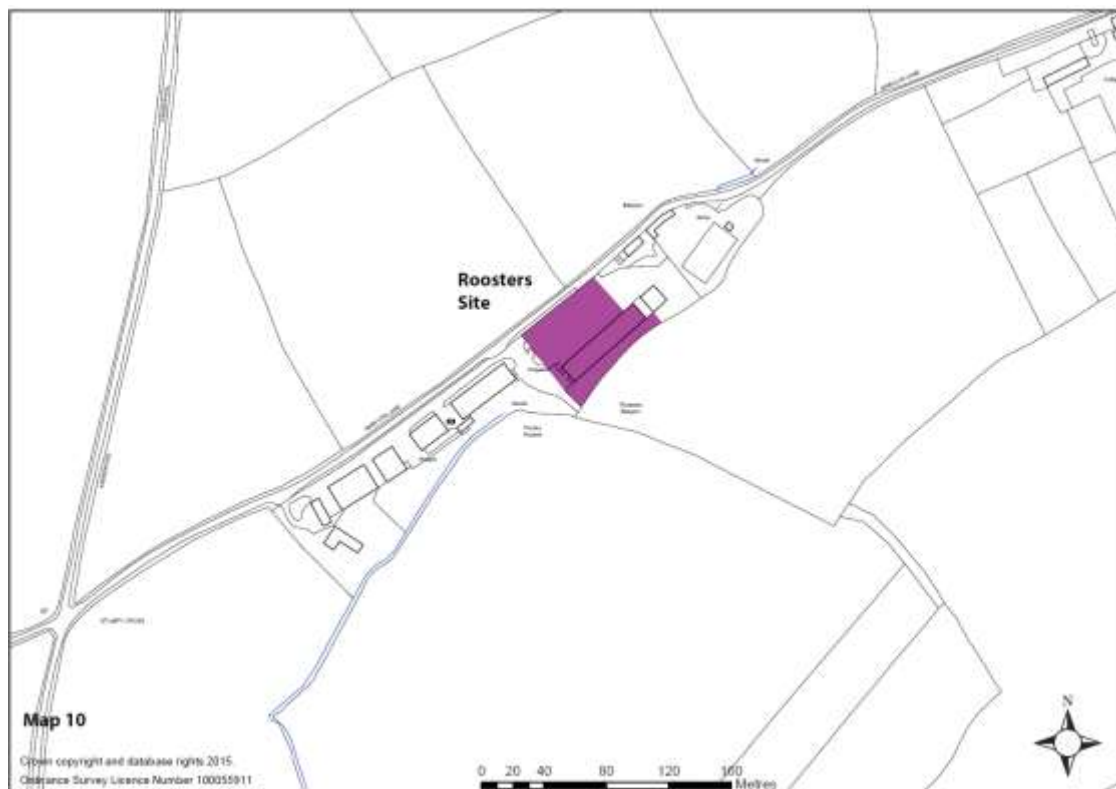
Our policy relates to the following Local Plan policies:

Policy S6 - Employment

Policy S13 - Villages

Policy DM18 - Rural employment development

Map 10 Roosters, Babylon Lane Site



Key

- Purple – Potential residential or light industrial use

Policy No. BJ02 Super-fast Connectivity

Policy

1. **The development of a super-fast broadband infrastructure to serve Silverton Parish will be supported where it is sensitively sited and sympathetically designed.**
2. **All new residential, educational and business premises should incorporate the necessary infrastructure (ducting etc.) to enable the premises to be served by a superfast broadband (fibre-optic) connection.**

Explanation/Justification

a. The Village is now linked to its exchange by fibre-optic cabling, enabling those within range of the new distribution boxes to receive super-fast broadband, either by underground cable or overhead wire. The rural areas of the Parish still suffer poor connectivity though some can connect wirelessly to mobile phone data services.

b. The availability of a super-fast broadband service is becoming an essential tool for communication²¹ and access to on-line services for business as well as domestic purposes. With the increase in working from home so the demand for super-fast connectivity grows. This need can currently be met for business and

²¹ "Access to the Internet shouldn't be a luxury; it should be a right – absolutely fundamental to life in 21st century Britain." Prime Minister David Cameron, 2 Nov 2015

individuals by Satellite Broadband, but at a price that is out of reach for many individuals. New developments should incorporate the necessary infrastructure to facilitate fibre optic connection.

c. Increasing use of the mobile phone network for internet access relies on the extension of coverage from appropriately sited aerial arrays, and ultimately satellites. Our policy BJ02 is there to facilitate the on-going provision of the best possible service for the people and businesses in the Parish whilst ensuring that the required infrastructure does not despoil the visual amenity and the character of the area.

d. Note that an “Open Access” provider, is a broadband provider that owns the infrastructure but will allow all other broadband providers to use it.

National Planning Context

Our policy aligns with current national planning policies and guidance:

NPPF para. 114 *new premises to have a fibre optic connection on an open access basis. Infrastructure to be sensitively sited*

Mid Devon Local Plan

Our policy relates to the following Local Plan policies:

Policy S1 - Sustainable development priorities

Policy No. BJ03	Home Working
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Policy

1. Where planning permission is required, proposals for development that combines living and small-scale employment space for office and/or light industrial uses through:

- I. the use of part of a dwelling; or
- II. a small-scale free-standing building within its curtilage; or
- III. extensions to the dwelling; or
- IV. conversion of outbuildings outside of residential curtilages

will be supported provided there is no adverse impact on the character and amenity of nearby residential areas and they meet the criteria of Policy BE01.

Employment space permitted under clause (IV) of this policy must remain as its approved use unless it has been actively marketed for at least 18 months and it can be demonstrated that no demand exists for its continuation for employment purposes.

Explanation/Justification

a. Provision and support for existing and future business activity is essential for the sustainability of the Parish, and to reduce the already considerable daily commuting to nearby towns.

b. Facilitating the provision of small workshops close to, or in association with, local dwellings is felt to be a good way to encourage local enterprise and business development and increase the availability of local services. Our policy encourages development to facilitate home working but introduces safeguards to ensure that nuisance is minimised and the policy is not used as a ‘back door’ way to create an additional dwelling.

National Planning Context

Our policy aligns with current national planning policies and guidance:

NPPF paras. 82 *supports for ancillary office or workshop use of residential premises.*

Our policy relates to the following Local Plan policies:

Policy DM9 - Conversion of rural buildings

Policy DM18 - Rural employment development

12. Traffic and Travel (TR)

Overview

- 12.1 The Village is an ancient settlement and the road network reflects this. The main traffic route in and out of the Village is Upexe Hill, to the west, which joins the A396 Exe Valley Road running between Exeter and Tiverton. Upexe Hill is used by service buses and a substantial number of heavy agricultural and goods vehicles accessing or passing through the Village. The road, although just wide enough for passing cars, relies on a small number of passing places for larger vehicles. This road passes through the Village Square, bisecting the old part of the Village, and exits to the east into School Road, Park Road and out of the Parish towards Bradninch and Cullompton, Killerton and Exeter.
- 12.2 School Road is narrow in parts and, for much of its length, has no pavement. With so much heavy traffic using the road this causes safety concerns. At the lower end of School Road there is access into Coach Road which is part of the bus route around the Village. These roads are sufficiently wide to allow the free flow of traffic, but the on-road parking, traffic accessing the school and the movement of the buses regularly cause them to be congested.
- 12.3 A network of old roads emanates from the Village Square. These have changed little since medieval times. They are narrow and predominantly single track with tight bends. Fore Street leading into High Street, is part of the ancient Turnpike Road which carries a high volume of local traffic through the Village to the Square on mainly single width roads, parts of which have no pavements, also causing safety concerns.
- 12.4 The 1960s estate of Applemede and Silverdale situated to the west of the High Street, was built with off-road parking and access roads adequate for the normal flow of traffic of the time. These roads now have a substantial amount of on-road parking, much of it from houses in the surrounding streets. It is also regularly used by heavy goods vehicles and large tractors and other agricultural vehicles that are unable to negotiate the narrower roads of Fore Street and High Street.
- 12.5 The settlement of Ellerhayes too, experiences traffic problems due to a lack of off-road parking space, the size volume and speed of traffic that passes through.
- 12.6 Our policies seek to further the development of safe alternatives to the private motor vehicle for getting around the Parish, where the road network is mostly narrow lanes with passing places, and support measures that would reduce the impact of the motor vehicle on everyday life in the Parish.



Traffic and Travel - Objectives

1. *Explore proposals to provide new facilities for cyclists should they come forward*
2. *Explore possibility of foot and cycle link between the Village and A396 and the Village and Ellerhayes*
3. *Encourage a reduction in car usage*
4. *Explore appropriate traffic management measures to reduce the speed of traffic lowering pedestrian risks from traffic*
5. *Encourage the creation of off-road parking space*
6. *All new housing should have adequate off-road parking for their residents and visitors*
7. *Encourage the adoption of electric vehicles*

Our Neighbourhood Plan Policies and their Explanation/Justification

Policy No. TR01	Non-Car Travel
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Policy

Development proposals that further the development of an accessible network of safe footpaths, bridleways and cycle routes in and around the Silverton neighbourhood are supported.

Explanation/Justification

a. The community told us in numbers during the Community Consultations of 2014, 2017 and 2021 that they were concerned about pedestrian safety, particularly because of the lack of pavements.

b. On a daily basis, walkers and horse riders use the lanes around the Parish and the streets of the Village, where traffic can come upon them suddenly (especially silent electric cars becoming more common) with startling effect. Bridle paths are a much safer alternative and it is important to upgrade, and where possible, add to them for the safety and enjoyment of horses and riders.



c. The public rights of way and footpaths we do have around the Parish are well used by local people and provide spectacular views of the local countryside. Tourists and organised walking groups also take

advantage of walking through the traditional Devon lanes and accessing the footpaths to view the valleys, moors and the sea, visible from the higher points. The Village shops and pubs also benefit from many of these visitors, bringing much needed income to the Parish.

d. With the marked increase within the Parish of recreational and competitive cycling, safety has become a major issue due to the confines of the narrow lanes and the lack of any cycle-paths.

e. Our policy TR01 supports the development of more footpaths, bridleways and cycle paths in the Parish. We hope this will encourage more people to travel around locally without using a private motor car and many more people to take regular exercise and enjoy the Parish in which they live.

f. It is recognised that such routes can only be implemented with the agreement and support of landowners and occupiers, and we encourage them to engage positively with such proposals.

National Planning Context

Our policy aligns with current national planning policies and guidance:

NPPF para. 104 b,c,d,e and 106 d *provide for high quality cycling and walking networks*
NPPG para. 008 Safe, connected and efficient streets

Mid Devon Local Plan

Our policy relates to the following Local Plan policies:

Policy S1 – Sustainable development

Policy S13 – Villages

Policy S14 - Countryside

Policy No. TR02 Pedestrian Link to Main Road

Policy

Proposals for the creation of a safe pedestrian and cycle link between the Village and the A396 will be supported.

Explanation/Justification

a. Although there is no footpath between the Village and the A396, because of the timing of bus services into the Village, it is necessary for some people to use Upexe Hill to take advantage of the bus stops on the A396 (Exeter-Tiverton-Exeter route). There is no dedicated footpath on any part of Upexe Hill.

b. The narrowness of this road, with the volume of traffic it carries, makes it a hazardous route and a safety issue. Silverton Walk and Talk Group have confirmed that *“there is also currently no safe pedestrian access to the main Tiverton to Exeter bus route and many villagers are forced to walk down the busy Upexe Hill (a narrow lane with no footpath) to gain access to the bus stops on the A396”*²³.



c. Our policy TR02 supports proposals to further the provision of a car free link between the Village and the A396 if such proposals are presented. This is especially the case after the reduction in evening and weekend services to Silverton village announced in October 2022. Such a link may also serve to encourage more people to use public transport rather than the private motor vehicle to travel to Exeter and Tiverton.

National Planning Context

Our policy aligns with current national planning policies and guidance:

NPPF para. 105 *limiting the need to travel and offering a genuine choice of transport modes*

Mid Devon Local Plan

Our policy relates to the following Local Plan policies:

Policy S1 – Sustainable development

Policy S8 – Infrastructure

Policy No. TR03 Traffic Management

Policy

- 1. Major development proposals that require the preparation of a Transport Assessment should identify the realistic level of traffic they are likely to generate. They must assess the potential impact of this traffic on pedestrians, cyclists, road safety, parking and congestion within the Silverton neighbourhood area and include**

²³ P. Kidds on behalf of Walk & Talk Silverton, March 2016

measures to mitigate any impacts.

2. Development that would give rise to unacceptable highway dangers or where the residual cumulative impact on the highway network is severe will not be permitted.

Explanation/Justification

a. The geography of the Parish, with its narrow, winding lanes and ancient Devon hedgerows, reinforces the need for management of the speed and volume of traffic to create a safer environment for all road users and wildlife. With the increasing width and size of commercial and agricultural vehicles and machinery, it is now apparent that a width restriction should be a serious consideration. Such a restriction would contribute to reducing damage to the environment of the Parish, particularly the verges, ancient hedges and road surfaces.



b. The roads accessing the Village have partial or no footpaths, making them particularly hazardous for pedestrians. This was illustrated in November 2014 in School Road, at the point at which the footpath ceases and the road narrows, where a pedestrian was injured by a passing vehicle.

c. Our policy TR03 is intended to ensure that the negative traffic implications and impact of all new development are fully taken into account and development does not add significantly to the problems we already experience.

d. The Community Consultations of 2014, 2017 and 2021 confirmed that the Parish is open to additional traffic management proposals in the interest of safety, although opinions do differ on what measures are required. Our policy TR03 recognises this but also makes it clear that any development proposals in the interests of improved traffic management should be fully consulted upon and have the support of the majority of the local community.

National Planning Context

Our policy aligns with current national planning policies and guidance:

NPPF para. 110a, 112a,b and 113 *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities*

NPPG para. 013-015 Transport assessments and statements

Mid Devon Local Plan

Our policy relates to the following Local Plan policies:

Policy S1 - Sustainable development priorities

Policy S13 – Villages

Policy S14 - Countryside

Policy No. TR04 Off Road Parking

Policy

Development proposals to provide an additional public car park serving the Village of Silverton will be supported provided:

- **suitable points for the charging of electric vehicles**
- **suitable access/egress arrangements can be provided**
- **the car park is suitably landscaped**
- **it will not cause significant nuisance to adjoining properties**

- it is suitably located
- extension of the lay-by at Ellerhayes for additional parking is supported

Provision of electric chargers at existing car parks and community buildings with car parks is encouraged.

Explanation/Justification

a. A high proportion of residents in the Village do not have regular access to off-road parking, which leaves them no alternative but to park on the roads.

b. There is also a continual problem of commercial and private vehicles parking on double yellow lines, disrupting the flow of traffic. Some vehicles park on the grass verges. Other vehicles park on pavements, blocking footpaths and forcing pedestrians including pushchair users, small children, mobility chair users and the elderly, into the road.

Inconsiderate parking is also a hazard for other vehicles including the emergency services, in particular fire tenders, causing major problems. The community told us during the Community Consultation 2014 that new development must not result in an increase in on-street parking. There was also much support for an additional public car park.



c. There is currently (2022) a small car park for users of the Community Hall, adjacent to a public car park, which no longer has sufficient space to reduce on-road parking in any significant way. This illustrates the need for another public car park, if a suitable site became available.



d. The substantial parking problem we experience emphasises the necessity to ensure that all new developments include sufficient off-road parking, which takes into account modern lifestyles where many households make use of a multiple number of cars. Our policy TR04 emphasises the importance of this issue and encourages development proposals to provide sufficient off-road parking and servicing space commensurate with the type of use proposed. It supports the provision of off-road parking spaces in accordance with the prevailing standards. It also supports the provision of more public parking areas to serve the Village.

e. Extension of the lay-by at Ellerhayes would require consultation with both the National Trust and the local farmer.

National Planning Context

Our policy aligns with current national planning policies and guidance:

NPPF para. 107-108 and 111-112 *ensure an adequate provision of spaces with charging points for electric and other ultra-low emission vehicles*

NPPG para. 042 Street design

Mid Devon Local Plan

Our policy relates to the following Local Plan policies:

Policy S1 – Sustainable development

13. Community Spaces and Activities (CS)

Overview

13.1 We are fortunate to have several indoor venues for community activities including three church halls, the Lamb Inn ‘Shed’, Room 4 U and a very good quality Community Hall on Wyndham Road. Together

they serve a wide range of purposes and are extremely well used. It is our intention that they should remain at the centre of the community life of the Parish.

13.2 We are blessed to live so close to some very attractive and accessible countryside. However the Parish has only three formally designated recreation areas and is under-provided with public open space, according to Mid Devon District Council’s latest assessment²⁴.

Our three local recreation areas are:

- The Rec Coach Road
- Ellerhayes Play Park
- The Little Rec

All have deficiencies in terms of quality of facilities and require up-dating. Both however remain well used and popular.

13.3 Our aim is to increase the range of recreation opportunities available for people locally. One of the ways in which we can do this is to identify and designate a further site of public open space for the people of the Parish to enjoy.

Community Spaces and Activities - Objectives

1. Support community-based facilities
2. Provide more public open space for community use
3. Keep community spaces well maintained and fit for purpose

Our Neighbourhood Plan Policies and their Explanation/Justification

Policy No. CS01	Existing Community Facilities and Assets
Policy	

Development proposals that result in the loss of local retail uses or the following community facilities:

1. Silverton Community Hall
2. St Mary’s Church
3. St Mary’s Church Hall
4. Evangelical Church and Hall
5. Methodist Church and Hall
6. The Lamb Inn
7. The Lamb Inn Shed
8. The Silverton Inn
9. Room 4U
10. Wyndham House Surgery

will only be supported where:

²⁴ Open Space and Play Strategy, ‘Ethos’ for Mid Devon District Council, 2014
www.middevon.gov.uk/residents/planning/conservation/conservation-areas/conservation-area-appraisals/silverton-conservation-area-appraisal-and-management-plan/

- they are to be replaced with community space of an equal or higher quality on the same site or another site within the area;
- the proposed alternative use would, overall, provide equal or greater benefits to the local community; and
- it is demonstrated, through local consultation, that it is no longer required by the community for the current use it serves or it is shown that the continued use is no longer economically viable.

Explanation/Justification

The Localism Act 2011 provides for a scheme called ‘assets of community value’. This requires district and unitary councils to maintain a list of ‘community assets’.

Community assets can also be nominated by groups with a connection with the community. If the nomination is accepted for inclusion on the Register, local groups will be given time to come up with a bid for the asset if it is put up for sale.



National Planning Context

Our policy aligns with current national planning policies and guidance:

NPPF paras. 99 *existing open space, sports and recreational buildings and land, including playing fields, should not be built on with few exceptions (see NPPF 2021 for exceptions)*

NPPG para. 002, 005 Healthy communities and links with planning

Mid Devon Local Plan

Our policy relates to the following Local Plan policies:

Policy DM23 – Community Facilities

Policy No. CS02	Existing Recreation Spaces
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Policy

The following public open space, sports and recreational land (identified on Map 11) are very important to the local community and should be protected in accordance with Local Plan policy DM24.

- L. Allotments, Butterleigh Road**
- M. Allotments, Ellerhayes**
- N. Allotments, Tuns Lane**
- O. The Rec, Coach Road**
- P. Ellerhayes Play Area**
- Q. Allotments, Hillcrest**

Explanation/Justification

a. As a community, we value the open spaces and recreation facilities we have. There are not enough and some are not as good as they should be. Our policy CS02 lists the facilities we do not want to lose, unless and until they are replaced with better facilities. The three allotment areas are well used and there is a waiting list for plots.

b. The Rec, Coach Road is the largest dedicated recreation area in the Parish. Aside from the football pitch this area provides for a range of other activities. It includes the tennis court, skate park, children’s play area (with modern equipment), adult outdoor gym, table tennis table, and gazebo. The playing fields also include the Silverton Oak a large specimen that is around 600 years old.

c. Ellerhayes Play Area is a well-equipped modern facility with safety surfaces located in the heart of the new estate and well away from the main road. Whilst bordered by trees, it is still overlooked by the nearby houses, making it a relatively safe area for younger children to play.

d. Just protecting them is not enough. Well maintained community recreational space attracts more use. Recent development of recreational facilities for the older and younger age groups, in the Village including the outdoor gym equipment, play area and skate park, have been a great success.

e. The Parish Council intends to act on the ‘community objective’ that came out of our consultation and encourage local groups to be more pro-active and involved in the management and maintenance of our outdoor spaces.

f. The Little Rec is not listed, as it is already protected as part of the Conservation Area and as a space of merit.



National Planning Context

Our policy aligns with current national planning policies and guidance:

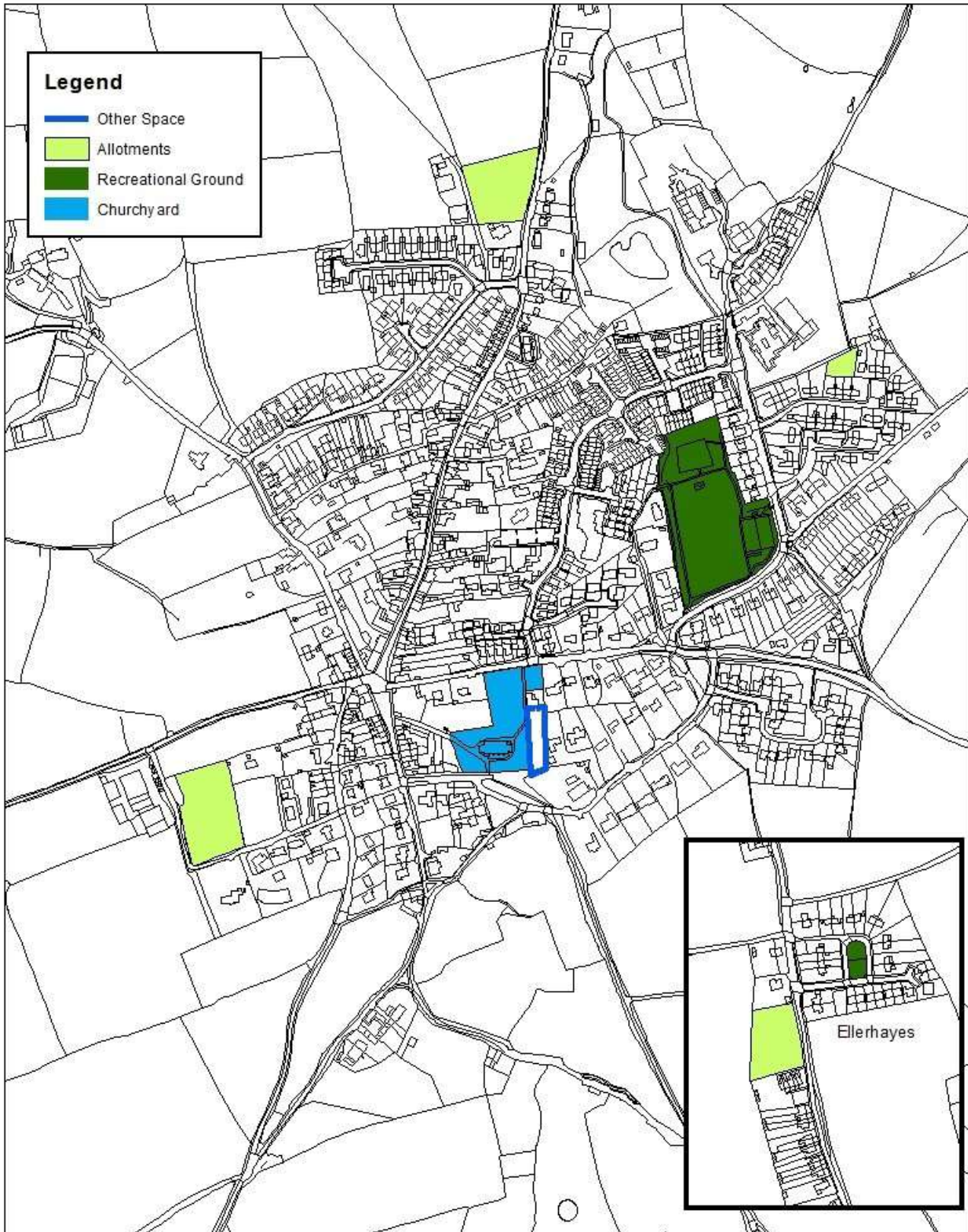
NPPF para. 99 *existing open space, sports and recreational buildings and land, including playing fields, should not be built on with few exceptions (see NPPF 2021 for exceptions)*

NPPG para. 001 Open space in planning

Mid Devon Local Plan

Our policy relates to the following Local Plan policies:

Policy DM24 - Protection of local green space and recreational land/buildings



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Policy

- 1. The provision of new or improved recreational and sports facilities close to settlement areas will be supported provided:**
 - I. the scale of the facility is related to the needs of the area;**
 - II. there is safe and convenient access for potential users.**
- 2. The provision of new public open space on land at the Glebe that will provide for a range of informal recreation activity will be supported.**

Explanation/Justification

- a. Within or close to the Village there is a lack of level recreational areas for team sports. The football field has a significant slope. The nearest cricket ground is about 1.5 miles away in Thorverton. Recent additional skate park ramps and the improved play area at the Rec, Coach Road are in great demand and demonstrate the value of well thought out facilities tailored to need. It is noted that there are no youth teams in the Village (in 2022) and any youth that want to join a sports club must travel outside the Village.
- b. As well as the topographical limitations of the current recreational spaces, the actual area of planned and managed recreational facilities is well below the recommended area per head of population for all categories including amenity open space, children and young people’s space and outdoor sport and playing field education land (according to Mid Devon District Council’s latest Open Space and Play Area Strategy (2014-2033).
- c. A wider range of accessible sports and recreational facilities would support the public health agenda by providing exercise and fitness opportunities. From the public health profile in Mid Devon our communities are not achieving the recommended levels of daily exercise and fitness. Providing more varied facilities will help achieve these recommended levels of activity for all ages and ability/disability.
- d. The Community Consultation 2014 made it plain that local sporting facilities were inadequate. A range of suggestions were made. Our policy CS03 supports the provision of additional sports and recreation areas should the opportunity arise and the need be proven.
- e. Amongst the needs expressed by the community in the 2014 consultation was for an area, such as a field, that could be used for dog walking. A community orchard was also a well-supported suggestion.
- f. Having carried out site assessment surveys in 2016, we have concluded that land at the Glebe would be a good location to meet the identifiable need for informal recreation space and it also should be suitable for a community orchard. The owner of the site has indicated a willingness to dedicate part of the site for public open space, if permission is granted for a small residential development on the site. Our policy CS03 supports the provision of new public open space at the Glebe.

National Planning Context

Our policy aligns with current national planning policies and guidance:
NPPF para. 98 *access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and efforts to address Climate Change*
NPPG para. 001 Open space, sport and recreation facilities

Mid Devon Local Plan

Our policy relates to the following Local Plan policies:
Policy S5 Public open space
Policy S13 Villages

14. Monitoring the Neighbourhood Plan

- 14.1 There is no statutory requirement for the impact of the Neighbourhood Plan and its policies to be monitored.
- 14.2 Silvertown Parish Council will monitor the impact of policies on change in the neighbourhood area by considering the effectiveness of the policies in the planning application decision making process. They will do this by referring to this Plan when reviewing planning applications. We will keep a record of the application, any applicable policies, and comment from the Parish Council together with the eventual outcome of the application.
- 14.3 A full or partial review of this Plan may be triggered by changes to legislation, changes to national or countywide planning policies or significant planning issues being raised by the local community which cannot be dealt with effectively by a combination of national, district and/or existing Neighbourhood Plan policies. Five years from the date the Plan is made, Silvertown Parish Council will consider the need and value in undertaking a Review.

15. Glossary

The following terms may be used in the Silverton Neighbourhood Plan:

Affordable Housing - Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. This is set out in the UK Government's National Planning Policy Framework (NPPF) Annex 2 and is broadly 20% off market value. If the market value in the area is high, then this housing may not be genuinely affordable to those in social need. (See also Genuinely Affordable Housing below)

Ancient Woodland - a woodland which has existed since the year 1600, or earlier.

Bridleways - are footpaths, but additionally users are permitted to ride or lead a horse, and ride bicycles. Horse drawn vehicles are not allowed. Cyclists must give way to pedestrians and horse riders. Motorcycling is not allowed.

Biodiversity - is the term used to describe the whole variety of life on Earth. It includes not only all species of plants and animals, but also the complex ecosystems they live within. It ranges from species and habitats which are considered commonplace to those considered critically endangered.

County Wildlife Site (CWS) - an area of significance for its wildlife in at least a county context i.e. it may be of county, regional or even national importance.

Curtilage - The area normally within the boundaries of a property surrounding the main building and used in connection with it.

Devon Bank - walling with soil giving added weight and stability, originating in Devon.

Design Statement is a practical tool to help influence decisions on design and development. If not prepared correctly, it will provide a clear statement of a village or town against which planning applications may be assessed.

Flood Risk Assessment - An assessment of the likelihood of flooding in a particular area so that development needs and mitigation measures can be carefully considered.

General Permitted Development Order (GPDO) - The Town and Country Planning GPDO 1995 provides permitted development rights for a specified range of development, meaning that those activities do not require an application for planning permission. However, agricultural buildings and certain telecommunications equipment covered by permitted development rights are also subject to a prior approval procedure.

Genuinely Affordable Housing – Housing that is genuinely affordable for those needing housing within the parish. This is not a nationally recognised term.

Landscape Character Area (LCA) - Single unique areas that are the discrete geographical area of a specific landscape type.

Listed Buildings - Buildings which have been recognised by Historic England (formerly English Heritage) as having special architectural or historic interest.

Local Green Space - Green areas of particular importance to local communities, which meet the criteria of the NPPF (para. 101), designated as 'local green space' to provide special protection against development.

Local Plan - A portfolio or folder of documents - Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) - setting out the planning strategy for a local planning authority area.

Local Planning Authority - The public body whose duty it is to carry out specific planning functions for a specific area. All references to local planning authority apply in this Plan to Mid Devon District Council

Net Zero - this is an abbreviation of "Net Zero carbon emissions"

NPPF - The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of communities.

NPPG - The National Planning Practice Guidance is a web based resource which brings together planning guidance on various topics into one place. It was launched in March 2014 and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

Neighbourhood Plan - A plan prepared by a town and/or parish councils or a neighbourhood forum for a specific neighbourhood area (made under the Planning and Compulsory Purchase Act 2004).

Permissive Paths - It is possible for landowners to allow access over their land without dedicating a right of way. These accesses are called permissive paths. To the user, they are often indistinguishable from normal highways, but there are some important differences:

- A permissive path must have some sign or similar indication that it is not intended to be a right of way
- The landowner can close off or divert the path if they wish to do so, without any legal process being involved
- The landowner can make restrictions which would not normally apply to highways, for example to allow horse riding but not cycling, or the other way around

Public Right of Way - is a highway over which the public have a right of access along the route.

Qualifying Body - Either a parish/town council or neighbourhood forum, which can initiate the process of neighbourhood planning.

Use Classes - The Town and Country Planning (Use Classes) Order 1987 puts uses of land and buildings into various categories. Planning permission is not needed for changes of use within the same use class.

Section 106 - The section of the Town and Country Planning Act 1990 that provided for the creation of planning obligations, now replaced by Section 46 of the 2016 Act. Section 106 agreements allow local authorities to ensure that developers provide the infrastructure needed to support new developments. Often referred to as “planning gain”.

Strategic Environmental Assessment (SEA) - A procedure (set out in the Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

SUDS - A solution which manages surface and groundwater sustainably by mimicking natural drainage regimes and avoiding the direct channelling of surface water through networks of pipes and sewers to nearby watercourses. SUDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment.

Supplementary Planning Document (SPD) - Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on specific issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Sustainability Appraisal (SA) - The consideration of policies and proposals to assess their impact on sustainable development objectives.

Sustainable Development - is development which meets the needs of the present without compromising the ability of future generations to meet their own needs.

Appendix A - Evidence Sources

Census Records, Office of National Statistics, 2011

Good Practice Advice on Neighbourhood Planning and the Historic Environment, English Heritage, 2022

Meeting Housing Needs, Supplementary Planning Document, Mid Devon District Council, adopted June 2017

Mid Devon Landscape Character Assessment, Strategic Guidelines, Mid Devon District Council, 2011

<https://www.middevon.gov.uk/residents/planning-policy/local-plan-history/previous-local-plan-evidence/landscape-character-assessment/>

Mid Devon Local Plan Review Option Consultation, Silverton Parish Council, Dec 2013

Mid Devon Local Plan adopted July 2020

https://www.middevon.gov.uk/media/350631/local-plan-review-final-adopted-version_accessible.pdf

National Planning Policy Framework, Department of Communities and Local Government, 2019

Design Statement is a practical tool to influence decisions on design and development. If not prepared correctly, it will provide a clear statement of a village or town against which planning applications may be assessed.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance, Department of Communities and Local Government, 2021

<https://www.gov.uk/government/collections/planning-practice-guidance>

[National Planning Policy Framework \(NPPF\) – Annex 2](#)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPFJuly_2021.pdf

Neighbourhood Planning (General) Regulations, HM Government, 2012

<http://www.legislation.gov.uk/ukxi/2012/637/contents/made>

Planning Newsletter, Mid Devon District Council, Jan 2016

Silverton Community Consultation 2014 Report, Silverton Neighbourhood Planning Steering Group 2014

Silverton Community Consultation 2016

Silverton Community Consultation Reg 14 2021

Silverton Conservation Area Appraisal and Management Plan, Mid Devon District Council, 2015

<https://www.middevon.gov.uk/residents/planning/conservation/conservation-areas/conservation-area-appraisals/silverton-conservation-area-appraisal-and-management-plan/>

Silverton Housing Needs Assessment, Devon Communities Together for Silverton Parish Council, 2016

Silverton Neighbourhood Plan, Local Evidence Report, Silverton, 2022

Silverton Neighbourhood Plan, Strategic Framework Report, Silverton Neighbourhood Plan Steering Group, 2014

Site Assessment Report, Silverton Parish Neighbourhood Plan, 2016

Strategic Environmental Assessment for Silverton Parish Council, 2022

The Provision and Funding of Open Space through Development, Supplementary Planning Document, Mid Devon District Council, adopted May 2008

<https://www.middevon.gov.uk/residents/planning-policy/supplementary-planning-documents/>

Wildlife Site Resource Map – Silverton Parish, Devon Biodiversity Records Centre, 2014

Workshop Report, Silverton Parish Neighbourhood Plan, 2014

<https://www.middevon.gov.uk/residents/planning-policy/adopted-local-plan-and-policies-maps/adopted-local-plan-review-evidence-base/>

Appendix B - Community Action Groups

It is proposed that Silverton Parish Council facilitate the creation of the following action groups, which would act under the governance of the Parish Council, with members of the parish community taking an active part.

Each group would

- have at least one Parish councillor as a member;
- report progress to the Parish Council monthly, and to the Parish Assembly annually.

Silverton Parish Green Action Group

This group would encourage implementation of the policies to reduce carbon emissions, moving the parish towards Net Zero carbon emissions, by helping to implement the related policies in this plan. The Action Group would:

- Investigate solutions to issues
- Arrange parish meetings
- Liaise with non-profit organisations and other groups to help advise people on appropriate ways forward
- Assist and advise in obtaining grants where appropriate
- Liaise with landowners and property owners where relevant
- Bring people together for bulk purchase action where appropriate
- Obtain grants and raise money when required

Silverton Parish Homes for Locals Action Group

This group would work on the setting up of a Community Land Trust (CLT) as a legal entity to provide genuinely affordable homes to be reserved in perpetuity for locally connected people of limited means.

The Group would report to the Parish Council. Any proposals for setting up the CLT would be approved by the Parish Council, and would include explicit need for any development to be approved by the Parish Council, in addition to standard planning processes.

The CLT would have at least one nominated Parish Councillor on the Board. Should the CLT fail, then activities and control would revert to the Parish Council.

In preparing for the CLT the group would:

- Investigate models of shared ownership for any CLT including:
 - Housing Association shared ownership models in which the CLT would retain 25% ownership
 - Self Build, in which the CLT would retain 25% ownership.
 - Rental
- Formalise the meaning of “Locally Connected People” (e.g. those growing up in the parish, or living in the parish, or caring for people in the parish).
- Ensure that any proposals are:
 - in line with the Neighbourhood Plan and design statement.
 - contiguous with existing development.
 - keeping with the needs of the parish
 - cognisant of the need to provide additional green space and amenities where possible
- Such a group would
 - seek land from local landowners to obtain a suitable plot, at less than market value, that would not otherwise be approved for development. Such a trust would liaise with housing associations and other organisations to further these aims.
 - Seek grants and other funding to support the trust
 - Keep the Parish informed of progress.

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April 2024

Silverton Neighbourhood Plan

ADOPTION DECISION STATEMENT

**REGULATION 19 – THE NEIGHBOURHOOD PLANNING (GENERAL)
REGULATIONS 2012**

1.0 Summary

1.1 Mid Devon District Council is publishing its decision to 'make' the Silverton Neighbourhood Plan part of the statutory development plan for Mid Devon District in accordance with Regulation 19 of The Neighbourhood Planning (General) Regulations 2012. This follows a positive referendum result on Thursday 29th February 2024.

2.0 Background

2.1 Silverton Parish Council (as the qualifying body) applied to designate Silverton Parish as neighbourhood area. The Silverton Neighbourhood Area was designated on 7th July 2014.

2.2 The Silverton Neighbourhood Plan submission version was submitted to Mid Devon District Council on the 14th December 2022. Mid Devon District Council undertook the statutory consultation, in accordance with Regulation 16 of The Neighbourhood Planning (General) Regulations 2012, between 18th January 2023 and 3rd March 2023.

2.3. Mid Devon District Council, with the agreement of Silverton Parish Council, appointed an Independent Examiner (John Slater) to assess whether the plan met the Basic Conditions required by legislation; and whether it should proceed to referendum. Due to an earlier version of the Environmental Report being advertised through the statutory consultation (Regulation 16), the Examiner suggested to redo the Regulation 16 consultation. Both Silverton Neighbourhood Planning group and Mid Devon District Council agreed and the re-consultation then ran from 17th July to 29th August 2023.

2.4. The examination into the Plan was carried out by written representations and a public hearing, held on 29th September 2023. The Examiner's report was received on the 2nd November 2023. The report concluded that the Plan met

the basic conditions and other statutory requirements, and subject to the modifications set out in the report, that the Plan should proceed to a local referendum.

- 2.5 On the 12th December 2023 Mid Devon District Council agreed the Examiner’s modifications to the Silverton Neighbourhood Plan, and agreed that the plan should proceed to a local referendum. A Decision Statement was also approved and published for this.

3.0 Decision and Reasons

- 3.1. The local referendum was held on the 29th February 2023 and met the requirements of the Localism Act 2011. It returned a ‘yes’ majority of 90.53%, to the question:

“Do you want Mid Devon District Council to use the neighbourhood plan for Silverton to help it decide planning applications in the neighbourhood area?”

- 3.2 The results of the local referendum were as follows:

Ballot papers	Votes Recorded
Number cast in favour of a Yes	459
Number cast in favour of a No	37
Number of spoilt ballot papers	11
Total number of votes cast	507
Electorate: 1636	Turnout: 31%

- 3.3. Following the positive referendum outcome, the Silverton Neighbourhood Plan was ‘made’ (adopted) by Mid Devon District Council at a meeting of the Council on the 24th April 2024.

- 3.4. It is considered that the Plan meets the Basic Conditions set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990; complies with the provision made by or under Sections 38A and 38B of The Planning and Compulsory Purchase Act 2004 (as amended); and is compatible with EU obligations, as incorporated into UK law and Convention obligations (within the meaning of the Human Rights Act 1998).

- 3.5. The Silverton Neighbourhood Plan now forms part of the development plan for the Silverton Neighbourhood Area (the parish of Silverton). In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), the determination of planning applications in Silverton Parish will need to be made in accordance with the development plan (i.e. the adopted Mid Devon Local Plan 2013 – 2033, the adopted Devon Minerals and Waste Plans, and the ‘made’ Silverton Neighbourhood Plan), unless material considerations indicate otherwise.

4.0 Where to view this Adoption Decision Statement

- 4.1. The Adoption Decision Statement can be viewed at:

Mid Devon District Council's Offices, Phoenix House, Phoenix Lane, Tiverton,
Devon, EX16 6PP

Opening hours (via appointment, please contact 01884 255255):

- Monday - 9 am to 1 pm
- Tuesday - 9 am to 1 pm
- Wednesday - CLOSED
- Thursday - 9 am to 1 pm
- Friday - 9 am to 1 pm

Online on the Council's website:

<https://www.middevon.gov.uk/residents/planning-policy/neighbourhood-planning/silverton-neighbourhood-plan/>

[Silverton Neighbourhood Plan - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/residents/planning-policy/neighbourhood-planning/silverton-neighbourhood-plan/)

Tristan Peat,

Forward Planning Team Leader for Mid Devon District Council

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Report for: CABINET

Date of Meeting: 2 April 2024

Subject: **DEVON PREVENTING SERIOUS VIOLENCE
STRATEGY 2024-29**

Cabinet Member: Councillor David Wulff, Cabinet Member for
Community and Leisure

Responsible Officer: Simon Newcombe, Corporate Manager for Public
Health, Regulation and Housing

Exempt: None

Wards Affected: All

Enclosures: Annex A – Devon Preventing Serious Violence
Strategy 2024-29

Section 1 – Summary and Recommendations

On the 9 January 2024, Cabinet approved the overarching statements of intent within the Devon Preventing Serious Violence Strategy 2024-29 and its Impact Assessment together with the overarching governance arrangements under the new Serious Violence Duty. This enabled publication of the Devon-wide strategy to be completed by 31 January 2024 as required. The final published document can be found at <https://saferdevon.co.uk/safetypartner/uploads/2024/02/Serious-Violence-Strategy-v.Final-2024.01.31-for-publishing.pdf> and is also attached in full in Annex A.

At the January meeting, Cabinet further resolved:

That the Devon Preventing Serious Violence Strategy 2024-29 and wider governance arrangements is brought back to the Community Policy Development Group and Cabinet in due course to embed the strategy within the Council policy framework to enable delivery.

The purpose of this report is to meet the above resolution and enable the Community PDG to make a forward recommendation for adoption of the strategy. As a new strategy within the policy framework it will require full Council approval to adopt.

Recommendation:

1. That Cabinet recommends to Council the adoption the Devon Preventing Serious Violence Strategy 2024-29 as attached in Annex A to enable delivery by as appropriate by the Council's Community Safety Partnership (as a specified authority under the Serious Violence Duty).

Section 2 – Report

1 Introduction

- 1.1 The Serious Violence Duty (the SV Duty) was introduced in the Police, Crime, Sentencing and Courts Act 2022 and commenced on 31 January 2023.
- 1.2 The SV Duty requires specified authorities to work together to prevent and reduce serious violence in the area including identifying the kinds of serious violence that occur in the area, the causes of that violence (so far as it is possible to do so), and to prepare and implement a strategy for preventing, and reducing serious violence in the area.
- 1.3 The core elements of the SV Duty are:
 - To establish a local serious violence Strategic Needs Assessment (SNA)
 - To prepare, publish and implement a strategy to prevent and reduce serious violence
 - To review and revise the strategy as required.
- 1.4 District Councils and their Community Safety Partnerships (CSPs) specifically are named as specified authorities in the duty. There was a legal requirement for a strategy for the area to be published by **31 January 2024**. This requirement is set out in The Prevention and Reduction of Serious Violence (Strategies etc.) Regulations 2022 and was achieved as described in the report summary.
- 1.5 In common with the other district level CSPs in Devon, the East and Mid Devon CSP is a member of the Safer Devon Partnership (Devon County Council upper tier CSP) who are leading the strategy for Devon. They have worked closely with the Office of the Police and Crime Commissioner to develop the adopted governance framework for delivery of the duty.

2 Governance arrangements

- 2.1 In Devon, Cornwall and the Isles of Scilly, a peninsula-wide partnership arrangement already exists to actively tackle serious violence. The Duty will strengthen the region's Serious Violence Prevention Programme (SVPP), mandating regional collaboration via multi-agency delivery. CSPs agreed a Serious Violence Prevention Concordat which sets out a shared commitment to collaborate, to prevent and reduce serious violence across the Peninsula.
- 2.2 Each of the CSPs have therefore already started to develop a local response to serious violence, informed by the Peninsula Strategic Needs Assessment, local Strategic Needs Assessments and other information provided by CSP partners. More information on this is set out in the CSP Action Plan 2024/25 as

a separate item on this PDG agenda. This work will be refined now the Devon Strategy has been finalised.

- 2.3 Looking ahead, delivery and decision-making associated with core elements of the SV Duty will be met through our local collaboration with the upper-tier Safer Devon Partnership CSP this will allow existing partnerships to tailor their response to serious violence to meet local need. This will also enable the CSPs to report back to the Police and Crime Commissioner (PCC) in line with their requirements and timetable. The PCC will undertake the administration of official reporting, as per Home Office funding requirements.
- 2.4 Strategic overview and monitoring of the SV Duty at a Peninsula level will be provided by the 'Strategic Serious Violence Prevention Partnership' (Strategic Group). This group will bring together representatives from across Devon, Cornwall and the Isles of Scilly to ensure that the strategic approach is sustainable, and evidence based, and also delivers the outcomes required to meet the needs of the regional community.
- 2.5 The Strategic Group will be chaired by the PCC as designated convener under the SV Duty and serviced by the PCC's Serious Violence Prevention Team, with specialist support from the office's Governance Team as required.
- 2.6 The purpose of the Strategic Group will be:
 - To facilitate and co-ordinate the overall strategic direction of serious violence prevention across the Peninsula; particularly to ensure consistency between the respective Community Safety Partnerships, in such a way that supports sustainability.
 - To provide strategic oversight of the core elements of the SV Duty, and assurance of CSP delivery against the SV Duty.
 - To identify opportunities for collaboration and enable these opportunities as far as possible.
 - To consider and manage strategic risks in relation to delivery of the SV Duty – and emerging gaps and threats.
 - To share best practice, both within and outside of Devon, Cornwall, and the Isles of Scilly
 - To encourage innovation and identify opportunities for pilots, test and learn projects, and evidence-based practice.
 - To identify and develop opportunities for improvements to data and information sharing across the Peninsula.
 - To align with contiguous Peninsular level portfolios (e.g. the Local Criminal Justice Board)
 - To identify and leverage additional funding opportunities, both regionally and nationally, through joint procurement, grant funding and other avenues.
- 2.7 In line with the SV Duty, the Strategic Group must have each of the specified authorities represented, in addition to the PCC. The East and Mid Devon CSP will therefore be included in the membership through the CSP chair and there are still discussions needed to identify the appropriate Local Authority representative for the peninsula.

3 Devon Preventing Serious Violence Strategy 2024-29

Devon level collaboration and approach

- 3.1 The Preventing Serious Violence Strategy outlines Safer Devon's framework for preventing and reducing serious violence in Devon. As required under the legislation and statutory guidance, the strategy is grounded in a public health response to violence; recognising that addressing the root causes of violence is crucial for prevention.
- 3.2 Work has been completed through the SDP to commission the SNA and agree the following core strategy components:
- Overall vision
 - Definition of violence
 - Priorities and intended impacts for work to prevent violence
 - Focus area
 - Principles and timeline for a delivery plan
- 3.3 The above components were agreed at the SDP Executive meeting including all CSPs across Devon on 22 November 2023. Work has now been completed to produce a public-facing strategy publication incorporating these components which met the required publication deadline of 31 January 2024.

Definition of violence

- 3.4 The strategy follows the SDP agreed definition of violence:

The intentional use of physical, sexual or psychological force or power (including threats of violence, and including coercive and controlling behaviour).

Vision, focus and priorities

- 3.5 The strategy vision has been defined and has been further refined within the final publication version as:

Our vision is for people, families and communities in Devon to thrive, safe from the risk and experience of violence.

- 3.6 Within this are defined 'focus areas' which are in keeping with the Serious Violence Duty's focus on 'public space youth violence', weapons-related violence and criminal activities where serious violence or its threat is inherent, such as drug related activities. The focus areas are also reflective of the findings from the SNA (see 3.9):
- Violence linked to specific contexts and factors, including domestic abuse, sexual violence and violence against women and girls, weapons related violence, violence linked to drugs and alcohol, violence in the context of exploitation and violence linked to specific places and spaces
 - Peer to peer harms, including physical violence, harmful sexual behaviour and violence taking place online

- 3.7 As required under the SV Duty legislation, the strategy is grounded in a public health approach to violence prevention; recognising that addressing the root causes of violence is crucial for prevention. It seeks to understand the complexity of violence and its causes, of people's lives and needs, and the complexity present in our systems and acknowledges that violence prevention is a long-term ambition requiring sustained preventative focus, system leadership, commitment and investment.
- 3.8 The strategy therefore outlines a 5-year framework for initial action, laying the groundwork for continued long-term focus on prevention.
- 3.9 As set out above, in line with the SV Duty requirements, in 2023 the SDP completed its serious violence SNA to understand what serious violence is happening in Devon and its drivers. This assessment is available in full at <https://saferdevon.co.uk/safetypartner/uploads/2024/02/PDF-SeriousViolence-Needs-Assessment.pdf>
- 3.10 The assessment highlights the unequal occurrence and effects of violence across Devon; a people and place-based approach to prevention will allow all partners holding the SV Duty to identify groups and places which, due to the disproportionate incidence of violence or factors understood to contribute to its occurrence, require a more targeted focus. This will enable delivery and resources to be directed where need is greatest.
- 3.11 In order to adopt a 'prevention first focus' requires a layered approach that stretches from whole populations through to more highly targeted with groups and places experiencing the most immediate risk of violence. This allows for steps to be taken to prevent violence as early as possible and before individual vulnerabilities have emerged, whilst also responding where concerns are developing or accumulating, and where risks have increased.
- 3.12 The diagram below shows an adapted version of the public health model of violence prevention, showing the three stages of prevention built into the Strategy. These three stages or layers can be described as:

Layer 1: Universal (Primary Prevention)

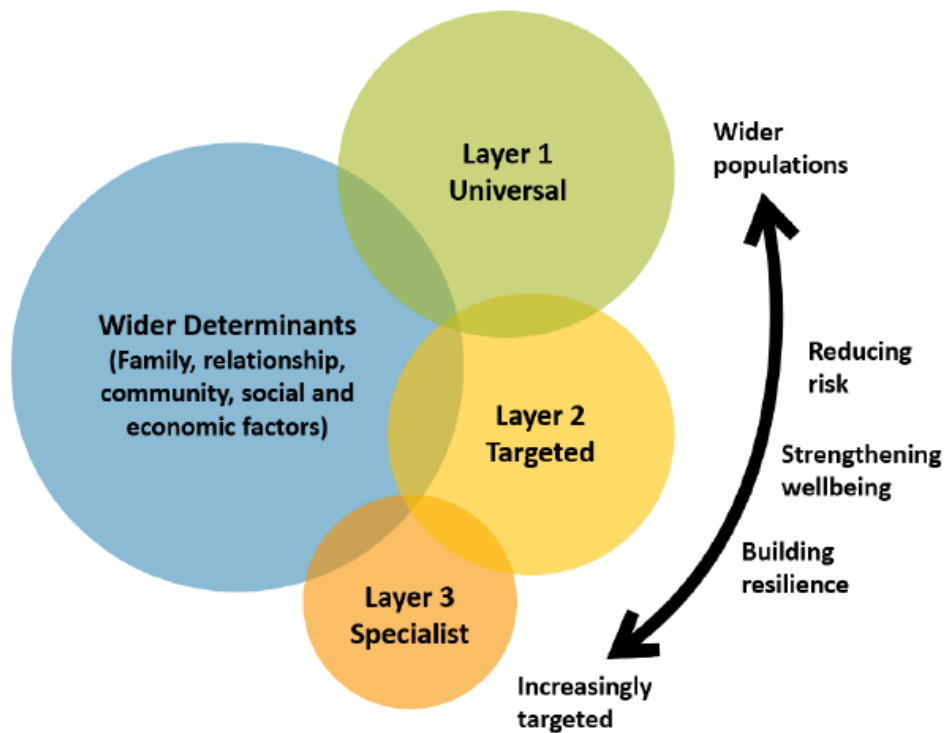
- Prevention of vulnerability factors emerging, focus on large groups with no or few vulnerability factors e.g. adolescents. Example: healthy relationships education in schools

Layer 2: Targeted (Secondary Prevention)

- Early intervention where vulnerability factors are emerging or accumulating, with focus on reducing risk and harm. More specific groups. Example: whole family recovery support from domestic violence

Layer 3: Specialist (Tertiary Prevention)

- Specialist support where risk is increased or risk of immediate harm. Very targeted groups. Example: work with young people directly experiencing exploitation



Safer Devon: Preventing Serious Violence Strategy 2024-29 (Public Health Model of Violence Prevention, adapted from Public Health Devon).

3.13 Within the above context, the final strategy priorities outline the overarching statements of intent which have been informed in more detail by the SNA. The original six priorities within the draft strategy have been simplified and are now set out across seven areas, separated as core and cross-cutting approaches.

Core Priorities:

Priority 1: Shape a series of preventative responses for young people and adults who, based on their individual needs and experiences, are at greatest risk of involvement in violence, taking account of intersecting needs and the individual ways needs may present.

Priority 2: Strengthen our understanding and response to contextual harms to reduce exploitation and peer group related risks.

Priority 3: Strengthen our early years and early help targeted offer for families where risk and vulnerability factors in relation to violence are present.

Priority 4: Challenge the normalisation of violence, particularly in relation to young people - supporting them to develop healthy and respectful relationships, both intimate partner and peer to peer.

Priority 5: Work towards creating inclusive and supportive education environments where all young people can thrive, with a focus on strengthening their wellbeing, resilience and opportunities.

Cross-cutting priorities

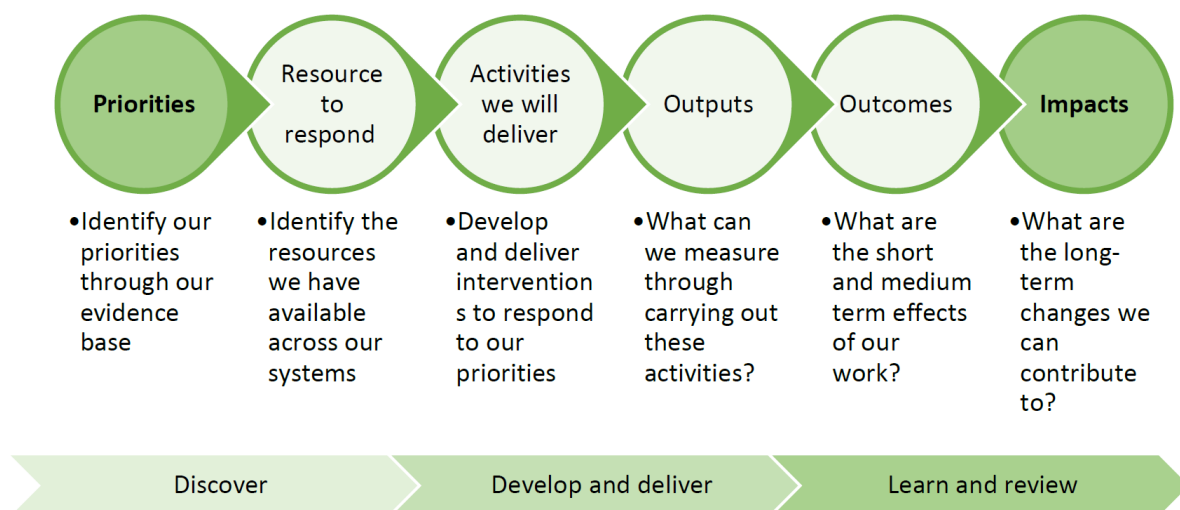
Priority 6: Work towards trauma, shame and neurodivergence-informed systems (see Appendix 1 within the strategy for a definition of these terms).

Priority 7: Strengthen our learning about serious violence, needs and drivers, and what works well as prevention.

4 Next steps

4.1 All CSPs will be working with the SDP to define achievable actions, outputs, outcomes and impacts with the subsequent long-term changes we aim to see in our communities in an overarching strategy delivery plan. This will be developed during 2024 following publication of the Strategy. As such, the strategy influence on CSP action planning and local activity will become more apparent from 2025/26 onwards.

4.2 The steps to achieving the intended impacts of the strategy are explored further in the diagram below:



Safer Devon: Preventing Serious Violence Strategy 2024-29 (model theory of change)

4.3 Once specific, aligned actions have been identified in the East and Mid Devon CSP then performance will be reported back to the SDP who will formally report to the PCC alongside its Devon-level actions or geography specific shared activity with specific CSPs. Our CSP will continue to deliver work that will support the Devon level strategy and will inform an update of the next iteration of our local CSP Action Plan from April 2024. In overall terms, there are some specific opportunities around a modest level of 2024/25 Home Office funding and in more depth going forward within the resources available.

5 SV Duty funding

5.1 The Home Office has provided limited funding for 23/24 and set out an indicative, higher level of support for 24/25 to specified authorities to prepare for and deliver the SV Duty.

- 5.2 As the 'local Policing Body', the PCC receives the funding and is responsible for meeting Home Office reporting and oversight responsibilities to ensure the funding is spent appropriately. A funding formula has determined the geographical split set out in the table below (see 5.5) based on an existing approach developed by the PCC for its SVPP which takes into account the overall population base, demographics (e.g. number of young people) and existing violent crime levels.
- 5.3 This funding associated with the SV Duty will be devolved to each upper-tier Community Safety Partnership (SDP in Devon). The SDP are responsible for ensuring that specified authorities including District CSPs can access this funding to support them to meet the duty with opportunities within this approach of working collaboratively across Devon. The SDP will be required to agree to the terms of a Grant Agreement with the PCC.
- 5.4 Non-labour funding (for interventions) will be allocated by an agreed funding formula; labour funding (for staff to deliver the SV Duty) will be allocated equally between the four upper tier CSPs. Whilst this may be subject to refinement, the Home Office has provided indicative funding levels for 24/25, under a total of £657,300. This will be devolved in accordance with the formula as follows:

Community Safety Partnership	Non-labour funding (split by formula)		Labour funding
Safer Cornwall (including Safer Scilly)	25%	£125,804.25	£38,520
Safer Plymouth	26%	£130,836.42	£38,520
Safer Torbay	19%	£95,611.23	£38,520
Safer Devon	30%	£150,965.00	£38,520

- 5.5 As part of the SDP Executive Board our CSP was involved in agreeing the distribution of the Safer Devon element of the funding. The labour costs will be utilised at SDP level to support the delivery of the Strategic Needs assessment and strategy development.
- 5.6 As part of the work required to be in place by 31 January, alongside the strategy publication, the SDP was required to submit an outline funding delivery plan to the PCC. Consequently, the SDP entered into a time-limited but robust process with CSPs for funding bids to support projects aligned with the strategy priorities which could be stood-up and delivered effectively within 2024/25. Several Devon-level projects were considered alongside some from district CSPs including East and Mid Devon CSP.
- 5.7 The East and Mid Devon CSP submitted two bids, one of which was successful. This will provide an additional £8k towards the funding of a full-time East Devon District Council based dedicated ASB officer post. As such, the funding will enable that role to extend its work across into Mid Devon and target specific localities or ongoing incidents one-day per week within the district working alongside other agency partners under a refreshed ASB Action Team approach which is part of the wider CSP Action Plan for 24/25.
- 5.8 There is currently no notice of allocation of Home Office funding after 24/25.

6 Conclusion

6.1 In order to discharge our duties under the SV Duty we are required to agree publish a strategy and governance arrangements that underpin delivery going forward. The Devon Preventing Serious Violence Strategy as outlined above (and attached in Annex A) has been developed by the SDP including East and Mid Devon CSP as SDP Executive members. The strategy utilises a public health approach over the next five years to address the key areas identified through the SNA.

7 Recommendations

7.1 In accordance with the above, the following recommendation is made:

1. That the PDG recommends that Cabinet recommends to Council the adoption the Devon Preventing Serious Violence Strategy 2024-29 as attached in Annex A to enable delivery by as appropriate by the Council's Community Safety Partnership (as a specified authority under the Serious Violence Duty).

Financial Implications

These are set out in Section 4 above.

Legal Implications

These are set out in Section 1 with further information on governance set out in Section 2 above.

Risk Assessment

There is a risk that if the Devon strategy and in particular the overarching statements of intent (Priorities 1-7) are not agreed by CSPs then the published collaborative strategy for Devon cannot be taken forward. Consequently, as a specified authority the Council would not be complying with the legal SV duty and Home Office funding may not be drawn down.

Impact on Climate Change

None directly arising from the report.

Equalities Impact Assessment

For consistency, a single EIA was required for the Devon-level Strategy document. The SDP have completed this overarching assessment against the strategy priorities and intended impacts using the Devon County Council (DCC) Impact template which was attached and approved at Cabinet on 9 January 2024.

The overarching vision and aims underpinning the strategy is for residents, families and communities in Devon to thrive, safe from the fear and experience of violence. It sets out to work with our communities to prevent harms as early as possible, address the impacts of harms that have occurred, and work to strengthen people's wellbeing, resilience and opportunities in life.

In achieving the above, the strategy adopts a public-health led methodology which is preventative and targeted as required by legislation. It is therefore intended to provide a framework for actions and interventions that support some of the most vulnerable or at risk persons in society and takes a trauma-informed approach. Consequently, the strategy accords with public sector equality duty and proactively seeks to address needs of people who are disadvantaged or suffer inequality as a result of serious violence.

The DCC impact assessment is much broader than just an equality analysis and covers a level of economic analysis, human rights information and environmental analysis. It also provides an in-depth summary of the strategy stakeholders, their interest and potential impacts. As such, it provides helpful additional contextual information on the strategy as well as setting out how the public sector equality duty has been met. The assessment was supported by district colleagues in Teignbridge and Exeter.

Relationship to Corporate Plan

Communities are a priority for the Council and this includes seeking opportunities to address public health issues and disparities to improve the health and wellbeing of everyone in Mid Devon.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151
Date: 12 Mar 2024

Statutory Officer: Maria de Leiburne
Agreed on behalf of the Monitoring Officer
Date: 12 Mar 2024

Chief Officer: Simon Newcombe
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 29 February 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 07 March 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing
Email: snewcombe@middevon.gov.uk.

Telephone: 01884 255255

Background information:

Statutory Guidance on Serious Violence Duty

<https://www.gov.uk/government/publications/serious-violence-duty>

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Devon Preventing Serious Violence Strategy 2024-29

Foreword

This Preventing Serious Violence Strategy outlines our collective ambition for keeping people, families and communities in Devon safe from the risk and experience of violence.

Our Serious Violence Needs Assessment has demonstrated with stark clarity the prevalence and impacts of serious violence in Devon. It has also highlighted the complexity of violence and the factors that can contribute to its occurrence. This Strategy presents a unique opportunity to respond, placing our communities and their lived experiences of violence at the centre of our work.

At the core of the Strategy is an appreciation of the inherently complex nature of violence and its drivers and of people's needs and experiences, and the importance of public health and human learning systems approaches to our work. This involves addressing the root causes of violence across the life course and developing holistic, flexible and bespoke responses that take account of complexity and are tailored for our communities and local contexts.

Building on our existing work to prevent violence and harm in Devon, we have already made progress towards achieving some key areas of this Strategy. We recognise we are at a much earlier stage of realising our ambitions in relation to other areas and intend for this Strategy to support us in furthering this work, strengthening our learning and evolving our practice as we do so.

This Strategy also presents an opportunity to galvanise leadership and commitment around the prevention of serious violence and encourage a greater focus on this agenda across the work carried out by our partnerships and systems in Devon. This includes seeking opportunities to realign and evolve existing work to focus on the people, places and priorities we have outlined below as forming the foundation of our Strategy.

The ways in which we work, both as partnerships and with our communities, and the approaches we use are as important as the work we carry out. This Strategy includes a commitment to act in alignment with our guiding principles, which are grounded in public health, trauma-informed and human learning systems approaches.

We intend for the collective vision, ambition and approach outlined in our Strategy to form the start of a sustained, long-term focus on preventing serious violence across Devon.

Steve Brown, Director of Public Health, Communities and Prosperity, Devon County Council and Chair of the Safer Devon Partnership

Councillor Laura Wright, Deputy Leader and Portfolio Holder for Culture and City Centre Strategy, Exeter City Council

Penny Smith, Interim Chief Nursing Officer, NHS Devon ICB

Councillor Roger Croad, Cabinet Member for Public Health, Communities and Equality, Devon County Council

Louise Arscott, Head of Devon and Torbay, Probation Service South West

Councillor Martin Wrigley, Leader of the Council, Teignbridge District Council

Chief Superintendent Jenny Bristow, Devon and Cornwall Police

Councillor Simon Clist, Deputy Leader, Mid Devon District Council

Gerald Taylor, Assistant Chief Fire Officer, Devon and Somerset Fire and Rescue Service

Tracy Hendren, Interim Chief Executive and Director of Housing, Health and Environment, East Devon District Council

Becky Hopkins, Deputy Director - Head of Children's Social Care, Devon County Council and Chair of the Devon Youth Justice Partnership Board

Councillor Julian Brazil, Leader of the Council, South Hams District Council

Councillor Mandy Ewings, Leader of the Council, West Devon Borough Council

Phil Gilbert, Public Health and Community Safety Manager, Torridge District Council

Darren Hale, Lead Environmental Health Officer, North Devon Council

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Introduction

This Strategy has been developed in response to the Serious Violence Duty, introduced in 2023, which requires specified authorities in local areas to ‘work together to prevent and reduce serious violence’.¹ It outlines Safer Devon’s framework for preventing and reducing serious violence in Devon.

The Strategy is grounded in a public health approach to violence prevention; recognising that addressing the root causes of violence is crucial for prevention. It appreciates the complexity of violence and its causes, of people’s lives and needs, and the complexity present in our systems and acknowledges that violence prevention is a long-term ambition requiring sustained preventative focus, system leadership, commitment and investment. The Strategy therefore outlines a 5-year framework for initial action, laying the groundwork for continued long-term focus on prevention.

In line with the Duty requirements, we have carried out a Needs Assessment to understand what serious violence is happening in Devon and its drivers. It highlights the disparate occurrence and effects of violence across Devon; a people and place-based approach to prevention will allow us to identify groups and places which, due to the disproportionate incidence of violence or factors understood to contribute to its occurrence, require a more targeted focus. This will give opportunity to direct delivery and resource where need is greatest.

Devon has good foundations in place to support a preventative response to serious violence. We can build on work initiated over recent years by the Safer Devon Partnership, Devon’s District Community Safety Partnerships and our wider partners to build resilience to harms taking place in the home, between peers and in communities. However, we recognise that further work and dedication is required to fulfil our collective ambitions.

This Strategy outlines an overall vision and priorities for our work to prevent violence. An action plan outlining how we will work towards these priorities will ensure the delivery of the Strategy and provide detail about our specific actions and activities as well as their expected impacts on our communities.

Additional to our core delivery work, there will be opportunity to link into and align with activities taking place across the peninsula and in other strategic partnerships across Devon, including the Devon Safeguarding Children’s Partnership and the Torbay and Devon Safeguarding Adults Partnership. Through building on our existing relationships, we can work across these partnerships to consider how violence prevention can be best supported through our local systems.

This Strategy is iterative and will evolve through learning and reflection, as we recognise that our understanding of violence and its drivers, the experiences and strengths of communities, opportunities for prevention and the maturity of our responses will evolve over time.

What do we mean by serious violence?

There is no single accepted definition of serious violence. When explaining what we mean by this term it is important to consider which harms we are referring to, their impacts and the factors that contribute to their occurrence.

¹ The Serious Violence Duty was introduced through the [Police, Crime Sentencing and Courts Act 2022](#). The full statutory guidance can be read here: Home Office (2023), [Serious Violence Duty Statutory Guidance](#).

This Strategy follows the Safer Devon Partnership's agreed definition of violence:

The intentional use of physical, sexual or psychological force or power (including threats of violence and including coercive and controlling behaviour).

Within this, we have defined 'focus areas'. These are in keeping with the Serious Violence Duty's focus on 'public space youth violence', weapons-related violence and criminal activities where serious violence or its threat is inherent, such as drug related activities.¹ The focus areas are also reflective of the findings from our Serious Violence Needs Assessment:

- Violence linked to specific contexts and factors, including domestic abuse, sexual violence and violence against women and girls, weapons related violence, violence linked to drugs and alcohol, violence in the context of exploitation and violence linked to specific places and spaces.
- Peer to peer harms, including physical violence, harmful sexual behaviour and violence taking place online.

Within these focus areas, our attention has been given to:

- Violence in young people (under 25s).
- Adults in the context of the harms they can cause towards young people (for example sexual and criminal exploitation).
- Adults who are more vulnerable to involvement in or victimisation through violence, including adults experiencing multiple disadvantages.

These focus areas have informed the groups and priorities we give attention to in this Strategy, which are discussed further below.

We have drawn on local and national datasets, partner insights, academic findings and lived experience insights from young people living in Devon about their experiences of violence. We have identified a significant number of key findings and also areas where additional exploration is needed to strengthen our understanding. When we refer to our findings about 'serious violence', we are referring to a range of offences that, based on the above criteria, were agreed to be in scope for our Serious Violence Needs Assessment.

Three key data sets are observed within the Needs Assessment which form the evidence base for this Strategy. These are: Police crime data, Youth Justice Service data and Probation data. It is important to note that each agency will include differing offences within the scope of what they consider to be 'serious violence'. A breakdown of offences in scope in relation to each agency can be found within the Appendix of the Needs Assessment.

In relation to Police data, which forms the basis for the vast majority of findings below, offences in scope are as follows; **Homicide, Violence with Injury, Robbery, Arson, Trafficking of Drugs, Possession of Weapons, Rape, Other Sexual Offences and Stalking and Harassment**. Although not an offence in its own right, **domestic abuse related offences** are captured in these figures.²

² In law, there is no specific offence of 'domestic abuse'. It is a general term describing a range of behaviours and can be applied to a number of offences. Crown Prosecution Service (2022), [Domestic Abuse](#). In Devon and Cornwall Police crime data, offences can be flagged as domestic abuse related, for instance an offence of Actual Bodily Harm could be flagged as domestic abuse related.

What serious violence is occurring in Devon?

Our findings show that whilst levels of serious violence taking place in Devon are low compared to national comparators, **serious violence is a growing concern within Devon’s communities with indications of increasing trends in recent years.**³

The following headline findings should be read in conjunction with our Serious Violence Needs Assessment and Executive Summary, which provide more detail including a complete list of caveats associated with the data.

<p>There has been an overall increase in the level of total serious violence crime, by around 12%.</p>	<p>Domestic abuse is consistently associated with serious violence; around a third of serious violence crime was tagged with a domestic abuse flag.</p>	<p>Violence with Injury comprises the majority of serious violence offences.</p>	<p>There are indications that violent crimes being committed may be becoming more severe in nature; ‘most serious’ Violence with Injury offences (e.g., Grievous Bodily Harm) have risen by 33%.⁴</p>
<p>Adults are responsible for the majority of serious violence offences recorded in Devon within Police crime data. Offences carried out by under 18s account for less than 20% of total offences.</p>	<p>Victims and those linked to committing the ‘most serious’ Violence with Injury offences are most likely to be adult males between the ages of 26-55.</p>	<p>Our evidence indicates that a significant cohort of vulnerable adults carry out serious violence as a result of complex needs and drivers, and that adults experiencing multiple disadvantages are vulnerable to being victims of violence and exploitation.</p>	
<p>Provisional Devon Youth Justice data indicates that serious youth violence appears to be increasing.</p>	<p>Substantial overlap is being seen between young people who are victims and those who are carrying out harm.</p>	<p>Qualitative data indicates a normalisation of violence between young people. Exposure to and use of violence online appears commonplace, including threats, physical violence, bullying, pornography and harmful sexual behaviour.</p>	
<p>Violence appears to be a concern for young people in Devon, including concerns about violence taking place between peers and concerns about feeling unsafe in their local areas.</p>	<p>Young people have identified peer pressure, being cool and fitting in as important factors for involvement in violence.</p>	<p>Knife crime is an area that would benefit from further research. Whilst Police crime data does not suggest young people are at risk, there are known limitations with this data and insights from young people and partners have indicated that knife crime may be an area of risk.</p>	

³ Unless stated, all Police crime data for serious violence relates to the period from November 2018 to October 2022.

⁴ ‘Most serious’ serious violence crimes include offence descriptions such as Grievous Bodily Harm (GBH). A full list has been published alongside the Serious Violence Needs Assessment.

<p>Available evidence indicates that drug related serious violence is increasing.</p>	<p>Drug business models, including county lines and other dangerous drug group activities, present risks to both children and adults from violence, exploitation (including child criminal exploitation) and the cuckooing of vulnerable adult drug users.</p>	<p>Child criminal exploitation (CCE) and child sexual exploitation (CSE) are often interlinked and co-occur with violence.</p> <p>Generally considered to relate to drugs, CCE is an important factor in young people who have carried out serious violence offences. CSE is seen at lower levels in this cohort, however it is likely to be underreported.</p>
<p>The occurrence of serious violence is gendered:</p> <ul style="list-style-type: none"> • Of all serious violence victims with a recorded sex, 60% are female and 40% male. • Within the 4 years observed, around 26% of all female victims were victimised more than once, compared to 18% of male victims. <p>Women are much more likely than men to experience specific kinds of violence, including sexual violence and domestic abuse:</p> <ul style="list-style-type: none"> • 85% of victims of Rape and Other Sexual Offences were female. • 76% of victims linked to a domestic abuse related serious violence crime were female. 	<p>The majority of serious violence that females experience is perpetrated by men. Of crimes linked to an offender, 81% of crimes with a female victim were committed by a male.</p> <p>Females are infrequently recorded as committing serious violence offences in crime data, accounting for 17.5% of those identified as committing an offence. Where females carry out serious violence, evidence indicates that they are likely to have a higher prevalence of vulnerabilities.</p>	
<p>Young females are particularly vulnerable to becoming a victim of a sexual offence, with 50% of female victims of Rape and Other Sexual Offences being under 18.</p>	<p>Most male victims of serious violence are within younger cohorts (26-35, followed by under 18s, then 18-25).</p>	<p>Males between 18-45 make up the majority of people committing serious violence offences.</p>

We have identified a number of needs and drivers throughout our Needs Assessment relevant to people’s involvement in serious violence in Devon. Our findings are weighted towards young people, in keeping with the Serious Violence Statutory Guidance; however, they are likely to be relevant to adults too.

The below diagram presents these needs and drivers through an ‘ecological lens’, demonstrating how they are interlinked across four spheres: ‘individual’, ‘relational’, ‘community’ and ‘societal’. We provide further insights about these needs and drivers in our Needs Assessment.

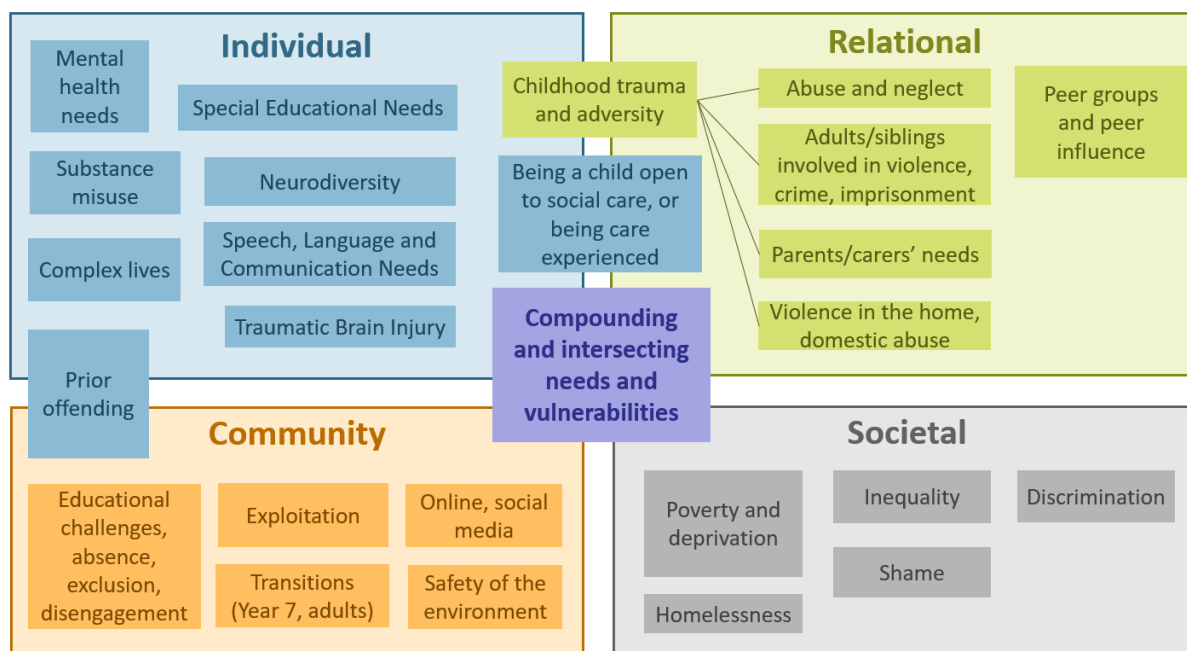


Figure 1: Ecological model of needs and drivers relating to serious violence.

How will we respond and who is involved?

The Serious Violence Duty requires a number of agencies (known as specified authorities) to work together as part of a local response. These are: Local Authorities, the Police, Integrated Care Boards (NHS), Probation services, Youth Justice services and Fire and Rescue services. The Duty also requires relevant authorities (Educational institutions, Prisons and the Children and Young People’s Secure Estate) to be consulted with and involved in partnership arrangements for the Duty.

A separate amendment to the Crime and Disorder Act 1998 has made preventing people from becoming involved in, and reducing instances of, serious violence a new statutory duty for Community Safety Partnerships. This includes preparing strategies in relation to this requirement.²

Our partners have collectively agreed that the Safer Devon Partnership, which includes senior representatives from specified authorities as well as the Chairs of Devon’s four District-led Community Safety Partnerships, will lead on the Devon response to the Serious Violence Duty. This encompasses the responses of Devon’s four District Community Safety Partnerships.

To have greatest impact, our work to prevent serious violence requires bringing together partners from across our systems and connecting with our communities. We have therefore brought together a varied range of local partners to inform strategy development alongside the specified and relevant authorities.

Given the reach of our partners across District, county-wide, Greater Devon and, in some cases, peninsula geographies, collaboration within and across these localities is important. This will provide opportunity for joint working with shared priorities across a range of geographies and facilitate a place-based focus where concentrations of violence, and vulnerability factors, are greatest.

Additionally, the Police and Crime Commissioner is taking a convenor role for the Duty across Devon and Cornwall. The Commissioner will chair the Peninsula Strategic Serious Violence Prevention Partnership, a group bringing together representatives from across the peninsula to provide strategic oversight and monitoring of the delivery of the Serious Violence Duty.

The core aim of this Strategy is to adopt a public health approach to serious violence which focuses on prevention, addressing the multiple underlying factors that contribute to the occurrence of violence in society.³

Factors influencing vulnerability and resilience to violence are experienced across the life course and in many different contexts and circumstances. This includes influences occurring at individual, relational, community and societal levels (see page 9, figure 1). These influences are likely to intersect with and compound one another, creating greater challenges and complexities over time.

Therefore, preventing serious violence requires holistic, flexible and bespoke responses. These should take account of the complexity of violence and its causes, people's lives and needs, and complexities within our systems and create approaches that work for our communities and local contexts, in keeping with the principles of Human Learning Systems.⁵

Prevention also requires a layered approach, stretching from a universal, population-wide focus to a more highly targeted focus on groups and places experiencing the most immediate risk of violence.

This layered approach allows us to take steps to prevent violence at the earliest possible opportunity and before vulnerability factors have emerged, whilst also responding where concerns are developing, accumulating, and where risk and vulnerability have heightened.

By focusing on prevention throughout our responses we can reduce the risk of harm to people, families and communities and work with them to strengthen wellbeing and resilience.

The diagram below shows an adapted version of the public health model of violence prevention, showing the three stages of prevention built into this Strategy.

⁵ For more information see: <https://www.humanlearning.systems/>

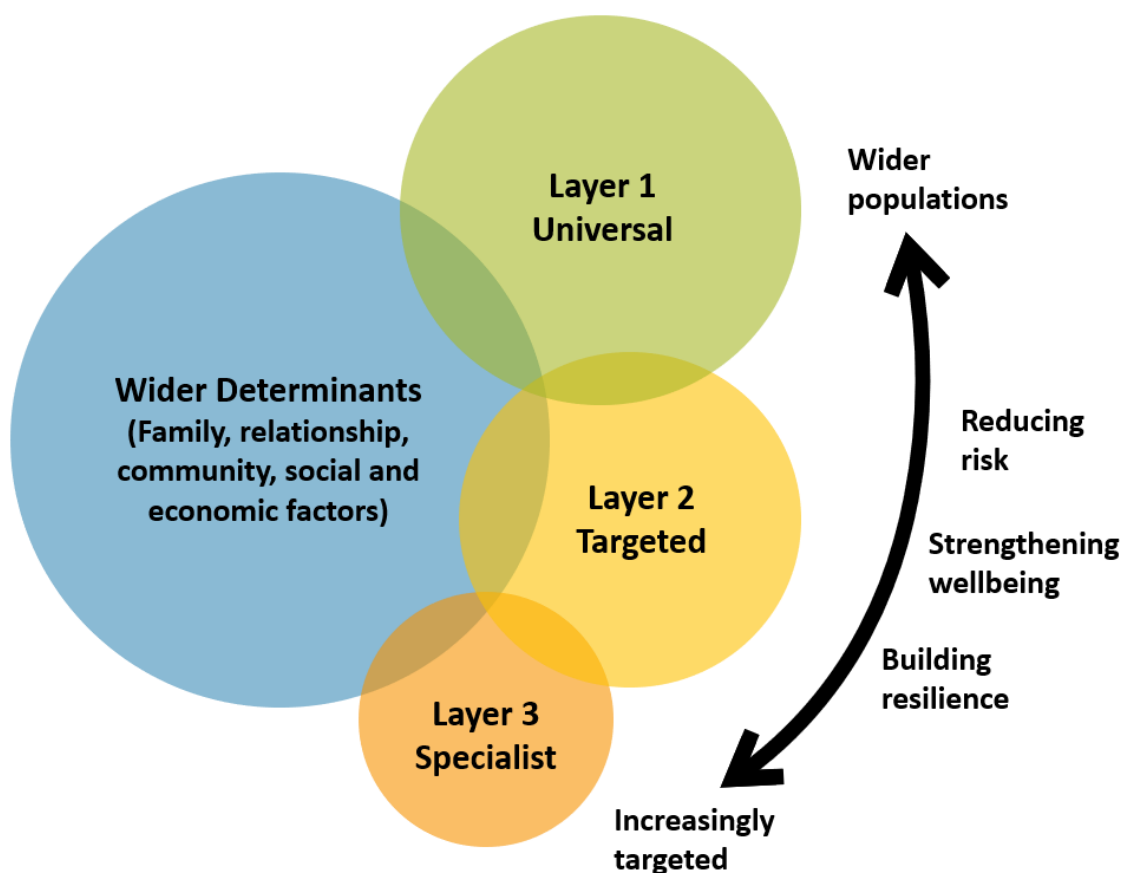


Figure 2: Public Health Model of Violence Prevention, adapted from Public Health Devon

Layer 1: Universal (Primary Prevention)

- Prevent vulnerability factors from emerging by strengthening protective factors.
- Target groups: groups with no or few vulnerability factors, focus on whole populations (e.g., adolescents).
- Examples: Healthy Relationships education for young people in schools.

Layer 2: Targeted (Secondary Prevention)

- Early intervention where vulnerability factors are emerging or accumulating, with focus on reducing risk and harm and building wellbeing and resilience at the earliest opportunity.
- Target groups: groups where concerns are starting to emerge, grow or become more complex with likely impacts on wellbeing and life chances – e.g., children experiencing domestic violence and abuse, children with a family member in prison, children and young people excluded from school.
- Examples: whole family recovery support from domestic violence and abuse.

Layer 3: Specialist (Tertiary Prevention)

- Specialist support where risk is heightening or there is a risk of immediate harm.
- Target groups: groups at heightened risk of becoming involved in or victimised by violence, who are on the periphery of the criminal justice system, or who may be at risk of re-offending.
- Examples: work with young people experiencing exploitation, Turnaround, Young Person’s Behaviour Change Project.

It is important to consider how we can create a shared understanding and commitment to violence prevention across our partnerships and systems and develop opportunities for joint working. Collaboration is best grounded in common approaches and principles, commitment to leadership, and shared responsibility and accountability.

Co-production with people, families and communities will allow us to situate their voices, experiences and expertise at the centre of our response. Identifying opportunities for co-production, including involvement in decision making, and building trust and confidence in this approach within our systems is an area we intend to prioritise.

Through adopting a place-based lens in our response, we will have opportunity to work alongside partners and communities situated in areas of greatest need in Devon and develop ways to build resilience, strengthen protective factors and, through doing so, reduce the disproportionate harms these communities experience.

Our strategy will have a two-fold focus:

- To consider how the Safer Devon Partnership can respond to serious violence through building on existing work and utilising opportunities such as the Home Office-devolved Serious Violence grant.
- To explore how we can embed focus on preventing violence and our strategic priorities across our wider partnerships and systems within Devon and the peninsula, influence opportunities for joint working and encourage the adoption of shared approaches and practices across a wider footprint.

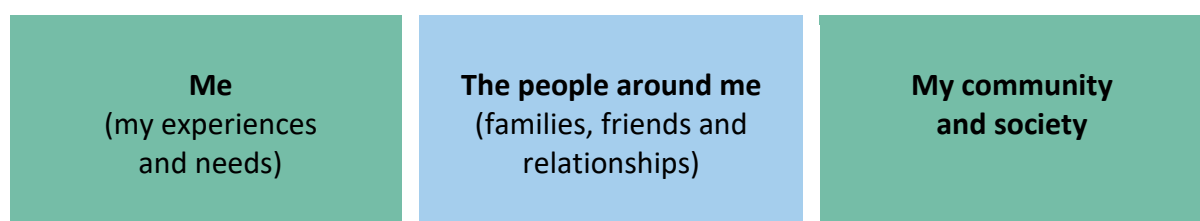
In many cases we believe our priorities and approaches will have benefits beyond the scope of preventing violence, given their focus on building resilience and wellbeing in our families and communities and adopting ways of working that are inclusive, compassionate and take account of people's lived experiences, for example through adopting trauma and shame-informed approaches.

Our strategy

Our areas of focus: people and places

We have identified three key areas of focus for this Strategy. Within these, we have identified groups and places where specific consideration would be beneficial based on the findings of our Needs Assessment.

Given the attention of the Serious Violence Duty on public space youth violence and its causes, we have focused predominantly on children, young people and families, although we have also identified adults with multiple disadvantages as a group of focus given their prominence within our Needs Assessment.



Me (my experiences and needs)	Why we are focusing on these groups
<p>Children who have care experience, and children who are open to social care.</p>	<ul style="list-style-type: none"> • Young people who have care experience are disproportionately represented in the Youth Justice System.⁶ They often face intersecting needs and experiences, such as Adverse Childhood Experiences, trauma and Special Educational Needs and Disabilities (SEND), and may have heightened vulnerability to exploitation. • Children open to social services who are not ‘Looked After’ are also likely to have experienced Adverse Childhood Experiences and trauma, potentially increasing their vulnerability to becoming involved in serious violence. • Devon Youth Justice data shows that in 2021/22, 39% of serious violence offences were committed by children open to social care. In 2022/23 this figure was 44%. These figures are inclusive of Looked After Children.
<p>Children with Special Educational Needs (SEND), Speech, Language and Communication Needs (SLCN) and who are neurodivergent, particularly where there are compounding risk factors, and including where needs are undiagnosed and unidentified.</p>	<ul style="list-style-type: none"> • There is an overrepresentation of young people with SEND, Speech, Language and Communication Needs (SLCN) and who are neurodivergent within Youth Justice cohorts, including young people who have carried out serious violence offences.⁴ • The prevalence of young people with SEND in the Devon Youth Justice serious violence cohort is greater than the prevalence in cohorts who have carried out other offences. In 2022-23, 29% of all serious violence offences were carried out by a young person with identified SEND needs, compared to 17.5% of all other offences.⁷ • Underdiagnosis and ‘diagnostic overshadowing’⁸ in relation to SLCN, neurodivergence and SEND is well recognised.⁵ • Partner insights highlight a lack of diagnosis and support as a potentially important factor which may increase vulnerability for some young people. National research evidences this in relation to Developmental Language Disorder (DLD), which comes under the umbrella of SLCN.⁶ Whilst this finding is specific to DLD it is likely to hold relevance to other needs.
<p>Adults who experience multiple disadvantages.</p>	<ul style="list-style-type: none"> • Adults facing multiple and compounding disadvantages, such as substance misuse needs, being in poor health and experiencing violent or unhealthy relationships are likely to have experienced multiple Adverse Childhood Experiences.⁷ • Exposure to multiple childhood stressors is associated with subsequent involvement in violence as a victim or perpetrator, including intimate partner violence. Indeed, national research suggests up to 52% of violence perpetration could be linked to Adverse Childhood Experiences. Additionally, violence, including violence in the home and intimate partner violence, can facilitate the intergenerational passage of Adverse Childhood Experiences.⁸ • Multiple and complex needs have been identified as a prominent theme for adults in Devon where concerns are greatest around serious violence; a high number of needs were seen in adults who had committed serious violence offences and were on Probation (on average, females were linked to 5.9 needs per offence and males were linked to 5.4 needs per offence). Homelessness and indications of a chaotic living condition were also prevalent. 20% of the Probation cohort were registered to No Fixed Abode or had no recorded address.

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⁶ For the purposes of this Strategy, we refer to children who have care experience as those where the local authority has become their corporate parent at some point during their childhood – often referred to as Looked After Children.

⁷ It is unclear how far underreporting as well as underdiagnosis of SEND may be a factor in this data.

⁸ Diagnostic overshadowing is where some behaviours or needs are looked for more than others. This means someone may receive a diagnosis without exploration of whether there may be additional underlying reasons for their behaviour or needs. Once someone receives a diagnosis, any future difficulties they experience or changes in their presentation may be attributed to their existing diagnosis instead of other factors.

- Partner insights suggest that adults with multiple disadvantages are at greater risk of being victims of a range of violent harms, including drug related violence and exploitation. The risk of sexual violence and sexual exploitation towards women is a particular concern.
- Exploitation has been identified as a significant area of concern for children and young people involved in serious violence.
- Data from the Devon Children’s Services REACH (Reducing Exploitation and Absence from Care or Home) Team shows that Child Criminal Exploitation (CCE) is the most commonly identified form of exploitation for children and young people, along with Child Sexual Exploitation (CSE). CCE is generally considered to relate to drugs; however, business models of exploitation (such as county lines or local dealers) can vary and be unclear, with implications for the exploitation, harm and violence experienced. Often CCE and CSE can co-occur.
- Devon Youth Justice data shows there were concerns regarding CCE for 28.9% of young people who committed a serious violence offence in 2021/22, whilst in 2022/23 this figure was 19.2%. In 2022/23 11.5% of children who committed a serious violence offence were believed to have previously been sexually exploited. It is likely that CSE is underreported.
- Young person peer groups present particular harms, with anecdotal evidence from partners highlighting concerns around certain peer groups who carry out violence and a range of interlinked and wider harms within a group context.

Children and young people who are at risk of contextual harms (risks from outside of the family).

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The people around me

Why we are focusing on these groups

Young people and families who are affected by imprisonment or involvement in crime or violence.

- Familial imprisonment and involvement in crime can be a potential risk factor for children becoming involved in violence and crime. Children who experience parental imprisonment are more likely than their peers to experience multiple adverse childhood experiences, have complex behaviour and emotional needs, and be arrested and imprisoned later in life.⁹
- Local lived experiences research by Space Youth Service indicates parental imprisonment has a significant impact on young people’s mental and physical wellbeing, their home life and their behaviour. 44% of children consulted by Space had experienced family going to prison. Whilst these figures relate to a small sample of 36 children, meaning their generalisability is unclear, they highlight a currently unmet need in Devon.

Young people and families who are affected by the needs of parents and care givers, for example substance misuse and/or mental health.

- Partners have highlighted the importance of the needs of parents and care givers, especially needs around substance misuse and/or mental health, in potentially heightening vulnerability for young people.
- Local data from the first cohort of young people in the Turning Corners programme in 2019/20 (who were identified as being at risk of crime, violence and/or anti-social behaviour) indicates that 39% grew up in a household with adults who experienced alcohol/drug needs and 16% had a parent living with a mental health condition.⁹
- The Devon Young Person’s Behaviour Change Project, which works with young people who display harmful behaviour, has reported that of 28 children in the service from April 2022 - March 2023, 46% had a parent with a mental health need.

⁹ Turning Corners was an early intervention programme for young people in South Devon at risk of carrying out anti-social behaviour, crime and violence.

Young people and families who are affected by domestic violence and abuse.

- National and local research evidences a relationship between witnessing and/or experiencing domestic violence and youth violence.¹⁰ Our understanding of the prevalence and importance of childhood domestic violence and abuse in young people and adults who carry out violence and harmful behaviour is emerging and would benefit from further research.
- Domestic abuse comprises a third of all serious violence crime. Children experiencing familial domestic abuse are recognised in law as victims in their own right.¹¹ The prevalence of childhood exposure to domestic abuse across the population in Devon is currently unclear. However:
 - 49% of First Time Entrants in the Devon Youth Justice Service within a 12 month period had experienced domestic abuse either as a victim or witness.¹⁰
 - 36% of young people engaged in structured activity with the Y-Smart young person’s substance misuse service reported having experienced domestic abuse as victims in their lifetime.¹²
 - 83% of young people in Turning Corners in 2019/20 had experienced domestic abuse as a victim or witness.
 - On average, 85% of adults displaying harmful behaviours that have engaged in community behaviour change programmes report having experienced domestic abuse as children.¹³

By community and society

Why we are focusing on these groups

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Education settings (schools, alternative provision and colleges).

- Evidence indicates that children involved in serious violence in Devon have experienced multiple educational challenges.
- Children who were cautioned or sentenced for a serious violence offence in Devon were found to have low educational attainment, a high number of absence periods before the offence, a high number of suspensions or exclusions before the offence (88% had previously been suspended) and a high number of alternative provisions.¹⁴
- Exclusion is a particular concern as a factor increasing risk around involvement in violence. 2021/22 Devon Youth Justice data shows 37% of serious violence offences were committed by children with at least one prior exclusion. In 2022/23 this figure was 44%.
- Attendance at an alternative provision (AP) is also a concern. Local Department for Education data (relating to children in KS4 from 2012/13-2017/18) shows that 42% of children in Devon who were cautioned or sentenced for a serious violence offence had ever attended an AP. Of this cohort, 65% of children were in an AP before their first serious violence offence.
- National recognition has been given to the importance of disengagement from education, including through suspension and exclusion, in creating conditions for exposure to exploitation, criminality and violence and in escalating risk.¹⁵
- International evidence indicates a link between violence taking place in schools and later criminal justice involvement.¹⁶ Local qualitative insights highlight concerns around bullying, racism, homophobia, transphobia, harmful sexual behaviour, misogyny and violence in schools, and indicate a rise in violence between peers and towards staff.

¹⁰ This research was carried out against Police crime and intelligence reports. It is possible that data around the experience of domestic abuse in First Time Entrants may not have been entered into the system, due to the unreported nature of this crime. Therefore, it is possible that the number of First Time Entrants who had experience of childhood domestic abuse is higher than reported here.

Communities experiencing the greatest levels of violence, harms and factors known to influence this, for example deprivation, poverty, the presence of drug activities and concerns around the Night-Time Economy.

Whilst further work is required to understand the occurrence and experience of violence across our communities in Devon, evidence indicates the occurrence of serious violence is influenced by local factors:

- Local data shows the highest levels of serious violence crimes take place in urban areas; these are busy and usually densely populated areas that often have prominent Night-Time Economies.
- Insights from young people and partners suggest certain places and spaces may present greater risks around violence and associated harms. Lived experience work with young people highlights concerns around the safety of their local areas.
- The presence and nature of drug business models is likely to influence the occurrence of violence linked to supplying drugs.
- Poverty and deprivation can combine with other factors to heighten the risk of young people becoming involved in violence. Socio-economic factors have been identified as a core foundation of violence, and child poverty as a key driver.¹⁷
- 67% of young people cautioned or sentenced for a serious violence offence in Devon were eligible for free school meals (note, this is less than 2% of the total children on free school meals).¹⁸ Local Police data indicates that drug possession and trafficking offences are more likely to occur in more deprived postcodes.

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For young people, focusing on safety and exposure to violence and harmful behaviours in adolescence.

- Lived experience insights from young people in Devon tell us that exposure to violence as a witness or victim, online or in person, appears normalised for young people. Online spaces and social media appear an important facilitator of violence. Harms young people are exposed to include bullying, pornography, sexual violence, physical violence and fights. Peer to peer violence is also an important concern.
- Harmful sexual behaviour in young people often appears normalised, including sexual harassment, unhealthy relationships, the sharing of explicit images and online sexual abuse. An anonymous survey of 17 girls working with Space Youth Service in a programme for young people at risk of experiencing/displaying harmful sexual behaviour showed that: 52% had received unwanted physical touching; 76% had experienced unwanted sexual images; and 70% had experienced controlling behaviour from a partner. Regardless of the small sample size, this indicates that harmful sexual behaviour and unhealthy relationships are present, and a concern, for young people in Devon.
- Insights from young people have highlighted knife crime as a concern and a potential area of risk.
- Peer pressure, fitting in, safety and protection appear important for understanding young people's involvement in violence.

Our vision

Our vision is for people, families and communities in Devon to thrive, safe from the risk and experience of violence.

Our priorities

We will strengthen our collective response to preventing serious violence through delivering the following priorities.

Core priorities

Priority 1: Shape a series of preventative responses for young people and adults who, based on their individual needs and experiences, are at greatest risk of involvement in violence, taking account of intersecting needs and the individual ways needs may present.

Priority 2: Strengthen our understanding and response to contextual harms to reduce exploitation and peer group related risks.

Priority 3: Strengthen our early years and early help targeted offer for families where risk and vulnerability factors in relation to violence are present.

Priority 4: Challenge the normalisation of violence, particularly in relation to young people - supporting them to develop healthy and respectful relationships, both intimate partner and peer to peer.

Priority 5: Work towards creating inclusive and supportive education environments where all young people can thrive, with a focus on strengthening their wellbeing, resilience and opportunities.

Cross-cutting priorities

Priority 6: Work towards trauma, shame and neurodivergence-informed systems (see appendix 1 for our definitions of these terms).

Priority 7: Strengthen our learning about serious violence, needs and drivers, and what works well as prevention.

We will define achievable actions, outputs, outcomes and impacts and the subsequent long-term changes we aim to see in our communities in our delivery plan, which will be developed during 2024 following publication of this Strategy. The steps to achieving our intended impacts are explored further in the diagram below.

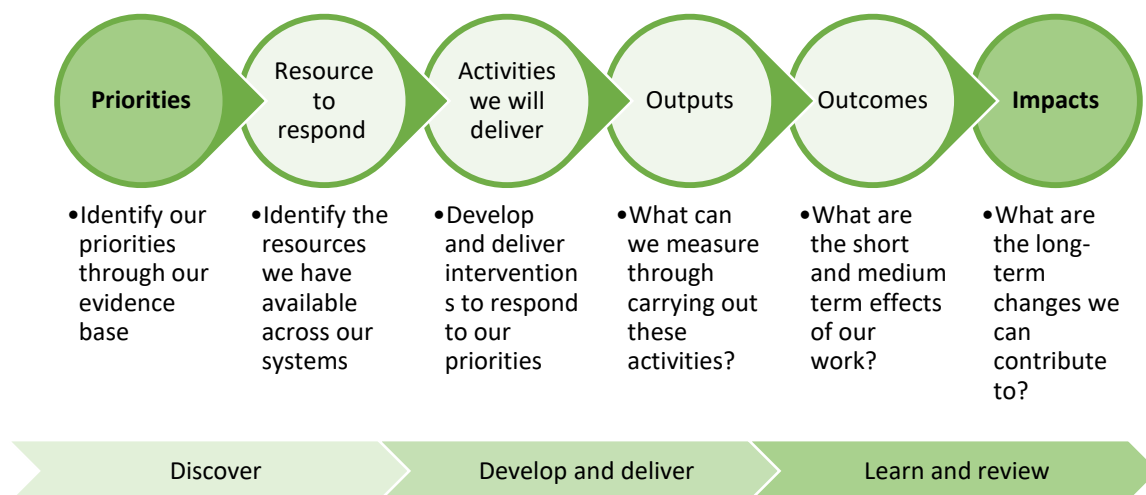


Figure 3: Diagram showing a model theory of change for our Strategy, outlining how our priorities will lead to activities that we deliver, in turn leading to outcomes and long-term impacts for communities.

Further details about our priorities are provided on the following pages, including our rationale for selection. We have listed examples of work already being progressed by partners that are contributing towards delivering our priorities; at the same time, we recognise there is substantially more to do.

Core priorities	Our evidence	Examples of work we are already doing
<p>Priority 1 Shape a series of preventative responses for young people and adults who, based on their individual needs and experiences, are at greatest risk of involvement in violence, taking account of intersecting needs and the individual ways needs may present.</p>	<p>Young people and adults at greatest risk of involvement in violence are likely to experience multiple, intersecting and compounding experiences and needs. For example, in relation to young people, the Department for Education has demonstrated nationally that: ‘children with higher numbers of multiple risk factors are more likely to be children who are cautioned or sentenced for a serious violence offence, compared to children with fewer multiple risk factors’.¹⁹ Regarding adults, offences committed by people on Probation between April 2022 and March 2023 were linked to 5 needs per offence on average for the total cohort, indicative of high and multiple needs.</p> <p>It is important that when working with people we take account of the breadth and complexity of their experiences and needs. This involves using person-centred approaches that are adaptable and flexible to people’s needs and exploring inclusive and wraparound models of support.</p> <p>It is also important that services are aware of how presenting (primary) needs (e.g., substance misuse) can mask underlying (secondary) needs and experiences such as past or ongoing trauma.</p>	<p>The Young Person’s Behaviour Change Service supports young people who have experienced domestic abuse in their home and are beginning to demonstrate harmful behaviours towards a family member or intimate partner. Two evaluations have evidenced the efficacy of this service in reducing aggressive behaviour, improving relationships, feelings and behaviours, and reducing the burden on partner services.</p> <p>Dialectical Behaviour Therapy training has been introduced by Y-Smart, the young person’s substance misuse service, to educate young people in how to live in the moment, develop healthy ways to cope with stress, regulate their emotions and strengthen their relationships with others.</p> <p>Together, the adult substance misuse service, is strengthening pathways between Police Custody suites and people arrested due to substance related needs to encourage them into treatment. Where relevant to their offending, courts can award Mental Health Treatment Requirements, Drug Rehabilitation Requirements and Alcohol Treatment Requirements. These are delivered by Together practitioners.</p> <p>The Police-led Intervention Clinic is creating opportunities to intervene with young people under the age of 18 when they offend for the first time or are on the periphery of offending behaviour. A whole-family approach is taken, focusing on intrafamilial harm and risks from outside the family. With consent, young people are referred to services offering skilled support and intervention. This could be linked to wider needs such as speech and language, neurodivergence, or family dynamics.</p> <p>A Fire Safety Intervention Programme is provided by the Fire Service for children and young people under the age of 18 who show an unhealthy fascination with fire or have engaged in fire setting behaviours. Interventions include fire safety education, arson awareness and peer pressure, personal and family safety. This promotes children and young people’s development and social and emotional learning, building their resilience around making safer choices.</p>

**Priority 2
Strengthen our understanding and response to contextual harms to reduce exploitation and peer group related risks.**

Exploitation has been highlighted as a factor in violence taking place in Devon. As noted on page 14, Devon Youth Justice service data highlights the presence of Child Criminal Exploitation and Child Sexual Exploitation within cohorts of young people who have committed a serious violence offence.

Anecdotal insights have highlighted risks within young person peer groups, with indications that certain peer groups are carrying out violence and wider harms within a group context. Evidence about these areas is limited and would benefit from further exploration.

The Devon Adolescent Safety Framework (ASF) has provided a framework for responding to contextual harms experienced by young people. A review of the ASF has identified opportunities to strengthen Devon’s existing contextual safeguarding response.

The Devon Adolescent Safety Framework is undergoing review, including the identification of recommendations and priorities for future work and the production of an outcomes framework.

The Devon Youth Justice Service is carrying out work with partners to increase the understanding of young people experiencing exploitation and how they present across different services.

Work is ongoing to explore and develop a Risk Outside the Home (ROTH) Service for interventions with children and young people whose risks and needs are outside of the home, in line with their age and developing maturity. This will include missing episodes, antisocial behaviour and pro-social identities/activities, and young people at risk of exploitation.

**Priority 3
Strengthen our early years and early help targeted offer for families where risk and vulnerability factors in relation to violence are present.**

Evidence indicates that familial experiences can heighten vulnerability in relation to violence for children and young people. Our Needs Assessment has identified the importance of focus on childhood trauma and adversity, including domestic violence and abuse, parental and caregivers’ needs (including substance misuse and mental health) and families affected by imprisonment or involvement in crime or violence.

Adverse childhood experiences are associated with vulnerability to violence throughout the life course and can transmit intergenerationally, creating potential for cycles of violence in families. Research shows a significant proportion of justice-involved children and adults in prison have experienced adverse childhood experiences.²⁰

Traumatic experiences during the early years of life, including the first 1,000 days, are particularly crucial for later outcomes.²¹ This highlights the importance of early years as a focus for work with families. Further evidence for the areas discussed above can be found on pages 14-15.

A 12-month whole-family Domestic Violence and Abuse Recovery Support ‘Test and Learn’ Pilot was recently introduced. Run by SAFE, NDADA and Community Links and commissioned by Safer Devon and Devon County Council, it worked with families, including children, who had experienced domestic abuse with the aim of supporting them to recover from these experiences, build resilience and break the cycle of violence. An external evaluation is currently taking place.

FearFree deliver a whole family behaviour change offer. Family members who have perpetrated domestic abuse are supported through a behaviour change programme, whilst children, if appropriate and desired, are supported by a children's worker. Family members who are victims/survivors are allocated an IDVA (Independent Domestic Violence Advocate) for direct support and to co-ordinate the response.

Anti-social behaviour and safeguarding training for frontline housing officers in East Devon Council is being developed to help identify and respond to ASB early on. This will help prevent escalation, identify families and young people with potential vulnerability and provide support and signposting. Similar work in Mid Devon is being explored.

**Priority 4
Challenge the
normalisation of
violence,
particularly in
relation to
young people -
supporting them
to develop
healthy and
respectful
relationships,
both intimate
partner and
peer to peer.**

Local evidence indicates there is a growing culture of normalised violence and harmful behaviour in young people. Lived experience insights from young people in Devon show that online violence is commonplace with 52% of young people viewing violent content on social media. Misogyny and harmful sexual behaviour are frequently observed and perpetuated both online and offline.

Bullying, racism, misogyny, homophobia, biphobia and transphobia have all been noted to occur in schools in Devon and seem normalised. Further work is needed to understand the extent of serious violence experienced by people with protected characteristics.

International evidence indicates links between school violence and later criminal justice involvement.²² Preventative, education-based and bystander approaches focused on young people, parents and carers at the earliest opportunity are likely to address the roots of these issues and promote healthy and respectful behaviour and relationships.

[Let's Talk](#) online support sessions for parents and carers of teenagers and pre-teens are being run by South Devon and Dartmoor Community Safety Partnership, focusing on challenges young people are facing today and exploring ways they can be supported. Recent topics have included exploring teenage relationships, mental health and emotional wellbeing, anger and challenging behaviour, and bullying and online challenges.

A pilot of the Mentors in Violence Prevention Programme is being rolled out by Safer Devon to a selection of secondary schools, where trained young people teach their peers about the scope of violence and empower them through their own leadership to be 'active bystanders' by challenging harmful behaviours.

A Safer Spaces, Safer Places project is being developed in Teignbridge in partnership with Young Devon and Space Youth Service. The project is commissioned through the Community Safety Partnership utilising funding from the Government Levelling Up Fund, and tackles violence by building resilience in communities with a focus on young people and women and girls. This includes work to make town centres feel safer for all, and to change the culture of misogyny through a whole community approach.

A Reactive and Harmful Sexual Behaviour Panel is currently being set up across Targeted Early Help services, which will include training and supervision for practitioners, information, advice and guidance for partners and a route into service delivery where needed. The Panel will focus on harmful behaviours which are sexually motivated and also on behaviours which are reactive to specific situations for a child, but which result in inappropriate behaviour which can be seen as sexual.

Police Youth Engagement Officers are delivering education in local schools where concerns are greatest around knife crime through the national Operation Sceptre initiative, raising awareness in young people regarding the consequences and dangers of carrying knives.

**Priority 5
Work towards
creating
inclusive,
supportive
education
environments
where all young
people can
thrive, with a
focus on
strengthening
their wellbeing,
resilience and
opportunities.**

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Educational challenges, particularly exclusion as well as disengagement from school, have been identified as important factors heightening risk around involvement in serious violence.²³ Devon Youth Justice data shows that in 2022/23, 44% of serious violence offences were committed by children who had at least one prior exclusion.

Local Department for Education data shows that attendance at an alternative provision (AP) is also a risk factor for children. 42% of children who were sentenced or cautioned for a serious violence offence in Devon (who were in KS4 between 2012/13-2017/18) had attended an AP. Of these, 65% were in the AP before an offence was committed.

Exclusion disproportionately affects certain groups, including children and young people with SEND, children and young people on free school meals and children and young people open to social care. These groups are also overrepresented in cohorts involved in serious violence.²⁴

Partners have also highlighted concerns around bullying, violence and harmful behaviour taking place in schools.

Partners have indicated that more could be done to ensure education environments are inclusive and safe places where all young people feel supported, including young people with additional needs.

The Inclusion and Education Wellbeing Teams work to support children and young people where they may have additional needs or be unable to attend school, and where children and young people are at risk of exclusion. This includes providing guidance to schools regarding reasonable adjustments, funding packages to support therapeutic adjustments, and alternative provisions.

Additionally, the Inclusion Team, in partnership with organisations such as Space Youth Service, provide support to schools where concerns or challenges arise, for example around harmful behaviour occurring within a year group. Support can include group work for young people within the school setting delivered by Space to address concerns and give young people the tools to challenge harmful behaviour.

Early Help and School Inclusion are working together to promote integrated working and close the gap for children at risk of not reaching the best education outcomes. This includes exploring opportunities to focus on this agenda within the Youth Justice Service and to provide learning for practitioners about the barriers to successful education engagement.

Work is ongoing with Early Help to explore the development of a transition offer across Devon for young people moving from year 6 into year 7 who may benefit from support with the transition from primary to secondary school. This follows a successful pilot in Exmouth.

Devon County Council encourages all education settings to report incidents of bullying, prejudice and racism. Each incident is reviewed to ensure settings are taking appropriate response, preventative and proactive measures. Support provided by the Council to settings includes: workshops to support young people who are targeted and feel unsafe and young people who cause repeated harm; Equality, Diversity and Inclusion pupil forums to hear Devon children's voices on what equality, safety, belonging and respect looks like to them and in their school; and resources to support schools to improve policy, practice and awareness around Equality and Diversity.

Cross-cutting priorities	Our evidence	Examples of work we are already doing
<p>Priority 6 Work towards trauma, shame and neurodivergence-informed systems (see appendix 1 for our definitions of these terms).</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 195</p>	<p>A significant number of young people and adults in the criminal justice system have experienced childhood trauma and adversity.²⁵ This is in addition to traumatic experiences that may take place later in life.</p> <p>The experience of shame is closely linked to trauma, and it is likely that many people who have encountered trauma also experience shame. Experiencing shame can lead people to behave in ways that mask the shame they feel. These responses vary depending on the individual and can include anger, aggression, hostility and violence.²⁶</p> <p>A high number of young people and adults in the criminal justice system are understood to be neurodivergent, and may have differences in how they process and learn information, function, and communicate.²⁷</p> <p>Being trauma, shame and neurodivergence-informed across our organisations and systems is crucial for ensuring we work with people in a compassionate, inclusive and person-centred way that can take account of their past experiences, meet their present needs and address barriers in the way our services and systems operate.</p>	<p>In a Devon County Council initiative, pioneer professionals supporting victims of domestic abuse and sexual violence have been PATH (Psychological Advocacy Towards Healing) trained to improve psychological support available to victims.</p> <p>Supported by the EOS Board,¹¹ the Sexual Violence Pathfinder is delivering a trauma stabilisation workforce development programme across the domestic and sexual violence and abuse system. This will improve the psychological support available for adults who have experienced sexual violence and abuse and provide trauma stabilisation interventions.</p> <p>The Interpersonal Trauma Response Service, commissioned by NHS Devon, provides training and support services to all GP practices across Devon to identify indicators of trauma and abuse and make clinical enquiries. Adults and children affected by domestic abuse, adults affected by sexual abuse or sexual violence or concerned about their own abusive behaviour in relationships, and children affected by domestic abuse are eligible for support.</p> <p>‘Putting the Pieces Together’ is being delivered through the Devon Integrated Care System, providing training on complex trauma and language and communication development for professionals working with children, young people and their families in Devon, Torbay and Plymouth.</p> <p>Facilitated through the Anna Freud Centre, the National Autism Trainer Programme is being delivered to the Devon Youth Justice Service. The programme is co-designed and co-delivered by people with lived experience of neurodiversity. Professionals will be trained as trainers to upskill staff in the needs of young people with autism.</p>

¹¹ The EOS Board is a partnership between Southwest peninsula local authorities, Integrated Care Boards, Victim Support and the Office of the Police and Crime Commissioner.

**Priority 7
Strengthen our
learning about
serious violence,
needs and
drivers, and what
works well as
prevention.**

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Our Needs Assessment has developed a detailed picture of violence taking place in Devon and factors influencing its occurrence and has highlighted where we can build further insights.

The prevalence and scope of some kinds of violence in Devon is unclear, including knife crime, violence within peer groups, exploitation, modern slavery-related violence and the role of Organised Crime Gangs and the level of harm they may cause to communities.

There are currently gaps in our understanding of the experiences of violence of people with protected characteristics, including ethnically diverse people and LGBTQ+ people, and the intersection between hate crime and violence.

Evidence suggests that many people involved in serious violence may have multiple and intersecting needs, however conclusive local evidence is lacking. We need to strengthen our understanding about how intersecting personal characteristics, experiences and needs can combine to create unique experiences of violence and in some cases heighten vulnerability and risk.

We can build on our existing ‘test and learn’ approach to strengthen our understanding of what works well as prevention – using evaluation, quantitative data and qualitative insights from people accessing services and those involved in delivery.

Trauma informed work is being developed through the Children’s Social Work Academy. To date, this has included the development of a Dyadic Developmental Psychotherapy (DDP) Forum and awareness raising materials for practitioners.

The Trauma Informed Health Project, funded by NHS Devon, is a collaborative project with the Royal Devon University Hospitals Trust to develop examples of, and guidance for, providing trauma informed and shame sensitive health care in acute settings such as hospitals.

Space Youth Service has been working with Safer Devon to collect information from peer-led lived experience research projects about young people’s experiences of topics including familial imprisonment, weapons, drugs and alcohol, harmful sexual behaviour and fights.

Work is taking place with the Devon Children’s Social Care Quality Assurance Service to design multiagency learning events focusing on serious youth violence cases. This will involve a multiagency exploration of the events in these cases, interventions from services, successes and missed opportunities. Timescales around this work are to be determined.

We are working to strengthen the sharing of data around serious violence, using the findings from our Needs Assessment and gaps in our understanding to identify areas for future work.

Our underlying themes

A number of themes run throughout this Strategy and will be used to inform work against our priorities.

- 1) Relatable moments** - identifying opportunities to engage with young people, families and adults to build resilience and wellbeing and support change.

Relatable moments can include times and places where there may be greater opportunity for engagement, such as during early years and through education settings. They can also be moments when risk is heightened, including at the point of exclusion, when a child or young person comes into social care, or when they first come into contact with the Police.²⁸

- 2) Breaking cycles of harm in families and communities** – working to break cycles of harm and violence, including the intergenerational transmission of harm and violence in families.

This involves taking account of needs and drivers taking place at individual, familial/relational, community and societal levels, and considering the impacts of trauma and shame within families and communities. Through adopting whole-family and whole-community approaches, the root causes of these needs and drivers can be addressed and protective factors and resilience can be strengthened.

- 3) Transitions** – supporting young people during times of transition, for example primary to secondary and child to adult, with particular focus on 18-25s.

Key life transitions have been highlighted by our partners, Devon Youth Voice and in research as critical times for young people, being potential times of challenge and creating opportunities to build resilience. These include transitions taking place at the start of adulthood, such as from child to adult services, from youth justice to probation, from child to adult safeguarding and mental health services, and transitions from being in care. Young people have also identified transitions from primary to secondary, from school to college, from education to employment and into housing as important.²⁹

- 4) Equality, diversity and intersectionality** – consideration needs to be given to protected characteristics, understanding and taking account of the intersecting identities and experiences that can shape vulnerability and resilience to harm.

When we talk about intersectionality, we are referring to how multiple identities, such as race, gender, gender identity and sexual orientation, interact to create unique individual experiences of discrimination and oppression.³⁰

Given the prominence of gender-based violence within our Needs Assessment, it is important that our responses consider a gendered lens where appropriate.

Our guiding principles

Finally, how we work matters as much as the work we carry out. We have developed a set of guiding principles that are grounded in public health, trauma-informed and human learning systems approaches to working.

They will inform how we work together with our partners, how we work with people, families and communities, and how we seek to prevent violence. As system leaders we will commit to working in line with these principles and to using our example and influence to encourage their adoption across our systems.

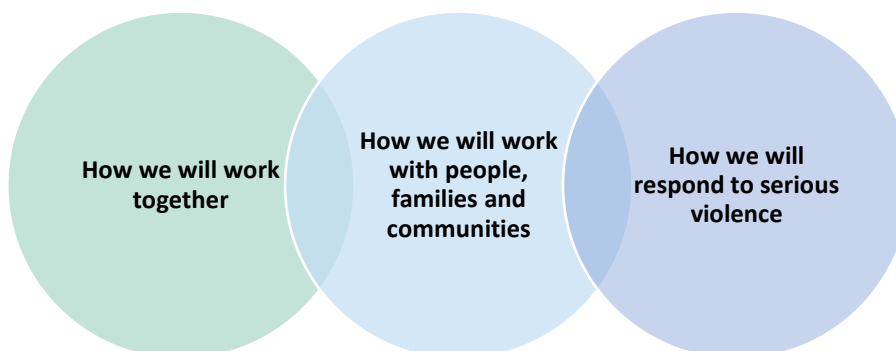


Figure 4: Diagram showing our guiding principles and how they interlink.

How we will work together

- 1) We will work together across our organisations, partnerships and systems to prevent serious violence, with focus on strengthening leadership, creating shared responsibility and accountability and addressing barriers to change.
- 2) We will take a co-production approach to our work, valuing and maximising the voice, expertise and role of young people, families and communities in our actions, including in decision making.
- 3) We will empower our practitioners – giving them the time, opportunity and support to work with our communities in new ways and embed new approaches in their practice.
- 4) We will make the most of the unique value each partner can bring to our work and maximise opportunities for involvement from all specified authorities and Community Safety Partnerships, and from the wider statutory and voluntary sector.

How we will work with people, families and communities

- 1) We will be strengths-based - focusing on wellbeing, resilience and opportunity and building on the assets of our people and communities.
- 2) We will be relationship-based – building trusted relationships within families and peer groups and with professionals.
- 3) We will be inclusive, compassionate and non-judgemental – respecting people’s lived experiences and circumstances.
- 4) We will take a holistic approach - thinking whole-person, whole-family and whole-community.
- 5) We will recognise and challenge harmful norms, inequalities, exclusion and discrimination, and advocate respect and inclusion.

How we will respond to serious violence

- 1) We will address the root causes of violence through long term and sustainable prevention and early intervention.
- 2) We will take a life course approach - focusing on factors that influence vulnerability and resilience from early years and throughout childhood, adolescence and adulthood.
- 3) We will recognise complexity (in violence and its causes, in people's lives and needs, and in our systems) and the importance of creating bespoke, considered responses that foster connection, value relationships and work for our communities and our local contexts, focusing on learning through the journey.
- 4) We will be curious and evidence informed – building on our existing understanding and taking account of what we don't know.
- 5) We will focus on continuous learning and improvement.

Appendix 1: Definitions

Trauma-informed

Trauma-informed practice is an approach to interventions that are grounded in the understanding that trauma exposure can impact an individual's neurological, biological, psychological and social development. The purpose of trauma-informed practice is not to treat trauma-related difficulties, which is the role of trauma-specialist services and practitioners. Instead, it seeks to address the barriers that people affected by trauma can experience when accessing services.

Trauma-informed practice aims to:

- Increase practitioners' awareness of how trauma can negatively impact on individuals and communities and their ability to feel safe or develop trusting relationships with services and their staff.
- Improve the accessibility and quality of services by creating culturally sensitive, safe services that people trust and want to use. It seeks to prepare practitioners to work in collaboration and partnership with people accessing services and empower them.
- Acknowledge the need to see beyond an individual's presenting behaviours and ask, 'What does this person need?' rather than 'What is wrong with this person?'
- Avoid re-traumatisation, which is the re-experiencing of thoughts, feelings or sensations experienced at the time of a traumatic event or circumstance in a person's past. This can be damaging to people's wellbeing and can affect their engagement with services.

Trauma-informed practice involves 6 principles: safety, trust, choice, collaboration, empowerment and cultural consideration.³¹

Shame-informed

Shame is a complex and negative emotional experience that can take many forms. It occurs when we feel negatively judged or 'less than' others, when we feel unworthy, unloved or as though we might be rejected, or if we feel we have transgressed the standards and expectations we set for ourselves or that are set by others.³² Shame is closely linked to trauma; emerging research indicates that events such as traumatic experiences and/or societal inequalities can cause an individual to experience shame.³³

'Chronic' or 'toxic' shame can result in behaviours and responses that mask the shame people feel. These responses vary depending on the individual and can include anger, aggression, hostility and violence.³⁴ Shame has also been identified as an important barrier to seeking and receiving support. Shame-sensitive practice is important to overcoming this barrier and avoiding further shaming and stigma when engaging with services.³⁵

Being shame-informed involves following the principles of shame competence. This is a set of skills, principles and practices that can be learned by individuals and applied within workplace settings, enabling people, teams and organisations to constructively engage with shame to advance wellbeing, dignity and inclusion.³⁶

Neurodivergence-informed

Everyone can be described as neurodiverse, as we all vary in the way our brains work, including how we think, learn, communicate and function. The term neurodivergence is used where someone processes, learns or functions differently from what is considered average or typical. Neurodivergent people may find some things very easy and other things more difficult.³⁷

The social model of disability states that people are disabled by barriers in society, not by their impairment or difference. Barriers can be physical or they can be caused by people's attitudes to difference. Removing these barriers creates inclusion, equality and opportunity and amplifies diverse abilities.³⁸

Being neurodivergence-informed involves taking an inclusive, accessible and non-judgemental approach to the way we work with people and design and deliver services, recognising where barriers exist in the current ways our services, organisations and systems operate. This involves listening to and accommodating peoples' individual needs and preferences around language, processing, learning and communication and ensuring our approaches to support are flexible and inclusive.

Ableism refers to the belief that 'typical' abilities or ways of being are normal and superior, including being 'neurotypical'. An ableist attitude defines people who are neurodivergent as lesser and can lead to harmful stereotypes and discriminatory beliefs, attitudes and actions.³⁹ Neurodivergence is in no way 'lesser' than any other way of being. Being neurodivergence-informed involves accepting neurodivergence as equal to any other way of thinking, learning, communicating and functioning, and actively challenging ableist beliefs and practices.

Some important components of a neurodivergence-informed approach are training relating to neurodiversity and ableism, accessible practical tools for staff, and cultures that promote inclusion, accessibility and diversity.⁴⁰



West Devon
Borough
Council



DEVON &
SOMERSET
FIRE & RESCUE SERVICE



PREVENTING
SERIOUS
VIOLENCE
BREAKING THE CYCLE

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MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 19 February 2024
at 5.30 pm

Present

Councillors

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

Apologies

Councillor(s)

Also Present

Councillor(s)

J Buczkowski, F J Colthorpe, C Harrower, S Keable,
J Lock and D Wulff

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy
Chief Executive (S151)), Maria De Leiburne (Director of
Legal, HR & Governance (Monitoring Officer)), Richard
Marsh (Director of Place & Economy), Dean Emery
(Corporate Manager for Revenues, Benefits and
Recovery), Paul Deal (Corporate Manager for Finance,
Property and Climate Change), Matthew Page (Corporate
Manager for People, Governance and Waste), James
Hamblin (HR Business Partner), Sarah Lees (Democratic
Services Officer) and David Parker (Democratic Services &
Policy Research Officer)

Councillors

Online

A Glover, L G J Kennedy, F W Letch and L Taylor

Officers Online

68 APOLOGIES AND SUBSTITUTE MEMBERS (0:03:55)

There were no apologies for absence.

69 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0:04:05)

Members were reminded of the need to make declarations of interest where appropriate. There were no interests declared under this item.

70 PUBLIC QUESTION TIME (0:04:17)

The following members of the public asked questions:

Goff Welchman

My questions refer to 3 Rivers, about which I have asked previous questions, but have received replies which were, in my opinion vague. In view of my time limit, I'll just summarise, by number of each lesson learned, the ones to which I would like to receive an exact reply.

The Chairman commented that many of these questions, or similar variants had been answered over the past year and a fairly detailed response was provided to Mr Welchman at our last meeting. However, to ensure further transparency she would allow these additional follow up queries.

Question 1. Lesson 1/. Were two external directors with relevant specialised skills, who were unrelated to the Council, in place from the outset?

Response: As confirmed on numerous occasions directors were appointed with the relevant specialised skills from the inception of the company - this decision was made by the Council after securing external professional legal and financial advice.

The Council did make 2 external appointments following additional advice at significant cost. It would be interesting to reflect how these additional overheads placed further financial viability pressure on the company at a time when their pipeline of potential development opportunities was being constricted.

Question 2. Lesson 3/. How was the board independent, when 3 directors were a Councillor and 2 Council officers, and exactly when was external banking advice sought, and from whom?

Response: At the outset, all directors were either seconded or recharged to the company - as was and is the case with many Council controlled trading entities. The Council was very clear on maintaining ethical walls and division of duties to minimise risk, both perceived and real.

Again professional external advice was secured prior to the Council making these appointments. External banking advice was secured when the company was set up - this came from NatWest Bank.

Question 3. Lesson 4/. Safeguarding and auditing of loans. Is it true that a 3 Rivers director, who was also a Council officer, requested loans, which were then signed off by another senior Council officer? Were there any checks or audits in place to safeguard these taxpayers' funds?

Response: There was clear separation of duties and a number of officers involved in the authorising of loans to the company. All sums related to invoices received from external suppliers were checked prior to releasing any payment.

As part of these checks, Council officers only ever approved amounts that were in full compliance with the approved sums agreed in business cases and the ultimate business plan agreed by the Council. These were also linked to approved loan agreements.

Question 4. Lesson 5/. Was St George's Court properly put out to tender, or was it just handed to 3 Rivers even before the company was fully set up?

Response: St George's Court was awarded to 3 Rivers by the Council as one of its earliest developments. It was then up to the company to decide how it would contract these works. The company isn't subject to the same procurement rules as the Council.

Question 5. Lesson 6/. When MDDC loans were made to 3 Rivers, was a full and proper risk assessment carried out, and if so, where is that recorded and approved?

Response: As explained in the answer to Lesson 4, the loan verification was agreed to amounts approved in company business cases and the business plan. These documents included all relevant risk assessments and updates against these risks were provided by the company to the Council at regular intervals.

Question 6. Lesson 9/. Was an agreed exit strategy in place right from the beginning, and if so, how was it approved, and by whom?

Response: No formal exit strategy was agreed by the Council. However, regular financial/risk reporting was provided to meetings for members to consider. Then a decision point to annually continue to invest, or not, would be made in the Council/Cabinet agreement, or not, of the company's annual business plan.

Responses from Deputy Chief Executive (S151) Officer

Nick Quinn

My first question relates to Agenda Item 9 – Establishment Update.

When the interim Establishment update was presented to Scrutiny on 14 August 2023, I asked if the Council had an organisation chart showing the areas of responsibility and reporting lines of all posts.

Councillor Gilmour responded by saying that the end of year Establishment report, set for February, would be the time for a formal structure chart - "*and that is something that, as Chair of Scrutiny, I would like to see happen*".

I asked if the chart would be published and Councillor Gilmour replied "Yes". The meeting minutes show that: "*The Chairman, in response, confirmed that one would be prepared and published*".

My Question is: Why has this not been done?

My second question relates to the Agenda item 11 - Planning Enforcement.

The proposed Enforcement Policy confirms that nothing will be done for the vast majority of reported breaches, but I would like to ask about one where something can be done.

A Planning Inspector has issued a decision on an appeal regarding a planning condition at the Anaerobic Digester plant at Red Linhay, outside Tiverton.

After commenting on "... *the alleged inaction since the earlier grant of permission for the anaerobic digester with the corresponding condition*", the Inspector made the decision that:

The noise assessment, and any works required as a result, must be completed within 6 months of this decision.

If this is not done, then: "*the use of the anaerobic digester shall cease until such time as a scheme is approved and implemented*".

My Question is: If the noise assessment and works required, at Red Linhay, have not been properly completed by 12 July 2024 - will this Council issue an immediate Stop Notice on this site?

The Chairman thanked Mr Quinn for his questions and indicated that as the questions had not been received two clear days in advance of the meeting that a written response would be provided.

Barry Warren

My questions are prompted from the report and documents the subject of Item 11 on your agenda.

The main heading of the report is 'Local Enforcement Plan Mid Devon District Council 2024' yet all the rest of the documentation is referred to as 'Local Planning Enforcement Policy'.

1. Is it a plan or a policy?

Ms Doyle had sent all members of Scrutiny Committee a very detailed response to the document which I hope you have all read as she raised issues which I would have raised. I was the Chairman of the working group which prepared the original report and recommendations on Planning Enforcement and this current document is not what we envisaged since it contained a lot of words but not a lot of policy that can or would be implemented.

2. I ask that this committee gives full attention to the document, and public comments, before recommending its acceptance by Cabinet?

Members had always been told by officers that there was no need for Planning Committee to oversee Planning Enforcement as this would be covered by the relevant Cabinet member. Paragraph 7.1 on page 11 of the document made reference that the *Service Lead of Legal may refer a matter to Planning Committee*.

3. Would the Planning Committee have an opportunity to see the policy document and have any say on the content?

In the report the word ‘**proportionate**’ appears six times in relation to action to be taken.

4. How is ‘proportionate’ or ‘proportionately’ interpreted by Officers at MDDC when deciding on actions?

I have received a letter from the Council alleging data breaches in relation to my use of emails. The letter accuses me of using my personal email account to write to officers in relation to non-enforcement of planning conditions some 5 months after I ceased to be a councillor! I understand a number of former councillors have also received letters including one who had forwarded a bus timetable from his Council email account! These actions must have taken considerable Officer time and resource to put together and it could be construed as discriminatory, intimidatory and bullying.

5. In the light of stated staff shortages, does this look like proportionate action and proper use of resources?

The Chairman thanked Mr Warren for his questions and indicated that as the questions had not been received two clear days in advance of the meeting that a written response would be provided.

Louise Doyle

QUESTION 1

In January, I asked the Authority to share with certain elected Members (appointed by Scrutiny or Planning) how they had categorised, investigated, resolved and closed cases in the past couple of years? In response, the Authority refused stating “enforcement activity is legally privileged”. I recognise the confidentiality of the requested spreadsheet would not contain personal info (why would it) confidentiality would be maintained. Further, Councillors are GDPR compliant.

This request was important because (oddly) 95% of cases are being categorized as low. Low means...

1. Minor tweaks to developments with permission or permitted development
2. Satellite dishes and
3. Some Advertising

Can I ask the Chair to please establish a working party to review cases before any revised Enforcement Plan is assessed by Enforcement given its ambition that 95% of cases moving forward will not be investigated.

QUESTION 2

I would like a complete response to my question 3 of January explaining the discrepancy in figures quoted to Scrutiny Committee in July versus those recorded at the Dept of Levelling Up re Notices.

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In Jan, Committee was told that planning officers issuing template letters would mitigate having one enforcement officer/300 cases. I asked how many officer hours would be made available. The Authority had no figures. To what extent was this solution explored before being put to Scrutiny?

QUESTION 4

The Authority has been asked to improve their enforcement service by Scrutiny Committee.

How does having one enforcement officer in order to save £35K improve the service?

QUESTION 5

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How will this result in an improvement to the enforcement service?

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Why was valuable reporting on performance scaled back, and why?

QUESTION 9

The proposed Enforcement Plan states that Low Priority cases will not be investigated when there are other higher priority cases (which is at all times). How will putting in place a plan to cut investigations so significantly improve the service?

QUESTION 10

The proposed Plan seeks to drop the Highest Priority category. How will this result in an improvement to the service?

QUESTION 11

The Plan places Breaches of Condition that are not impacting residential amenity or trees in the low category and therefore not being investigated. This undermines those “necessary” Conditions and is a green light for non-compliance by developers?

QUESTION 12

The Authority suggests the revised enforcement plan is similar to East Devon’s. The East Devon plan has timelines, targets and a commitment to investigate low/med/high breaches. Does the Authority, therefore, accept that the two approaches/services are chalk and cheese?

The Chairman thanked Ms Doyle for her questions and indicated that as the questions had not been received two clear days in advance of the meeting that a written response would be provided.

Paul Elstone

Question 1

My question relates to the Scrutiny Committee Workplan and concerns MDDC Pay Policy

A question I asked at Cabinet on the 6 February 2024 was worded along these lines: *“How can the grossly excessive pay increases of circa £24,000 or 33 percent and by circa £18,000 or near 21 percent be considered, in any circumstances, a decision that would not stand up to any scrutiny in private business”.*

When the Cabinet debated then voted to approve the proposed pay policy changes there was obvious unease. This resulting it is believed the Cabinet Member for Finance voting against the proposal and both of the Deputy Leaders abstaining.

It was evidenced that other Members did not support the proposals.

It is on record that the Council Leader in part justified these gross salary rises based on them being new Job's.

In the real business world being new jobs, there would be high level scrutiny including performance and competency check requirements. This given the magnitude of the role and salary changes. That the jobs would be externally advertised to see if there are better candidates.

Therefore, will this Scrutiny Committee fully investigate/scrutinise the merits or otherwise of the salary rise proposals?

Question 2

Can the Solicitor and Monitoring Officer please detail what is this Council's legal position when the perpetrator of a planning breach is shown beyond any doubt as providing repeated false and misleading information to the Council in support of avoiding enforcement? This for substantial financial gain.

Question 3

I has been stated by the Scrutiny Committee Chair that and I quote *“we will bring Enforcement up to scratch in the next 12 months”.*

At a Cabinet Meeting in June 2016 and in a report about Planning Enforcement Improvement and a report prepared by the current MDDC Chief Executive. Many of the things said then and proposed now are the exact same.

That rather than seeing any improvements the enforcement situation has gone backwards.

So, what is different given the same Executive Management and same if not much bigger problems? The public need to see tangible results.

Therefore, why should the Scrutiny Chair's statement be believed?

The Chairman thanked Mr Elstone for his questions and indicated that as the questions had not been received two clear days in advance of the meeting that a written response would be provided.

Sarah Coffin

My questions relate to Agenda Item: 11 – Enforcement.

Unfortunately, the Enforcement review merely reaffirms my own experiences from decades of interaction with this Council; Mid Devon pays lip service to providing a democratic and balanced Planning administration. All the proposed changes would do was ensure the enforcement waiting list continues to grow but in an orderly catalogued manner.

Given the declared importance of Enforcement issues within the Report is there an independent allocation within the budget, for Enforcement, or does it get included within the general Planning costs?

If the latter, I am sure Councillors will agree that intelligent and correctly worded Planning Approvals become even more imperative and can only be achieved via inclusive rather than selective assessment of all relevant facts?

Are Councillors aware that the Enforcement Notice EP/21/090/AN, served on 15 December 2021 by this Council, for the placement of an effective cover on a slurry/digestate pit, to prevent harmful organic emissions invading nearby homes; is still not in place?

Do Councillors appreciate that during this long delay caused by repeated broken promises, affected neighbours have been and are still subject to the risks of long time exposure; to what are acknowledged as hazardous emissions detrimentally affecting their wellbeing?

In view of time passed, investigation costs incurred (2017/18) by all relevant health/emergency/regulatory agencies and Scrutiny Committee, into complaints of fissured tongues, breathing difficulties, eye irritation, heart problems and digestion issues; why has Mid Devon not prosecuted the offending farmer/AD operator for non-compliance or fitted an effective cover on his behalf and claimed full reimbursement, as is permitted via the Environment Act?

The Chairman thanked Ms Coffin for her questions and indicated that as the questions had not been received two clear days in advance of the meeting that a written response would be provided.

71 MINUTES OF THE PREVIOUS MEETING (0:28:01)

The minutes of the meeting held on 18 December 2023 were approved as a correct record and **SIGNED** by the Chairman.

The minutes of the last meeting held on 15 January 2024 were approved as a correct record and **SIGNED** by the Chairman.

72 **DECISIONS OF THE CABINET (0:28:56)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 6 February 2024 had been called in.

73 **CHAIRMAN'S ANNOUNCEMENTS (0:29:07)**

The Chairman had no announcements to make.

74 **WORK PROGRAMME (0:29:13)**

The Clerk to the Scrutiny Committee took the Committee through the Work Plan for 2024 – 2025. He pointed out that various regular reports had been added and that the Committee would hear from two Cabinet members about their portfolios at the next four meetings of the Scrutiny Committee. He also pointed out that there was plenty of room within the plan to add other matters to scrutinise.

75 **WHISTLEBLOWING ANNUAL REPORT (0:32:26)**

The Corporate Manager for People, Governance and Waste gave a verbal report that Mid Devon District Council had received no whistleblowing reports in the past six months until recently when a whistleblowing incident had been raised. That incident was now being investigated.

Discussion took place with regard to:

- Concern about the absence of whistleblowing and whether there was an environment that inhibited people from whistleblowing. The Corporate Manager for People, Governance and Waste replied that the Council promoted a culture of openness and transparency and whistleblowing incidents were treated properly and confidentially.
- The recent whistleblowing incident was the first occurrence of this nature for at least five years.
- The distinction between a complaint/grievance and whistleblowing. Whistleblowing was where there was an issue cited that was of public interest and concern.
- Whether there was an expected number of grievances annually. The Corporate Manager for People, Governance and Waste said that that depended upon a number of factors, particularly what was happening within the Council at a particular point in time as well as other factors. The Corporate Manager said he was happy to look at what data could be potentially shared with Members in future reports but would need to ensure that both data protection and appropriate levels of confidentiality were maintained around any statistics published.

76 **ESTABLISHMENT UPDATE (0:39:54)**

The Committee had before it and **NOTED** a report on the Establishment.

The Corporate Manager for People, Governance and Waste replied to the question from Mr Quinn that, the Establishment report made clear on the front cover that a full establishment structure chart would be circulated once the current consultation on the Corporate Management Team had been completed.

The Operations Manager for Human Resources introduced the Establishment Update. The three key metrics were, sickness, agency spend and staff turnover.

- Sickness was at its highest for four years and new ways of working were being found such as inoculations being offered to members of staff.
- Agency spend this year was down by 37% year on year.
- Staff turnover was down by 3.7% year on year with the current projections for 23/24 down by 16.5%. Initiatives and new ways of working continued including the rollout of Mental Health Champions across the Council, reviewing employee benefits and supporting staff with access to seasonal vaccinations.
- Work was underway on the staff survey action plan.
- The negotiations for the 2024/25 pay award had begun.

Discussion took place regarding:

- The fact that the Council's use of agency staff had decreased.
- Greater scrutiny and discussion about the establishment.
- Vacancies were reviewed on a weekly basis to decide whether they should go forward for recruitment or delay the appointment. There had been a shift in the market with the workforce preferring secure employment rather than agency work.
- Whether there was a correlation between delays in filling staff vacancies and staff sickness – the Operations Manager for Human Resources said that he would investigate that further. However, Mid Devon District Council's sickness levels ran very similar to other Councils across the country. Trends and patterns were being looked at. Further recruitment training was being offered to managers to make sure that they recruited the right person with the correct experience.
- The calibre of applicants and how they were recruited.
- The Appraisal process varied from organisation to organisation, roll out of the new process would be this year so that employees could understand how they were contributing to the Council. The Appraisal Policy should be collaborative.
- Managers will involve employees with the setting of objectives although managers may set the focus or direction. On the whole it is a collaborative process, but employees are encouraged to give their views so that it should be a beneficial process both to manager and member of staff.
- Mental Health – there were a cohort of staff across the Council who were 'Mental Health Champions' and the Champions themselves received support from an Employee Assistance Programme staffed by people who were trained counsellors. However, on a one to one structure the first point of call for any staff member should be their line manager, it was important that staff felt that they were able to raise issues.

- Staff Survey – how did staff who did not have their own e-mail address get a chance to respond? Staff were employed over a variety of services meaning that some staff did not use a lap-top or iPad on a day to day basis, for that reason they would not have an e-mail address. The strategy for dealing with those staff was that they had regular team meetings (or toolbox talks). Updates were provided through the “LINK” which was printed for their staff rooms.
- What proportion of the staff worked from home and from that could one extrapolate sickness between those who worked from home and those who worked at Phoenix House? It was confirmed that hybrid working was 50% across the organisation. For those that could work in this way 90% had signed up for it but of those, a lot at different times prefer to be in the office. Presenteeism – staff may be unwell but continued to work from home despite specifically not being required to do so. With regard to sickness absence and the split between staff that work in a hybrid way and those that work on site - that data would be available with the next Establishment report.
- “I love my job” ethos – melding of the organisation’s needs with employee’s aspiration, generating a sense of belonging.
- Apprenticeships – both traditional apprenticeships and upskilling apprenticeships were available for all staff to enable them to do more.

77 MOTION 564 - INCLUSIVITY AND COMMUNITY ENGAGEMENT (1:05:35)

Councillor Westcott introduced the report from the Inclusion and Diversity Working Group which followed on from Motion 564 passed by Council in 2021. The first discussion with women Councillors had taken place. Discussions had taken place around the appointment of those candidates who work. The Group had not restricted themselves to just looking at issues faced by women candidates, they had also looked at disability access in conjunction with the Equality Diversity and Inclusion (EDI) Group chaired by the Corporate Performance and Improvement Manager.

The interim conclusions of the working group were that there should be training on protected characteristics, more interactive training for the Chairs and Vice Chairs of committees regarding inclusivity which might include more experiential things like the ice-breaker sessions that Councillors had at the start of their training, the Group would also like the questionnaire to be put to all Members regarding the timing of meetings and removing obstacles to any group.

The Chairman thanked the group for the work that they had done so far.

Discussion took place with regard to:

- Whether the group were consulting with officers as well as Members about meeting times.
- That the Council should lobby Central Government to allow Members to vote when attending meetings on-line.

The Recommendations of the Working Group were:

- Democratic Services arrange in house training for all Councillors in protected characteristics
- In addition to the existing training for chairs and vice chairs, they should receive interactive training in inclusive practices. Following the assessment of current training completed by Members currently under way, Democratic Services are preferably requested to source and commission a suitable external agency to offer this training to Councillors and officers.
- The working group should work with Democratic Services to conduct a survey of all councillors on their views on increasing inclusion and diversity, and any preferences about timing of meetings.
- Further conversation should take place on how best to mitigate obstacles for women, people with caring responsibilities and other defined groups in becoming Councillors and in fulfilment of their role.

A vote was taken on whether to accept the recommendations made in the report which was **CARRIED.**

78 **PLANNING ENFORCEMENT (1:19:13)**

The Director of Place and Economy introduced the Planning Enforcement Policy Update. The aim of the update was to bring the Planning Enforcement Policy up to date and to provide clarity. The Policy had been through the Planning Policy Advisory Group (PPAG) and the Planning Committee.

Discussion took place with regard to:

- Lower priority cases would be investigated when commitments to higher priority cases allowed.
- There were a lot of discrepancies and a lack of detail.
- The impact upon human lives and the cost to the Council of failing to enforce planning decisions.

Councillor Duchesne made the following proposal: In the light of what we have heard today and the detailed comments made by members of the public, who clearly have had time to go into this matter in far greater detail than we have been able to, may I suggest that this policy is not ready to be passed to Cabinet and that it should be returned to the Planning Policy Advisory Group where it can be discussed and amended as required. All Councillors are able to attend PPAG so I suggest that we all attend the meeting that will be discussing that and make sure that our concerns are dealt with.

Councillor Gilmour seconded the proposal.

Councillor Buczkowski proposed an amendment that the policy was sent to Cabinet rather than back to PPAG so that it could be discussed and Cabinet could refer it back to PPAG if necessary.

Councillor Knight seconded the amendment.

Discussions took place regarding:

- The role of the Scrutiny Committee was to scrutinise not just to pass on to Cabinet. Once it had been revised by PPAG it should be brought back to the Scrutiny Committee. The Director of Place and Economy had no problem with that approach and wanted the policy to be a robust document. There were no legal time constrictions which had to be complied with.
- Key Performance Indicators to be added to the policy.
- If this was referred back to the PPAG it might be a waste of time as the last time that this policy was before the PPAG it was a well-attended meeting, lots of good points had been made at that meeting and the recommendation bringing this document to the Scrutiny Committee had been unanimous.
- The administration had inherited a legacy and were only nine months in place, there was still a lot of work to do. The budget they had inherited had a black hole of just under one million pounds, that hole had been plugged without loss of staff and the staff were motivated.
- The PPAG would stay involved and not ignore planning enforcement.

The amendment was not supported.

The original proposal was voted upon and was **CARRIED**

(The meeting ended at 7.05 pm)

CHAIRMAN

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Responses to Public Questions not sent prior to the meeting

Nick Quinn

My first question relates to Agenda Item 9 – Establishment Update.

When the interim Establishment update was presented to Scrutiny on 14 August 2023, I asked if the Council had an organisation chart showing the areas of responsibility and reporting lines of all posts.

Councillor Gilmour responded by saying that the end of year Establishment report, set for February, would be the time for a formal structure chart - "*and that is something that, as Chair of Scrutiny, I would like to see happen*".

I asked if the chart would be published and Councillor Gilmour replied "Yes". The meeting minutes show that: "*The Chairman, in response, confirmed that one would be prepared and published*".

My Question is: Why has this not been done?

Response: The Establishment report makes clear on the front cover that a full establishment chart will be circulated once the current consultation on the Corporate Management Team has been completed.

Response from the Corporate Manager for People, Governance and Waste

My second question relates to the Agenda item 11 - Planning Enforcement.

The proposed Enforcement Policy confirms that nothing will be done for the vast majority of reported breaches, but I would like to ask about one where something can be done.

A Planning Inspector has issued a decision on an appeal regarding a planning condition at the Anaerobic Digester plant at Red Linhay, outside Tiverton.

After commenting on "... *the alleged inaction since the earlier grant of permission for the anaerobic digester with the corresponding condition*", the Inspector made the decision that:

The noise assessment, and any works required as a result, must be completed within 6 months of this decision.

If this is not done, then: "*the use of the anaerobic digester shall cease until such time as a scheme is approved and implemented*".

My Question is: If the noise assessment and works required, at Red Linhay, have not been properly completed by 12 July 2024 - will this Council issue an immediate Stop Notice on this site?

Response: The council will monitor compliance with this condition and act appropriately and proportionately in considering any enforcement activity. It should be noted that in this case, the council had originally sought a shorter-timetable for the submission of the noise assessment (1 month), but this period was extended to 3 months by the Inspector during the appeal process. This clearly shows the council's intent to resolve this matter in a timely manner.

Response from the Director of Place and Economy

Barry Warren

My questions are prompted from the report and documents the subject of Item 11 on your agenda.

The main heading of the report is 'Local Enforcement Plan Mid Devon District Council 2024' yet all the rest of the documentation is referred to as 'Local Planning Enforcement Policy'.

1. Is it a plan or a policy?

Response: The document is a policy.

Response from the Director of Place and Economy

Ms Doyle had sent all members of Scrutiny Committee a very detailed response to the document which I hope you have all read as she raised issues which I would have raised. I was the Chairman of the working group which prepared the original report and recommendations on Planning Enforcement and this current document is not what we envisaged since it contained a lot of words but not a lot of policy that can or would be implemented.

2. I ask that this committee gives full attention to the document, and public comments, before recommending its acceptance by Cabinet?

Response: The Committee responded to this plea during the meeting.

Members had always been told by officers that there was no need for Planning Committee to oversee Planning Enforcement as this would be covered by the relevant Cabinet member. Paragraph 7.1 on page 11 of the document made reference that the *Service Lead of Legal may refer a matter to Planning Committee.*

3. Would the Planning Committee have an opportunity to see the policy document and have any say on the content?

Response: The planning committee and the Planning Policy Advisory Group have both had advanced sight of the draft policy and the opportunity to consider and discuss the content of it.

Response from the Director of Place and Economy

In the report the word '**proportionate**' appears six times in relation to action to be taken.

4. How is 'proportionate' or 'proportionately' interpreted by Officers at MDDC when deciding on actions?

Response: This is looking at proportionate action being relative to the nature of harm caused.

Response from the Director of Legal, HR & Governance (Monitoring Officer)

I have received a letter from the Council alleging data breaches in relation to my use of emails. The letter accuses me of using my personal email account to write to officers in relation to non-enforcement of planning conditions some 5 months after I ceased to be a councillor! I understand a number of former councillors have also received letters including one who had forwarded a bus timetable from his Council email account! These actions must have taken considerable Officer time and resource to put together and it could be construed as discriminatory, intimidatory and bullying.

5. In the light of stated staff shortages, does this look like proportionate action and proper use of resources?

Response: The Council takes its legal responsibilities as a data controller extremely seriously. Council staff and Councillors are required to adhere to various policies and practices around data security and retention in order to comply with these duties. In the event of a data breach the Council may refer the matter to the Information Commissioners Office for advice and guidance on appropriate action. The Council would then follow that guidance to ensure that we are compliant with the regulations around data security.

It is a matter of some regret that the Council has had to write to a small number of former Councillors reminding them of the need to comply with data management practices. However, it is important that the Council takes appropriate action to ensure the effective management of data in accordance with our policies.

Response from the Director of Legal, HR & Governance (Monitoring Officer)

Louise Doyle

QUESTION 1 – QUESTION TO CHAIR

In January, I asked the Authority to share with certain elected members (appointed by Scrutiny or Planning) how they had categorised, investigated, resolved and closed cases in the past couple of years. In response, the Authority refused stating "enforcement activity is legally privileged". I recognise the confidentiality of the requested spreadsheet would not contain personal info (why would it) confidentiality would be maintained. Further councillors are GDPR compliant.

This request was important because (oddly) 95% of cases are being categorized as low. Low means...

1. Minor tweaks to developments with permission or permitted development
2. Satellite dishes and
3. Some Advertising

Can I ask the Chair to please establish a working party to review cases before any revised Enforcement Plan is assessed by Enforcement given its ambition that 95% of cases moving forward will not be investigated?

RESPONSE: The Scrutiny committee has shown an active interest in the work of our planning enforcement team and will continue to keep a keen eye on both KPI's and overall performance. The relevant Cabinet member, Councillor Keable, is also actively involved in the service and the proposed policy is to go before PPAG again prior to re-presentation. I therefore consider there to be no need to establish a working group at this time.

QUESTION 2 – QUESTION TO RICHARD MARSH

I would like a complete response to my question 3 of January explaining the discrepancy in figures quoted to Scrutiny Committee in July versus those recorded at the Department of Levelling Up re Notices.

RESPONSE: As previously advised; there is no discrepancy in figures, rather they relate to two differing time periods.

QUESTION 3

In Jan, Committee was told that planning officers issuing template letters would mitigate having one enforcement officer/300 cases. I asked how many officer hours would be made available. The Authority had no figures. To what extent was this solution explored before being put to Scrutiny?

RESPONSE: As was previously set out; the hours which can be dedicated by planning officers to supporting the work of the enforcement team will necessarily vary according to the number and complexity of planning applications. The measure was implemented as a mechanism to use spare officer capacity to support enforcement work and, as such, is a good use of existing and skilled officer resource. This was understood prior to its implementation.

QUESTION 4

The Authority has been asked to improve their enforcement service by Scrutiny Committee.

How does having one enforcement officer in order to save £35K improve the service?

RESPONSE: The authority is committed to sustaining a dedicated enforcement service whilst managing within its limited financial means. The Council will be seeking to advertise and replace its permanent officer resource within planning enforcement in the near future but we continue to have interim agency cover whilst this happens. However, it is also important to note that all Council services have been seeking to realise savings in order to ensure the Council can achieve in year savings and a balanced budget.

QUESTION 5

The Authority has put forward a revised Enforcement Plan. Is there a reason that the Authority has not clearly identified each of those changes to the Plan for members (ie this is what used to say and this is what it now says) with the impact or benefits of those change explained?

RESPONSE: The draft enforcement plan was discussed with members who had the opportunity to ask questions and raise comment – indeed PPAG recommended its approval. At the point of recommending a revised policy for approval, it is obviously necessary to include a final version of that policy (rather than a marked-up version) to ensure that it is clear what members are considering and approving.

QUESTION 6

Why have the Authority swapped out the Enforcement Plan 2018 that has been on the website for 6 years with a revised version of the same at this point when members will need to compare.

RESPONSE: The current enforcement plan remains on the Council's website.

QUESTION 7

The proposed Plan seeks to drop timelines/targets out of the Enforcement Plan for site visits and investigation periods

How will this result in an improvement to the enforcement service?

RESPONSE: The revised plan seeks to clarify how the service will work in considering planning enforcement matters. It seeks to deliver a policy which is easier to interpret, more reflective of current enforcement practice and policy and which therefore gives greater clarity to the public in terms of what Mid Devon will seek to do. The timescales which are present in the current policy have been removed from the new policy as they are considered to be arbitrary and risk giving false expectations in terms of how quickly the Council will be able to consider some types of alleged breaches.

QUESTION 8

The Authority used to report against the same targets/performance indicators to Planning Committee.

Why was valuable reporting on performance scaled back, and why?

RESPONSE: The 'old' KPI's had not been reported against for some considerable time (2021) owing to staff capacity and workload. The 'new' KPI's are reported to planning committee on a regular basis and are considered to currently give a useful level of detail on workload within the service.

QUESTION 9

The proposed Enforcement Plan states that Low Priority cases will not be investigated when there are other higher priority cases (which is at all times). How will putting in place a plan to cut investigations so significantly improve the service?

RESPONSE: The Council is seeking to balance a desire to deliver a good, discretionary enforcement service whilst also managing within limited financial means. Naturally, this means that the level of resource directed to planning enforcement is finite and resources are therefore naturally directed to those cases which are considered to be of highest risk, most urgent and where the greatest risk of harm arises. This is a pragmatic and reasonable approach.

QUESTION 10

The proposed Plan seeks to drop the Highest Priority category How will this result in an improvement to the service?

RESPONSE: The notion of having 'high' and 'highest' is not considered to add value as all 'high' priority cases will naturally be prioritised by the service and officers.

QUESTION 11

The Plan places Breaches of Condition that are not impacting residential amenity or trees in the low category and therefore not being investigated. This undermines those "necessary" Conditions and is a green light for non-compliance by developers?

RESPONSE: The LPA does not in any way condone non-compliance with planning conditions and expects all developers/applicants to abide by the terms of planning permissions. Where they do not, enforcement action will be considered in line with policy.

Response from the Director of Place and Economy

QUESTION 12

The Authority suggests the revised enforcement plan is similar to East Devon's. The East Devon plan has timelines, targets and a commitment to investigate low/med/high breaches. Does the Authority, therefore, accept that the two approaches/services are chalk and cheese?

RESPONSE: The policy is substantively based upon the East Devon policy but has been considered and refined by officers, with member input, and a revised policy set out for consideration. Obviously, further to the recent Scrutiny meeting, there is now an opportunity for further member input.

Paul Elstone

Question 1

My question relates to the Scrutiny Committee Workplan and concerns MDDC Pay Policy

A question I asked at Cabinet on the 6 February 2024 was worded along these lines: *"How can the grossly excessive pay increases of circa £24,000 or 33 percent and by circa £18,000 or near 21 percent be considered, in any circumstances, a decision that would not stand up to any scrutiny in private business".*

When the Cabinet debated then voted to approve the proposed pay policy changes there was obvious unease. This resulting it is believed the Cabinet Member for Finance voting against the proposal and both of the Deputy Leaders abstaining.

It was evidenced that other Members did not support the proposals.

It is on record that the Council Leader in part justified these gross salary rises based on them being new Job's.

In the real business world being new jobs, there would be high level scrutiny including performance and competency check requirements. This given the magnitude of the role and salary changes. That the jobs would be externally advertised to see if there are better candidates.

Therefore, will this Scrutiny Committee fully investigate/scrutinise the merits or otherwise of the salary rise proposals?

Response: As indicated, this question was asked at Cabinet. The response provided by the Leader was: These changes represent a saving to the council of over £45,000 and I thank the officers in question for taking on these new roles and responsibilities, so that we can continue to ensure we are running the council in the most efficient way possible.

Response provided by the Chief Executive

Question 2

Can the Solicitor and Monitoring Officer please detail what is this Council's legal position when the perpetrator of a planning breach is shown beyond any doubt as providing repeated false and misleading information to the Council in support of avoiding enforcement? This for substantial financial gain.

Response: When considering planning enforcement matters, the Council will, if a breach is apparent, seek information from any owner or occupier of the land. A Planning Contravention Notice (PCN) can be issued which will instruct the recipient to provide the LPA with requested information for enforcement purposes.

Failure to comply with a PCN is an offence, as is knowingly and/or recklessly making false or misleading statements. The penalties on summary conviction are currently £1000 & £5000 respectively.

The Council will always be mindful of this when considering any information pertaining to planning enforcement matters.

Response from the Director of Place and Economy

Question 3

I has been stated by the Scrutiny Committee Chair that and I quote "*we will bring Enforcement up to scratch in the next 12 months*".

At a Cabinet Meeting in June 2016 and in a report about Planning Enforcement Improvement and a report prepared by the current MDDC Chief Executive. Many of the things said then and proposed now are the exact same.

That rather than seeing any improvements the enforcement situation has gone backwards.

So, what is different given the same Executive Management and same if not much bigger problems? The public need to see tangible results.

Therefore, why should the Scrutiny Chair's statement be believed?

Response: The Council chooses to employ dedicated enforcement staff despite the fact it is a discretionary, non-fee earning service and at a time when the Council faces ongoing and significant financial pressures. This therefore demonstrates the Council's clear commitment to providing a robust enforcement service.

It is unfortunate that the Council is currently in a position of not having any permanent enforcement staff, but the Council has successfully recruited an agency enforcement officer to ensure that work continues whilst we again seek to recruit permanent staff.

The Council will also continue to work to ensure that the enforcement service returns to a sustainable position in order to implement planning enforcement in line with the new enforcement policy, once duly adopted.

Response from the Director of Place and Economy

Sarah Coffin

My questions relate to Agenda Item: 11 – Enforcement.

Unfortunately, the Enforcement review merely reaffirms my own experiences from decades of interaction with this Council; Mid Devon pays lip service to providing a democratic and balanced Planning administration. All the proposed changes would do was ensure the enforcement waiting list continues to grow but in an orderly catalogued manner.

Given the declared importance of Enforcement issues within the Report is there an independent allocation within the budget, for Enforcement, or does it get included within the general Planning costs?

Response: The Council provides for enforcement officers within the establishment – hence these are posts which are separate and distinct from planning officer roles.

Response from the Director of Place and Economy

If the latter, I am sure Councillors will agree that intelligent and correctly worded Planning Approvals become even more imperative and can only be achieved via inclusive rather than selective assessment of all relevant facts?

Are Councillors aware that the Enforcement Notice EP/21/090/AN, served on 15 December 2021 by this Council, for the placement of an effective cover on a slurry/digestate pit, to prevent harmful organic emissions invading nearby homes; is still not in place?

Response: We can confirm that the notice EP/21/090/AN was complied with as the Farm installed an aggregate based floating cover. This notice has now been superseded and part of the current notice is to continue to ensure that a suitable cover is installed and maintained. The Council has been notified that a new Hexa cover is due to be installed.

Response from the Director of Place and Economy

Do Councillors appreciate that during this long delay caused by repeated broken promises, affected neighbours have been and are still subject to the risks of long time exposure; to what are acknowledged as hazardous emissions detrimentally affecting their wellbeing?

Response: As set out; the previous notice was complied with and it is considered that this addressed any odour issued arising from the pit.

Response from the Director of Place and Economy

In view of time passed, investigation costs incurred (2017/18) by all relevant health/emergency/regulatory agencies and Scrutiny Committee, into complaints of fissured tongues, breathing difficulties, eye irritation, heart problems and digestion issues; why has Mid Devon not prosecuted the offending farmer/AD operator for non-compliance or fitted an effective cover on his behalf and claimed full reimbursement, as is permitted via the Environment Act?

Response: All complaints and concerns as above have been fully investigated. Due to there being a number of abatement notices served over the years, we recently reviewed and served a new single notice to ensure clarity and avoid a confusing compliance picture for the operator and residents alike. We continue to monitor compliance with the notice for any breaches and, as set out above and as a consequence of Council action, a new, improved cover is expected to be installed shortly.

Response from the Director of Place and Economy

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 18 March 2024 at 5.30 pm

Present

Councillors

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

Also Present

Councillor(s)

S J Clist, C Harrower, S Keable, J Lock, L Taylor and
D Wulff

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Maria De
Leiburne (Director of Legal, HR & Governance (Monitoring
Officer)), Richard Marsh (Director of Place & Economy),
Simon Newcombe (Corporate Manager for Public Health,
Regulation and Housing), Laura Woon (Democratic
Services Manager), Angie Howell (Democratic Services
Officer) and David Parker (Democratic Services & Policy
Research Officer)

Councillors

Online

N Bradshaw, J Buczkowski, A Glover and L G J Kennedy

Officers Online

S Thomas (Housing option Manager),
S Walford (Chief Executive)

79 APOLOGIES AND SUBSTITUTE MEMBERS (133:10)

There were no apologies for absence.

80 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (133:19)

Members were reminded of the need to make declarations of interest where appropriate. There were no interests declared under this item.

81 PUBLIC QUESTION TIME (133:37)

The following members of the public asked questions:

Sally Chapman – Questions for the Environment Agency

I am here representing Friends of the River Exe which was formed last year. We recently heard a talk by Fred Leach from the Riverfly partnership who coordinates regular testing of the Exe for Riverfly species that indicate the health of the river. How important are these surveys and what do you do with these results? We have also set up our own citizen's science water testing group where we send regular sample results to Westcountry rivers trust. Do you welcome and support these initiatives?

These questions would be forwarded to the Environment Agency with a request for a written response.

Sarah Coffin

Question 1:

What consideration has been given to preventing Agricultural run-off relative to Motion 583?

Question 2:

Are Councillors aware that despite our two major industries of Agriculture and Tourism (covering 225,920 acres) your Council has no specified policy for either?

Question 3:

Are Councillors aware that Agriculture is globally recognised as a major polluting industry which if not properly managed in accordance with DEFRA/EAWRAP voluntary 'Farming Best Practice' and BAT (Best Available Technique) guidance, seriously impacts air, water and soil quality?

Question 4:

The major pollutions occur during storing/mixing/spreading of livestock slurry and AD digestate. If 'good practice' and Best Available Techniques are not implemented there is considerable risk of 'odour Nuisance' with the release of harmful emissions being dispersed into the air; as well as potential overspreading and run-off into water sources. Despite this Mid Devon does not condition Best Practice within Agricultural Planning Approvals why?

Question 5:

Do Councillors realise that DEFRA/EA Best Practice guidance for these activities are voluntary and the EA only enforces if major water pollution occurs with fish kill. In the meantime any 'Odour and detriment Nuisance' impacting local communities is the remit of Mid Devon. It is acknowledged that 'splashplate' method of spreading slurry and digestates is the worst and least beneficial so why doesn't Mid Devon insist that the best method of spreading (injection pipes) are utilised – even if only in sensitive locations. This would be easy for public to identify and report.

The Chairman thanked Ms Coffin for her questions and indicated that as the questions had not been received two clear days in advance of the meeting that a written response would be provided.

Goff Welchman

My previous question at the last meeting regarding the external Directors at Three Rivers and the reply that I received are in your minutes so I hope that you have all read it.

In my opinion the reply gave the impression that there were external Directors from very early on, on the board of Three Rivers. So I put in a Freedom of Information request to verify that fact and your Freedom of Information Office refused to give me a reply. So I went to Companies House and did my research there instead and what I discovered was that none of the initial Directors on the board of Three Rivers at its inception were independent of this Council and I actually don't believe that the people involved had the necessary depth of skills to run a complex business of that nature. This appears to have been confirmed by the continual and escalating losses of taxpayer's funds throughout the history of the company. New Directors were only appointed around four years after the company's inception when it was already in deep trouble. Therefore in my opinion the reply that was given to me fell woefully short of the truth. This only heightens my suspicion that, we the public, are not being given the truth about Three Rivers, therefore now that I have discovered that the reply given to just one question about one of the lessons learned fell short of being an accurate answer my questions tonight are as follows:

Question 1:

Can the taxpayers of Mid Devon now believe any information given to us about Three Rivers by Mid Devon District Council's officers in view of the evasive response that I have received so far?

Question 2:

Will the Council now make a comprehensive statement without regarding the lessons learned about Three Rivers, all the lessons learned, explaining exactly what mistakes were made at the outset, by whom and what financial impact these mistakes had, without regard to any juggling of funds between accounts such as for example Housing Revenue Account Funds being used to buy St Georges Court?

The Chairman thanked Mr Welchman for his questions and indicated that as the questions had not been received two clear days in advance of the meeting that a written response would be provided.

Howard Cuthbert

The Environmental Agency claim responsibility for rivers and water courses in the Mid Devon Council area. They highlight Critical Ordinary Water Courses (COWs). However, four associated with Tiverton are listed as Unknown.

Question 1:

How can the public report pollution to the Agency?

Question 2:

Does the Environmental Agency have the ability to guarantee the quality of water, in the Exe and the Lowman, from Bolham to past the sewage works outfall, used for swimming by the public?

Question 3:

The Rivers Trust for the Exe and Lowman as they pass through Tiverton have a number of storm drain sites listed “Not Asset Maintenance, Hydraulic Capacity”. This is result of the South West Water asset being undersized and no amount of fiddling on how they are operated can prevent a spillage. Does this not cause concern and suggest corrective action be taken to remedy before pollution occurs?

These questions would be forwarded to the Environment Agency with a request for a written response.

Nick Quinn

For the past few months, the purchase of the St George’s Court complex by the Councils’ Housing Revenue Account has been reported as nearly completed.

Question 1:

Has the purchase of the St George’s Court complex by the Council’s Housing Revenue Account actually been completed yet?

Response from the Cabinet Member for Housing and Property Services:

No.

Question 2:

If so – On what date was this completed?

Response from the Cabinet Member for Housing and Property Services:

Not applicable.

Question 3:

When will the remedial works be completed and all the properties in the complex be made available for bidding on the Devon Home Choice system?

Response from the Cabinet Member for Housing and Property Services:

To be confirmed.

Paul Elstone

Question 1:

Does it remain this Councils intention to make each of the 39 houses and flats at St Georges Court primarily available to over 60’s residents. If not, what is changing and why?

Response from the Cabinet Member for Housing and Property Services:

Yes, therefore the second part of the question was not applicable.

Question 2:

When exactly is it planned that the first St Georges Court property will be occupied?

Response from the Cabinet Member for Housing and Property Services:

An indicative occupation timeline could be confirmed post-handover and allocations then lettings would be completed as efficiently as possible. Exact dates of occupation

cannot be given as they were dependent on specific checks and the circumstances of each tenant.

Question 3:

Over what timescale is it planned that every one of the 39 St Georges Court properties will be occupied?

Response from the Cabinet Member for Housing and Property Services:

As for answer 2.

Question 4:

I have heard it suggested that a Letting Agency will be engaged this to rent out the 11 houses at St Georges Court and for rental onto the open market. Can this suggestion be dispelled or otherwise?

Response from the Cabinet Member for Housing and Property Services:

All 39 properties were being acquired by Mid Devon Housing as social housing, therefore none would be let on the open market.

Question 5

The underground car parking at St Georges Court is a recognised flood risk. Signs even requiring to be posted to state this. How is this being reconciled with the future residents of St Georges Court in terms of welfare or property damage concerns? This especially given they are elderly residents and perhaps of limited financial means?

Response from the Cabinet Member for Housing and Property Services:

It is common for below ground structures to have a level of flooding risk with built-in design to minimise this. As with any other tenancies, St Georges Court residents would be advised to hold adequate insurance to cover personal property including any vehicles and contents that may be at risk in the relevant parking areas. Mid Devon Housing would be responsible for all building repairs and maintenance at the property. All living accommodation had safe above ground access and egress to protect residents.

The Cabinet Member for Housing and Property Services asked Mr Elstone to let him know who had suggested that a Letting Agency was to be instructed to let out the 11 houses so that Cllr Clist could reply to them personally.

82 MINUTES OF THE PREVIOUS MEETING (148:35)

The minutes of the previous meeting held on 19 February 2024 were approved as a correct record and **SIGNED** by the Chairman.

83 DECISIONS OF THE CABINET (149:11)

The Committee **NOTED** that none of the decisions made by the Cabinet on 5th March 2024 had been called in.

84 CHAIRMAN'S ANNOUNCEMENTS (149:22)

The Chairman had no announcements to make but did ask that mobile phones be turned off or switched to silent and put out of sight.

85 DEVON HOME CHOICE (DHC) (150:10)

The Committee had before it, and **NOTED** a report* from the Corporate Manager for Public Health, Regulation and Housing on the Devon Home Choice.

The Cabinet Member for Housing and Property Services highlighted the following within the report:

- The briefing given to Members in February was annexed to the report. The long standing priorities to the homeless and those with health and wellbeing needs were noted but it also included the Council's Corporate Parenting responsibilities towards care leavers alongside meeting new requirements of the Regulator of Social Housing (RSH).
- The review also set out how DHC aligned well with proposed national social housing allocation reforms including national and local connection tests and anti-social behaviour. Overall, the Council were in a housing crisis where demand significantly outstripped supply.
- The review concluded that the fair choice based legal letting scheme provided by DHC was both compliant with the Council's regulatory requirements and essential to help manage this pressure.
- Only more social housing would fix the issue of too many people needing too few available affordable homes. As the report highlighted, given those housing shortages DHC were working as well as was possible for Mid Devon with 86% of let's going to people moving within Mid Devon and almost 100% of those within Devon.

The Corporate Manager for Public Health, Regulation and Housing highlighted the following within the report:

- Local context – The scheme had been in place for 14 or 15 years and included all 10 local authorities in Devon and 24 major housing providers. It provided access to around 60,000 properties across Devon of which Mid Devon owned about 3,000.
- Legal framework – Since 1996 the Council has had to give priority to certain groups including those who were homeless, those housed in exceptionally poor accommodation where it was having an impact upon their health and wellbeing and other groups who were vulnerable. New priorities had been added by Central Government such as those fleeing domestic violence, former and current members of the armed forces and recently corporate parenting. New requirements were being set by the new Regulator of Social Housing.
- Policy - Local connection – The Council was required to take into account the needs of tenants. How did the bandings work? – There was a bedroom need – a property cannot be under or over occupied. The housing geographical variance of housing supply pressures table showed the Council as performing near the middle of all the Councils across Devon. For every home that was let, there were 4.6 people looking to rent that property.
- Impending legal reforms – DHC aligned well with those proposals.
- Review process – There was an annual review of the policy.
- DHC provides choice – It was a choice based letting system. Worth staying with this system and the Council not developing its own which would be much

more expensive and would only give a choice of 3,000 homes. DHC could not fix the housing stock problems.

Discussion took place with regards to:

- Band E was for those who did not have a pressing need to move and no defined housing need, as such the other bands of need would always take priority over band E. For that reason some Councils did not have a Band E. Mid Devon District Council kept the band as it gave better housing data.
- There were 59 households in temporary accommodation at the time of the meeting. They were housed in bed and breakfast accommodation, hotels and the Council's own stock. There were 25 households which were families with children under the age of 18 and none of those were hotel or bed and breakfast accommodation, they were in the Council's own stock.
- As the District subscribes to DHC, people from anywhere in Devon can move into Mid Devon (and vice versa), families could move into a bungalow if it was deemed suitable.
- There were approximately 24 registered providers of housing across Devon. To be a large provider you need to have more than 1000 homes.
- If an occupant's circumstances improved would their rent be increased? This was unlikely as once a tenant had security of tenure, the legislation protected them from being evicted or any significant changes made to their rental agreement.
- DHC were not signatories to the Armed Forces Covenant but DHC followed all the requirements of it. Priority was given to armed forces personnel.
- Houses of Multiple Occupancy (HMO's) had their own legislation – Was it possible to partner with the Devon and Somerset Fire and Rescue Service (DSFRS) - licencing requirements required an in depth review by DSFRS which the Council could do in house. If HMO's were unlicensed then the Local Authority could close it or get the Landlord to license it.
- Appropriateness of property where a family had lived there a long time and the space had become inappropriate due to (for instance) a teenage boy and a girl now needing separate bedrooms having lived in the same accommodation since they were young children – should they not become a priority? This was where the inadequate supply of housing was causing problems to families. Councillors enquired as to whether a tweak could be made to our Council's rules to give greater priority to those already in our own or DHC stock that need to move to a different size of property thereby freeing up that property for someone else.
- Flexible Tenancies Review coming to the Homes PDG– recommendation to have an additional Working Group to encourage people to move out of larger properties.

The Committee **NOTED** the report and the following recommendations:

1. The review of DHC provided in the context of the current statutory and regulatory framework and proposed legal reforms.
2. That DHC provides assurance and compliance against current legal requirements including for the provision of a transparent and accountable

allocation scheme that meets the needs of specific priority groups and vulnerable residents.

3. The ongoing, cyclical DHC policy review process to ensure it remains fit-for-purpose and that any proposed changes to DHC Policy arising from this will be brought to Homes PDG and Cabinet for due consideration for adoption.
4. That DHC is an allocations process that in itself it cannot directly address the current overarching shortage of social housing locally.
5. That the ongoing corporate risk for the housing crisis and mitigation measures together with the pending review of the current Mid Devon Housing Strategy 2021-25 as a mechanism to address the local response to the wider shortage of affordable housing.

Note: * Report previously circulated.

86 **MEETING MANAGEMENT (199:52)**

The Chairman proposed that, as it was becoming late and guests were waiting from outside the Council to address the Committee, that the two Cabinet Portfolio reports be dealt with after the Motion 583 – protecting Rivers and Seas item.

This was AGREED.

87 **MOTION 583 - PROTECTING RIVERS AND SEAS (201:12)**

The Committee had before it, and NOTED a *report from the Director of Place and Economy on Motion 583 Protecting Rivers and Seas on the progress in relation to the work of the Council relating to Motion 583 and water quality management.

The following was highlighted by the Director of Place and Economy within the report:

- Liaising with the Environment Agency (EA) and South West Water (SWW) regarding attendance at meetings.
- Progressing the commissioning of skilled consultants on behalf of the Authority to undertake a water cycle study.
- Researching how other local planning authorities sought additional information from the Water Companies through the Planning Process and the success (or not) they have had.
- The additional requests for information from SWW as a consultee in support of major planning applications. Asking further information around which treatment works would be managing sewage arising from developments and whether they had the capacity to do so.
- Asking whether the water company had the information available to assess the impact on the number or duration of any sewage discharges into any local rivers or seas and asking for that information to be shared.

Councillor Emily O'Brien from Lewes District Council who was the Cabinet Member for Climate, Nature & Food Systems gave a presentation about their aims and how they had gone about their work to improve water quality:

- Less than one in five rivers had good ecological status and none had good chemical status. There was a loss of fish. There were a few problems around water companies breaking rules. With regard to Stormwater Discharge (CSO) under permit - a water company had to design, construct and maintain sewerage system according to best technical knowledge not entailing excessive cost (BTKNEEC). CSO (storm water discharge) was clearly being used as the new normal and as such was an abuse of the system.
- Specific Issue – Duty to connect. The Developer had the right to build and the water companies had to accept this. A Council cannot refuse planning applicants on the basis of storm overflow. Water companies also struggled with this legislation.
- Lewes Council passed a motion which had unanimous cross-party support and a lot of public support. A Council can only do so much locally, but one of the things they could do was to shine a spotlight through demonstrations and through news coverage. There were signs that the water companies were taking note.
- Now asking the water company, the cumulative impact of any large scale new development on sewage discharge into local rivers and seas, when they respond to planning applications. Not just network capacity (pipes) but treatment capacity (sewage works). They would only request, not demand.
- They added a section on the impact on watercourses in the Planning Committee report to shine a spotlight on the issue but not made it a material condition.
- Lewes Council were now using Grampian conditions.
- Asked Natural England who had the responsibility for monitoring water quality at local Sites of Special Scientific Interest (SSSI) to carry out a new assessment on their local river which showed deterioration and specifically mentioned waste water treatment works as well as ongoing problems with agriculture.
- Various Councils had passed similar motions following which a cross-Council group had been set up including Council Leaders, Officers and Cabinet Members which had been very useful. The work had given their Planning Committees greater confidence to refuse developments backed up by the legal opinion that they had obtained. There was now a Link with OFWAT due to the Councils banding together.

Other positive action:

- Input about sewerage discharge.
- “Rights of Rivers” approach and “Motion for the Ocean”.

- Rain gardens to slow water run-off.
- Raw guidelines.
- Time for Catchment partnership.
- Chalk stream restoration to restore a stream's natural flow which led to greater biodiversity.

Discussion took place with regards to:

- Further plans – Lewes Council were refreshing their climate and nature action plan.
- Second land purchase – nature restoration projects – primarily nature based schemes.

Support from Environmental Non Government Organisation's (NGOs), Members of Parliament - no national connections had been made but strong connections with local groups. They had had a strong voice when a number of Councils took action together.

Clarissa Newell from the Environment Agency (EA) gave a presentation.

- The news was not all terrible – water quality had improved and there were less large incidents. Climate Change and the wetter winters were having an impact upon water quality.
- Ms Newell welcomed the Water Companies sharing data and the resulting transparency.
- The numbers quoted were permitted spills, they were diluted and not concentrated.
- They were reliant on water companies reporting the spills to them and on the national team to review the data. The EA scrutinise the data and were looking with National Government as to whether self-reporting data was the way forward.

They were working on other improvements as to how they regulate:

- Influencing Government policy.
- Improving habitat and increasing biodiversity net gain.
- Encouraging investment in the environment.
- Taking robust enforcement action.
- Receiving plans from SWW regarding the improvement of their assets and plan for improved development.
- Technology and how climate change was impacting how the environment reacts.
- They were reviewing permit fees for SWW, this would result in 2 new water industry teams that would regulate in Devon and Cornwall.

Operational Teams:

- 3 land and water teams (24 officers)
- 1 agricultural team (12 officers)

Those officers were the same ones that had to respond to Freedom of Information requests and to other enquiries to the point that 1 or 2 officers were constantly engaged in responding to enquiries which causes delays on case files. The Environment Agency want to share knowledge broadly with local authorities in the hope that it would reduce the number of requests that they get and so free officers to work on case files.

Responsibilities: within England the EA were responsible for:

- Regulating major industry and waste
- Treatment of contaminated land
- Water quality and resources
- Fisheries
- Inland river, estuary and harbour navigations
- Conservation and ecology

They were also responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.

Priorities:

- Work with businesses and other organisations to manage the use of resources.
- Increase the resilience of people, property and businesses to the risks of flooding and coastal erosion.
- Protecting and improving water, land and biodiversity.
- Improve the way they work as a regulator to protect people and the environment and support sustainable growth.

More information was available on Environment Agency: EA2025 creating a better place (Use this number to report a pollution incident: 0800 807060).

The predominant pressures in the area were from diffuse source agriculture, rural land management as well as point sources from the water industry, trade and private discharges.

The assessment of 58 rivers classified in 2022 within Mid Devon District Council (MDDC) area under the Water Framework Directive revealed that the Overall Ecological Status showed

- 17% in the Good category.
- 62% in Moderate.
- 16% in Poor.
- 5% in Bad.

The Ecological Status of Rivers in mid Devon was similar to the regional and national averages.

Further scrutiny into the challenges faced by the water bodies highlighted that most failings were attributable to phosphate, underpinning that the significant water management issues were mostly related to agriculture and rural land development.

Regarding the question where atlantic salmon populations had fallen and insect populations were almost entirely absent nowadays following research the EA do recognise that there were pressures in the catchment as a result of agriculture and

diffuse run off, water company and private sewage discharges as well as from water resources and climate change, however, their data did not support the statement in the question. As an example a fish survey on the River Varlet, Simons Bath in 2023 had 51 salmon, regarding salmon numbers it was also worth pointing out that as migratory fish, they face numerous pressures not solely relating to river quality but also barriers to passage and marine fisheries as well. In September 2023 they found over 230 mayfly lava in a sample at the Exe bar confluence and had found no evidence for a decline in river invertebrates in the Exe. Their most complete data set in the catchment at Thorverton had constantly shown high status for invertebrates since the year 2000.

Enforcement and Compliance

In April 2023 the Environment Agency tried a new method of prosecuting SWW where they bundled a number of cases together to expose their poor environmental management. One of the incidents at Crediton where SWW cleaned out a ferric sulphate tank and allowed the wash water to enter the River Creedy turning the bed of the river orange and killing hundreds of fish. SWW was fined £2.1m. In January 2024 their case against Bycott Farm, Halberton was heard in court following pollution incidents on the farm in October and December 2021 which impacted the Spratford Stream. The farm was fined £4,300 and hundreds of thousands of pounds had been spent by the farm to improve infrastructure for storing slurry and containing contaminated water.

The EA continued to investigate serious pollution incidents and incidents of run-off from development sites, and had issued guidance in relation to those.

The EA did not warn and inform the public when permitted spills were happening. However, the local water company SWW did.

Event duration monitoring (EDM) data provided a robust and consistent way of monitoring how often and for how long storm overflows were used.

The agency in the South West had one Agricultural Regulatory Taskforce of 13 officers focussing on the river catchments with a lower quality status. In 2023/24 they inspected 400 farms.

The EA was conducting a trial in the Creedy and Yeo catchments using satellite imagery and remote sensing to identify potential breaches of FRFW, ie bare fields and trace pathway to watercourse.

Ofwat duties included furthering the resilience objective to secure the long-term resilience of water companies' water supply and wastewater systems; and to secure that they take steps to enable them, in the long term, to meet the need for water supplies and wastewater services.

The EA worked to make sure that water companies planned for ever expanding development, they agreed actions that it needed to take with the water companies, but actions for the future were regulated by Ofwat.

Discussion took place with regards to:

- How income was spent.

- Citizen's Space – a useful space the EA would encourage the Council to use. A high public interest site that the EA would use to consult the public. The public should always be able to comment on new permits.
- With regard to fly tipping in waterways the EA were only responsible where it was organised crime doing the fly tipping, otherwise it was the Local Authority's responsibility.
- Ofwat were the regulatory body that made sure the public were getting value for money and that the water companies were investing.
- The EA was reliant on SWW self-reporting discharges. The EA would investigate, however, SWW told them what category of incident it was. The EA did not have the manpower to go out to a Category 3 or lower incidents but with new manpower coming soon, hopefully, they would then be able to attend category 3 incidents.
- Category 1 was a serious incident, Category 2 was less serious but there may have been fish killed, Category 3 was a low impact and Category 4 was no impact.
- If the ownership of the area where the pollution had occurred was disputed, how did the EA handle such problems? SWW shared their whole network online with the EA and they could access records of Devon County Council.
- The national data monitoring team (Environmental Data Monitoring Review) would be looking to take enforcement action where they had sites that they were focussed on where the numbers appeared to be particularly high.
- With noticeable climate change, what was the EA doing with regard to water storage and collection? Over the last 2 summers, EA teams had worked hard with water companies to plan new water resources and working with the water companies to look at solutions such as desalination and water transference. They were also working with farmers about slurry storage when the land was too wet to allow spreading. Legally farmers should have 4 months storage and new rules would request 6 months storage.

A list of questions had been sent to Ms Newell and the Chairman thanked Ms Newell for her presentation and asked her to provide a written response within 14 days.

Note: * Report previously circulated.

88 **CABINET MEMBER FOR THE WORKING ENVIRONMENT - PORTFOLIO PRESENTATION (259:38)**

The Committee received, and **NOTED**, a verbal update from Cabinet Member for the Working Environment and gave a presentation on her portfolio:

The following was highlighted in the presentation:

- She said that her work was often about the individual whether this was a resident or member of staff.
- Customer Services Update – preparing for the new Customer Relationship Management system which would see various customer facing processes migrated to a new system. Efforts were being made to improve customer service digitally and this would increase access for customers to request services or to log issues outside of office hours. Telephone and face to face

contact would remain in place. The new self-service portal for Bin Collections went live in 2023.

- The team had also worked with housing to provide a “my account” system for tenants which would allow them to register and have more detailed access to their rent and payment information.
- The team were in the final stages of developing and testing a new complaints system which would go live in the late Spring of 2024. The Complaints Policy was overdue for review but had been delayed due to the new system and a new code of complaints from the Local Government and Social Care Ombudsman.
- The Annual Complaints Report that will come to Scrutiny this year would be somewhat different. The new code will have requirements for improved governance and oversight including a requirement for a designated Member responsible which would be the Cabinet Member for the Working Environment.
- The Communications team had been fundamental in supporting waste over the past year and providing the Resident’s Survey last autumn. They also created the Members Induction Handbook.
- They had also implemented the “Lets Talk Mid Devon” Community Engagement Hub which had surveys and consultations.
- The Communications Team would also continue working with the senior management team regarding the Emergency Plan Resilience Strategy and were key in the recent Flood Guide.
- Health and Safety – ensuring the Council was complying with legislation.
- Human Resources – provision of development, employment law advice and employment law best practice, people initiatives to senior management and employees, Payroll – payment of all salaries and other payments were in line with HMRC legislative requirements and the Council’s policies. They looked after our workforce of approximately 443 full time, part time and agency staff.
- Agency spend for 2022-23 was £1,064,794.57, the latest projection was for £675,000, so over £300,000 less.
- Work was underway for the staff survey action plan (communication, engagement, pride and wellbeing), ongoing benefits review, the 2024/25 pay award, additional line-management training, development of our course catalogue for all employees, further utilisation of systems to support new ways of working and managers, work with other Councils in the South West, and new structure and name under consultation (HR to People Services).

The Cabinet Member for Working Environment was very grateful to all the officers that had assisted her.

Discussion took place with regards:

- The Government guidance regarding the new complaints system and whether it gave the option for using a complaints and compliments system. Mid Devon did have a Complaints and Compliments system and the Cabinet Member hoped that that would continue.
- The proportion of staff that were ill that worked from the offices against the proportion of staff that were ill that worked in a hybrid way.

89 CABINET MEMBER FOR PLANNING AND ECONOMIC REGENERATION - PORTFOLIO PRESENTATION (275:47)

The Committee received, and **NOTED**, a verbal update from Cabinet Member for Planning and Economic Regeneration:

- He commented that it was good to be working with the Environment Agency and great to be collaborative with Lewes District Council.
- The Portfolio covered five areas.
 - Forward Planning
 - Development Management
 - Economic Development
 - Growth Projects
 - Building Control
- Mid Devon was quite a disadvantaged district due to its rural nature. Mid Devon had a lower than average income, lower working age population and lower productivity compared to the wider South West region and national figures.
- However, it performed better in manufacturing, food and drink.
- Mid Devon had a low number of business births per capita, but had high survival rates. Mid Devon had low numbers of what were considered to be high growth business births.
- In 2023, Mid Devon's economy comprised of 4,070 micro-businesses, being sole traders, and those who employed between 1 and 9 employees; micro businesses predominated in Mid Devon.

Forward Planning – Overview

- Preparing a new Local Plan; Plan Mid Devon.
- Produce Supplementary Planning Documents.
- Support Town and Parish Councils with Neighbourhood Plans.
- Work to support other community organisations including Community Land Trusts to further their plans for community led housing projects.
- Working with neighbouring authorities under the 'duty to cooperate' and prepare shared documents such as the 'Joint Strategy', identifying shared priorities and guiding investment across the wider area.
- Monitor development and produce statistical returns to the Government.
- Completion of relevant consultation responses on behalf of the Council on planning matters.

Forward Planning – Current Workload

- Site options and draft policies for Plan Mid Devon.
- Supporting the continued progression and adoption of Neighbourhood Plans.
- Progressing technical work, studies and monitoring, such as the Water Cycle study; Tourism, Retail and Leisure study, and; various conservation area reviews
- Supporting implementation and policy work towards Biodiversity Net Gain.
- Monitoring changes to National Planning Policy Framework.

Development Management - overview

- Statutory function with specific government targets to meet every quarter with the need to achieve minimum standards to avoid 'special measures'.
- Determining planning applications and providing advice, with delegated power to make decisions referring to:
 - National and Local Planning policies
 - Neighbourhood plans
 - Consultations
 - Material considerations (e.g. light impact, noise impact, flooding, planning history)
- Town and Country General Permitted Development Order enabled certain development to occur without the need for planning permission
- Working with Devon County Council regarding Highways and with other statutory consultees.

Development Management - Current Workload

- Achieving key government requirements around speed and quality of decision making – with Mid Devon as a high performing LPA.
- To provide advice, support and guidance to Members in relation to planning matters.
- Progression of work to support the new Biodiversity Net Gain requirements
- Strong links to s106 monitoring and workload.
- Using Planning Performance Agreements to support resourcing, i.e. agency workers where necessary due to the current shortage of available professionals to recruit.
- Admin staff recently superbly supporting Building Control colleagues by processing Building Control applications.

Building Control - Overview

- Mid Devon District Council shared a technical team with North Devon District Council (trading as NMD Building Control).
- Chargeable work (75% - in direct competition with the private sector) and non-chargeable work (25%) non chargeable likely to increase in future.
- Ensuring the health and safety of the public.
- Encouraging innovation to produce energy efficient and sustainable buildings.
- Ensuring buildings were accessible to all and defending vulnerable groups
- Undertaking enforcement and emergency (out of hours) work where necessary.
- Providing advice to the public and the emergency services.

Building Control – Current Workload

Key Items:

- Building Safety Act and Building Regulator changing in April 2024; requirements for changes included:
 - Professional team members to validate their competence through LABC (in full)
 - Register Professional team members with Building Safety Regulator.

- Have capacity and ability to work for Building Safety Regulator outside our authority
- Prepare for Building Safety Regulators Operating Procedures and KPI requirements.
- Continue ‘business as usual’ around plan checks, building inspections etc.

Building Control – Ongoing

- Rebuilding team after loss of skilled workers 2022/early 2023.
- Reviewing and rationalising model to enable the Partnership to be more agile.
- Maintaining and improving Market Share and Income.

Growth – Economy and Delivery - overview

- Overall – engage with businesses, business groups and communities on a regular basis.
- Lead, support and facilitate:
 - Town centre regeneration, destination planning and place management
 - Major growth projects
 - Infrastructure project delivery
- Deliver and administer the Shared Prosperity Fund and Rural England Prosperity Fund projects.
- Project Manage “Visit Mid Devon”.
- Provide advice and guidance to businesses.
- Provide economic development commentary on planning applications.
- Management of Tiverton Pannier Market.

Growth - Current Work Load

- Progress delivery of Cullompton Town Centre Relief Road.
- Delivery of the Shared Prosperity Fund (SPF) and Rural England Prosperity Fund (REPF) to deliver expected/agreed outputs and ensure maximum benefits to Mid Devon residents and businesses.
- Delivery of Junction 28 strategic upgrade.

Growth - ongoing

- Project manage Visit Mid Devon.
- Continued re-engagement with business community post covid.
- Delivery of masterplan projects for 3 towns.
- Input into ‘Plan Mid Devon’ and strong interaction with development sector.

Successes in the last 12 months

Growth and Economy

- Cullompton Higher Bullring re-opening after public realm enhancement works.
- Completing projects in the Heritage Action Zone programme.
- SPF and REPF programmes on target for 100% spend during second year and well placed for third year with a number of exciting initiatives including the Swan Trail.

Forward Planning

- Progress on 'Plan Mid Devon'.
- Neighbourhood Plans – successful progression of Silverton NP.
- Completion and approval of the Joint Strategy 'Our Shared Coordinates'.

Development Management (DM)

- Development Planning Team currently fully staffed (officers and specialists).
- DM team was now one of the highest performing Planning Teams in the South West.
- New local Validation list and Discretionary fee charges introduced to help improve budget, sustain the team and improve customer communication.
- Staff attaining Chartered Membership of the Royal Town Planning Institute.

Building Control

- Successful recruitment of new staff in a very challenging market place.
- Team Leader and Area Manager securing new competency standards ahead of deadline.
- Maintaining exceptional market share and good customer relations.

Discussion took place with regards to:

Enforcement – the Council had advertised for new Enforcement Officers but had not been successful in recruiting them. They were now looking at the job evaluation for a Senior Enforcement Officer and a junior officer to assist them. It was confirmed that the Council were looking to have 2 Enforcement Officers in post as soon as they could be recruited.

The Cabinet Member for Planning and Economic Regeneration was very grateful to all the officers that had assisted him.

90 **WORK PROGRAMME (297:26)**

Due to the meeting over-running the Chairman moved that the Work Programme be delegated to the Chairman and the Vice-Chairman to look at outside of the meeting. This was **AGREED**.

(The meeting ended at 8.20 pm)

CHAIRMAN

Responses to Public Questions not sent prior to the meeting

Sally Chapman – Questions for the Environment Agency

I am here representing Friends of the River Exe which was formed last year. We recently heard a talk by Fred Leach from the Riverfly partnership who coordinates regular testing of the Exe for Riverfly species that indicate the health of the river. How important are these surveys and what do you do with these results? We have also set up our own citizen's science water testing group where we send regular sample results to Westcountry rivers trust. Do you welcome and support these initiatives?

These questions would be forwarded to the Environment Agency with a request for a written response.

We certainly do welcome and support these initiatives. Citizen science monitoring can reach many more sites, and at a higher frequency than our monitoring budget will allow. This means that these datasets can provide a strong evidence base for environmental impacts, even if data gathered are at lower precision than laboratory analyses. This is also particularly true in agricultural catchments where there are with multiple sources of organic pollution, sediment and nutrients.

In terms of what we do with these results, it very much depends on the kind of monitoring. Riverfly was originally intended to detect short term (acute) pollution events that impact on invertebrate communities immediately, and the lower scores are detectable for some time afterwards, in a recovery phase. We set a Trigger level for river sites based on what we would expect to find, liaise with volunteer coordinators, and investigate breaches of that score. Water quality monitoring enables us to map hotspots within a catchment where data indicates elevated levels of chemicals relative to other river reaches, or tributaries.

Response provided by the Customer and Engagement Advisor at the Environment Agency

Sarah Coffin

Ref: Agenda Item 10 - Motion 583 Protecting Rivers and seas.

- 1) What consideration has been given to preventing Agricultural run-off relative to Motion 583?

Through the adopted Local Plan (Policy DM20/DM4) the Council already articulates the need for technical evidence to support agricultural applications where there is a risk of pollution which could impact upon water bodies and this also requires demonstration of how adverse impact will be avoided.

The forthcoming Water Cycle Study will seek to develop the Council's understanding on issues such as this and will become a key aspect of supporting evidence for policies within our new Local Plan; Plan Mid Devon. The Council has therefore given demonstrable consideration to the issue of Agricultural run-off already, where planning permission is required for agricultural development, and intends to continue to consider issues pertaining to water quality and pollution in the future.

Response provided by the Director of Place and Economy

- 2) Are Councillors aware that despite our two major industries of Agriculture and Tourism (covering 225,920 acres) your Council has no specified policy for either?

Linked to the above; I would point out that the adopted Local Plan has a policy which is directly related to Tourism (Policy DM22) and a policy which directly relates to Agriculture (DM20). The Local Plan also includes references and policies relating to the tourism industry throughout.

Response provided by the Director of Place and Economy

- 3) Are Councillors aware that Agriculture is globally recognised as a major polluting industry which if not properly managed in accordance with DEFRA/EA/WRAP voluntary 'Farming Best Practice' and BAT guidance, seriously impacts air, water and soil quality?

Councillors are aware of the impacts of Agriculture upon our environment, especially where poor practices prevail. However, we are also aware of the significance of Agricultural activity within our rural district and the important roles that farmers and landowners can play in supporting our natural environment and acting as long term stewards.

Response provided by the Director of Place and Economy

- 4) The major pollutions occur during storing/mixing/spreading of livestock slurry and AD digestate. If 'good practice' and Best Available Techniques are not implemented there is considerable risk of 'odour Nuisance with the release of harmful emissions being dispersed into the air; as well as potential overspreading and run-off into water sources. Despite this Mid Devon does not condition Best Practice within Agricultural Planning Approvals why?

The planning system does not control or regulate agricultural practices as it in itself does not constitute development.

Response provided by the Director of Place and Economy

- 5) Do Councillors realise that DEFRA/EA Best Practice guidance for these activities are voluntary and the EA only enforces if major water pollution occurs with fish kill. In the meantime any 'Odour and detriment Nuisance' impacting local communities is the remit of Mid Devon. It is acknowledged that 'splashplate' method of spreading slurry and digestates is the worst and least beneficial so why doesn't Mid Devon insist that the best method of spreading (injection pipes) are utilised – even if only in sensitive locations. This would be easy for public to identify and report.

Thank you for the information and question. I hope that the response to question 4 addresses your query.

Response provided by the Director of Place and Economy

Goff Welchman

My previous question at the last meeting regarding the external Directors at Three Rivers and the reply that I received are in your minutes so I hope that you have all read it.

In my opinion the reply gave the impression that there were external Directors from very early on, on the board of Three Rivers. So I put in a Freedom of Information request to verify that fact and your Freedom of Information Office refused to give me a reply. So I went to Companies House and did my research there instead and what I discovered was that none of the initial Directors on the board of Three Rivers at its inception were independent of this Council and I actually don't believe that the people involved had the necessary depth of skills to run a complex business of that nature. This appears to have been confirmed by the continual and escalating losses of taxpayer's funds throughout the history of the company. New Directors were only appointed around four years after the company's inception when it was already in deep trouble. Therefore in my opinion the reply that was given to me fell woefully short of the truth. This only heightens my suspicion that, we the public, are not being given the truth about Three Rivers, therefore now that I have discovered that the reply given to just one question about one of the lessons learned fell short of being an accurate answer my questions tonight are as follows:

Question 1:

Can the taxpayers of Mid Devon now believe any information given to us about Three Rivers by Mid Devon District Council's officers in view of the evasive response that I have received so far?

Yes.

Answer provided by the Chief Executive

Question 2:

Will the Council now make a comprehensive statement without regarding the lessons learned about Three Rivers, all the lessons learned, explaining exactly what mistakes were made at the outset, by whom and what financial impact these mistakes had, without regard to any juggling of funds between accounts such as for example Housing Revenue Account Funds being used to buy St Georges Court?

This issue was dealt with last year by the Council's Scrutiny Committee and a comprehensive review, report and discussion took place at that time.

Answer provided by the Chief Executive

Howard Cuthbert

The Environmental Agency claim responsibility for rivers and water courses in the Mid Devon Council area. They highlight Critical Ordinary Water Courses (COWs). However, four associated with Tiverton are listed as Unknown.

Question 1:

How can the public report pollution to the Agency?

We encourage members of the public to report all observations of environmental incidents to us on our Freephone incident reporting hotline on **0800 80 70 60**. This hotline is staffed 24 hours a day, 7 days a week. By speaking to a member of our team we can get as much information as possible from the public which will greatly assist our investigations. Reports are passed to our local duty staff who will assess them and respond accordingly.

Answer provided by the Customer and Engagement Advisor at The Environment Agency

Question 2:

Does the Environmental Agency have the ability to guarantee the quality of water, in the Exe and the Lowman, from Bolham to past the sewage works outfall, used for swimming by the public?

Water quality at designated bathing water sites in England is assessed by the Environment Agency. From May to September, weekly assessments measure current water quality, and at a number of sites daily pollution risk forecasts are issued.

The Environment Agency advise of the risk of pollution affecting bathing water quality which could impact on bathers' health. Public Health England and the Environment Agency offer advice in their 'swim healthy' guidance, which is available to read before making any decision on swimming

<https://www.gov.uk/government/publications/swim-healthy-leaflet/swim-healthy>).

As the area specified is not a designated bathing water, we do not provide advice against bathing.

However, the Environment Agency does monitor the health of all rivers in England as part of the Water Environment Regulation (formerly Water Framework Directive- WFD), and is required legally to provide data for these waterbodies every 6 years. The data for this can be found here

<https://environment.data.gov.uk/catchment-planning>

Answer provided by the Customer and Engagement Advisor at The Environment Agency

Question 3:

The Rivers Trust for the Exe and Lowman as they pass through Tiverton have a number of storm drain sites listed "Not Asset Maintenance, Hydraulic Capacity". This is result of the South West Water asset being undersized and no amount of fiddling on how they are operated can prevent a spillage. Does this not cause concern and suggest corrective action be taken to remedy before pollution occurs?

Please direct this question to South West Water.

Answer provided by the Customer and Engagement Advisor at The Environment Agency - This question will be forwarded to South West Water for a response.

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Mid Devon District Council Scrutiny Committee

Questions for the representative of the Environment Agency

1. We hear ([rExe-Catchment-Investigation_excl-Appendices-WRT-pub-24Jul2022.pdf](#)) that from the point of view of water quality, rivers in the Exe catchment, like many other catchment areas, are not in good condition. In fact there is a perception that water quality has declined in recent years. Please tell us how you see this problem and what you are doing about it?

There is a requirement for SWW to install near real time monitoring upstream and downstream of discharges.

A large proportion of reasons for not achieving good status in the Exe Main Operational catchment is linked to rural land management (agriculture). Environment Officers work closely with Catchment Sensitive Farming utilising incentives-based schemes alongside regulatory mechanisms. There is evolving options for farmers under Environmental Land Management. Addressing diffuse water pollution is complex-often significant delay between measures implementation and downstream improvements

2. If there are some areas you would like to monitor but are unable, why is this not possible?

The Environment Agency monitors the state of the water environment by measuring water quality, water quantity and ecology. This allows us to understand the overall health of aquatic ecosystems and manage the pressures impacting upon them.

96,514 samples were taken in 2021/22.

We are investing more this year to create a modern monitoring system that utilises the skills and knowledge from across the private and charitable sectors – and will give us more evidence within local areas. We've also placed new requirements on water companies to significantly increase their monitoring and reporting so that everyone can see what is happening.

We have introduced a new long-term surveillance monitoring programme for rivers to give a national overview of the state of England's rivers - the 'River Surveillance Network'. This network will provide a statistically robust assessment of the health of rivers and how this changes over time at a national scale and over the long term.

In addition, we welcome the various emerging citizen science initiatives that contribute valuable information to help everyone involved to identify and prioritise action. We have our own citizen science programme in place to support this across the country, and have created new Environment Agency roles to connect to local citizen science projects.

3. Do you respond to reports of storm (or dry) discharges of sewage into watercourses and how do you respond?

We have currently assessed the top spillers from the 2020 data. Work on later years is currently paused while we develop the tools to allow our Officers to assess this data more quickly and accurately.

- a. Follow-up question: the Sampford Peverell Waste-water Treatment Plant frequently discharges untreated sewage into Spratford Stream, a tributary of the Culm, 665 hours in 2021 and nearly 400 in 2022. Would this have been looked at and has any action been taken in relation to this?

No, this data has not been assessed yet.

4. What additional measures or resources are needed for effective response?

We require more staff and the formation of water industry teams which is starting to take place in June 2024

5. Is there co-operation you would like from local authorities to help reducing pollution in rivers?

We would seek greater co-operation between MDDC and SWW through the preparation of the Local Plan to identify and plan for wastewater infrastructure to support growth, considering costs and timings/phasing of development. Water Cycle Studies and Infrastructure Delivery Plans can help understand what is needed.

Waste water treatment and the quality of the water environment should be addressed in the Local Plan to ensure there is infrastructure to support sustainable growth and ensure there is no deterioration of water quality. The provision of infrastructure for wastewater is listed as one of the strategic priorities that should be considered in Local Plans (NPPF paragraph [156](#)). LPAs should also work with providers to assess the quality and capacity of infrastructure for water supply, wastewater and its treatment (NPPF paragraph [162](#)). The Planning Practice Guidance (PPG) (Ref. ID 34-020-20140306) confirms that plan preparation should be the focus for ensuring investment plans of sewerage undertakers align with development needs. Information on sewage disposal capacity should be front loaded into the strategic planning system to inform the selection process after the call for sites.

The PPG (Ref. ID 34-020-20140306) is clear that connection to the mains sewer is the 'first presumption' for new development and that this should be done in consultation with the sewerage company when the plans are being drawn up. The onus is on developers to do this. The PPG (Ref. ID 34-016-20140306) says that water quality can be a concern for planning where a proposal would indirectly affect waterbodies through (among other things) lack of adequate infrastructure to deal with wastewater. The PPG also says (Ref. ID 34-020-20140306) that timescales do not always fit with development needs and that **LPAs should consider how new development can be phased so that it is not occupied until any necessary improvements to the public sewer system have been carried out.**

How Local Plans can help address water quality:

The outcomes we seek:

- The quality of surface, ground and coastal waters and wetlands continues to improve for the benefit of people, the economy and wildlife.

- Protection and enhancement of the environment and promotion of multifunctional benefits such as climate change adaptation, delivery of RBMP objectives, flood risk management, including SuDS, and water quality etc
- Required infrastructure to support the delivery of Local Plan economic and housing targets.
- Avoidance of non-mains drainage private treatment options
- LPAs take a catchment scale approach to the water environment to develop their Local Plan policies. This supports the Duty to Co-operate and should involve partnership working with utility companies, the Environment Agency and neighbouring LPAs where appropriate.
- Reduction in Combined Sewer Overflows (CSOs), reducing sewer flooding and protecting water quality.

The LPA should ensure that development does not result in a deterioration in the operation of the existing sewage infrastructure, increased operation of Combined Sewer Overflows (CSOs) or cause or increase sewer flooding.

6. Can citizens help you to protect water quality in any way?

Yes, we are working with a range of citizen science groups engaged in chemical, biological and bacteriological monitoring water quality. There are nationally and locally focused initiatives looking at a range of pressures on our water environment. Riverfly monitoring is an excellent way to detect water quality impacts on river invertebrates [Get Involved – The Riverfly Partnership \(riverflies.org\)](#) . Training and kit is provided by the Riverfly Partnership and monitoring is coordinated across several catchments in Devon. West Country Rivers Trust coordinate a range of Citizen Science initiatives, including water quality testing [Get Involved - Westcountry Rivers Trust \(wrt.org.uk\)](#)

7. The Environment Agency claim responsibility for rivers and water courses in the Mid Devon Council area. They highlight Critical Ordinary Water Courses (COWs). However, four associated with Tiverton are listed as Unknown, how can the public report pollution to the Agency?

The public can call 0800 807060 to report pollution to any watercourse whether it is a Critically Ordinary Watercourse or not.

8. Does the Environment Agency have the ability to guarantee the quality of water, in the Exe and the Lowman, from Bolham to past the sewage works outfall, used for swimming by the public?

These stretches are not designated bathing areas, so we do not have data on the bathing water quality so cannot advise bathing.

9. The Rivers Trust for the Exe and Lowman as they pass through Tiverton have a number of storms drain sites listed “Not Asset Maintenance, Hydraulic Capacity”. This is result of the South West Water asset being undersized and no amount of fiddling on how they are operated can prevent a spillage. Does this not cause concern and suggest corrective action be taken to remedy before pollution occurs?

SWW now has a Drainage and Wastewater Management Plan (DWMP) which is a long-term plan that outlines how they plan to approach and manage sewerage and wastewater over the next 25 years. They assess things that may impact on the sewerage network such as:

Population growth - new housing developments and increased occupancy of existing homes

Climate change - more volatile weather, severe rainfall events, longer dry periods

Urban creep - paving over urban areas such as parks and gardens, removed natural soakways for rainwater run off

SWW have split the region into 22 catchments. Each area has a specific plan of improvements and upgrades that they will be working on and Tiverton is covered in their Exe plan, here: [exe_l2_dwmp_plan.pdf \(southwestwater.co.uk\)](https://southwestwater.co.uk/exe_l2_dwmp_plan.pdf)

10. Do the environment agency keep a log of what they are responsible for and is that log in the public domain?

This is included in the presentation given at the meeting and more information can be found if search for Environment Agency at www.GOV.uk.

11. Reference the Cole Brook, and the Main River (leat), both in Padbrook, Cullompton. What measures are being put in place to reduce the risk of further flooding, given the very serious nature of the floods in September 2023?

- Environment Agency officers undertook flood reconnaissance on 17 September 2023 immediately after the flooding event to collect and record evidence. This identified 16 properties in the area that were impacted by flooding of up to 10cm depth (15 in the Knightswood estate from the Colebrook, and 1 in Knowle Lane from the Crow Green Stream). The information gathered was shared with Devon County Council Flood Risk Management Team and will help inform future flood risk management strategies and interventions for the area.
- Although there is a perception by some that the new development off Swallow Way/Siskin Chase is a cause of flooding, during our reconnaissance in this event we visited this development and observed that the surface water attenuation pond was operating effectively.
- There is a measure in the South West Flood Risk Management Plan that states *“the Environment Agency will work with the community, landowners and partners to undertake a study in Cullompton to identify opportunities to increase community resilience from the Cole Brook and Crow Green Stream, and create or enhance habitats in the catchment in the Cullompton, South West Flood Risk Area”* This already existed before the September 2023 flooding event.
- There is funding allocated in our capital programme for a project to progress this activity in 2024-2027, subject to an effective business case that meets national funding requirements.
- We are currently working with partners to deliver this activity: principally with Devon County Council and the Connecting the Culm project (which is led by Blackdown Hills National Landscape, in partnership with Mid-Devon District Council, Devon County Council and other local partners). Connecting the Culm is jointly funded by £50k of section 106 money from MDDC (linked to new property on the west side of Cullompton).
- As part of this, we are currently working on a funding application to unlock national Flood Defence Grant in Aid monies. This will be submitted in 2024. If successful, this will facilitate the progress of the following key elements of work to manage flood risk:
 - delivery of nature-based solutions in the upper catchment to reduce flows during times of flood, that have been modelled and identified as part of the Connecting the Culm project, in multiple sub-catchments of the River Culm (including those West of Cullompton: Colebrook, Crow Green Stream, and St Georges Well Stream).

- further analysis and potential design and delivery of civil engineering interventions in the area to reduce flood risk. This includes potential improvements to the conveyance capacity of the highway culvert under Colebrook Lane (owned by Devon County Council), and potential attenuation features to store flows during times of flood in an effective way that minimises risk to people and property. As part of next steps, these will be analysed and explored with appropriate consideration of the costs and benefits, to inform potential options for delivery.
- No change in activity is proposed regarding the leat. Please see attached summary of the Environment Agency position and involvement with the leat in Cullompton dated July 2018, which has been shared with Cullompton Town Council on previous occasions.

12. Also in the same Ward, the sewerage farm, which we are told has long been too small for the local need. A large macerator feeds liquidised faeces, etc into the River Culm, which is now so badly affected that many rare species of flora and fauna have entirely disappeared.

We assume this question is regarding Cullompton Sewage Treatment Works.

The environmental permit specifies the chemical standards of the treated effluent discharged to the River Culm. The LuT (look up table) standards are: 50mg/l biochemical oxygen demand (BOD), 70mg/l suspended solids, 10mg/l ammonia. The UT (upper tier) standards are: 100mg/l BOD and 37mg/l ammonia. Monitoring information: [Water companies: operator self monitoring \(OSM\) environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/water-companies-operator-self-monitoring-osm-environmental-permits)

The treatment used is primary settlement followed by a large rectangular percolating filter bed, then final settlement, and cloth filter for polishing.

Numeric compliance is good –

1 look-up table breach (BOD) in 2023

1 look-up table breach (ammonia) in 2022

None in 2021 and 2020.

Inspections in 2016 and 2024 – no major issues at site.

13. The Exe River, where Atlantic salmon populations have fallen from 2k in 2000 to just 2 in 2023. Insect populations are almost entirely absent nowadays, the river is very badly polluted. Rare species of crayfish no longer exist along its length.

We recognise that there are pressures in the catchment as a result of agricultural and diffuse runoff, water company and private sewage discharges as well as from water resources and climate change. However, our data does not support this statement. As an example, a fish survey on the River Barle at Simonsbath in 2023 had 51 salmon. Regarding salmon numbers, it's also worth pointing out that, as migratory fish, they face numerous pressures (climate change; barriers to passage; marine fisheries) not solely those relating to river water quality. All Environment Agency data is made publicly available on our website [Defra Data services platform - App gallery](https://www.gov.uk/guidance/defra-data-services-platform-app-gallery)

In September 2023, we found over 230 mayfly larvae in a sample at the Exe / Barle confluence. We have no evidence for a decline in riverine invertebrates in the Exe. Our most complete dataset in the catchment, at Thorverton, has consistently shown 'High' status for invertebrates since the year 2000. River Invertebrate data can also be found on our website which show our records of insect abundance [EA Ecology & Fish Data Explorer](https://www.gov.uk/guidance/ea-ecology-fish-data-explorer)

White-clawed crayfish are found in the Creedy and Culm catchments but are under threat from introduced North American Signal Crayfish which are present through most of the Exe.

Examples of waterbody classification in the Exe Main Operational Catchment:

- Exe (Quarme to Haddeo) waterbody- Good ecological status, achieving High for fish & invertebrates;
- Exe (Barle to Culm) waterbody-achieving High for invertebrates;
- Exe (Creedy to Estuary) waterbody-achieving High for fish.

14. I wish to understand the link between yourselves and SWW, and what responsibilities you now accept as yours, and which are the responsibility of SWW.

We are responsible for

- regulating major industry and waste
- treatment of contaminated land
- water quality and resources
- Fisheries
- inland river, estuary and harbour navigations
- conservation and ecology

We are also responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.

It is the responsibility of water companies to comply with the law and to avoid polluting the environment. All water companies have strict conditions around discharges specified through their permits and they must act quickly to address failures and reduce damage if it occurs, or face enforcement action.

15. Who and how to contact at the agency about fly tipping for example in the river Loman? but it does appear they have assumed the role of water bailiff.

The Local Authority would be contacted for smaller scale fly tipping. The Environment Agency would deal with larger scale, such as greater than a lorry load, hazardous waste and organised crime.

Fly tipping can be reported to the Environment Agency hotline (0800 807060) or to Crimestoppers.

16. The Environment Agency is the main body responsible for regulating water quality in the country, please explain the governance arrangements with the water sector and Ofwat which enables the EA to deliver on its legally binding responsibilities.

Please see a summary of Ofwat's remit on the last slide of the presentation.

17. Friends of the River Exe - We recently heard a talk by Fred Leach from the Riverfly Association who coordinates regular testing of the Exe for Riverfly species that indicate the health of the river. How important are these surveys and what do you do with these results? We have also set up our own citizen's science water testing group where we send regular sample results to Westcountry rivers trust. Do you welcome and support these initiatives?

We certainly do welcome and support these initiatives. Citizen science monitoring can reach many more sites, and at a higher frequency than our monitoring budget will allow. This means that these datasets can provide a strong evidence base for environmental impacts, even if data gathered are at lower precision than laboratory analyses. This is also particularly true in agricultural catchments where there are with multiple sources of organic pollution, sediment and nutrients.

In terms of what we do with these results, it very much depends on the kind of monitoring. Riverfly was originally intended to detect short term (acute) pollution events that impact on invertebrate communities immediately, and the lower scores are detectable for some time afterwards, in a recovery phase. We set a Trigger level for river sites based on what we would expect to find, liaise with volunteer coordinators, and investigate breaches of that score. Water quality monitoring enables us to map hotspots within a catchment where data indicates elevated levels of chemicals relative to other river reaches, or tributaries.

18. Below is a consultation for DCC about Greenway landfill.

[EX16 7AE, Decharge Limited, EPR/LB3503GH/A001: environmental permit consultation - Environment Agency - Citizen Space \(environment-agency.gov.uk\)](#)

- a. This impacts MDDC residents in my ward and adjacent wards.
- b. How was this advertised for residents, or councillors, to be encouraged to respond?

The Environment Agency followed all relevant guidance and procedures in regard to consultations for the environmental permit application for Greenway, to be operated by Decharge Limited (application reference EPR/LB3503GH/A001). Our consultation process includes publishing the full application on gov.uk for the public to comment on. It is not a requirement of our consultation agreements to reach out directly to specific individuals, such as councillors. However, the application was open to the public for comment, which provided an opportunity for councillors to formally respond. We would only extend this if a site is deemed a Site of High Public Interest, where we would design a bespoke engagement plan and undertake additional and/or extended consultation with identified consultees. At the point of consultation for Greenway, the site was not deemed a Site of High Public Interest.

More information on how we decide if a site is High Public Interest can be found here: <https://www.gov.uk/government/publications/environmental-permits-when-and-how-we-consult/environmental-permits-when-and-how-we-consult#:~:text=High%20public%20interest%20applications>

19. What is the method of reporting fly tipping, pollution and damage in or around waterways and who is responsible for follow up (Parish/Town, District, County, Central Government)?

Regarding fly tipping, please find above response to question 15.

Regarding watercourses:

Environment Agency – Main Rivers

Local Authority – Ordinary Watercourses

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MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 26 March 2024 at 5.00 pm

Present

Councillors

L G J Kennedy (Chairman)
E Buczkowski, C Connor, G Duchesne,
B Holdman, L Knight (Vice Chairman) and
R Roberts

Apology

Councillor

S Robinson

Also Present

Councillors

D Broom, J Buczkowski, A Cuddy, G Czapiewski,
C Harrower and D Wulff

Also Present

Officer(s):

Paul Deal (Corporate Manager for Finance, Property and Climate Change), Matthew Page (Corporate Manager for People, Governance and Waste), Paul Middlemass (Audit Manager), Angie Howell (Democratic Services Officer) and Sarah Lees (Democratic Services Officer)

Councillors

Online

J Downes and S Keable

Officers

Online

Dr Stephen Carr and Dean Emery

Also in

Attendance

Ken Johnson (DAP)
Jo McCormick (DAP)
Julie Masci (Grant Thornton)
Andy Nichols (Grant Thornton)
Craig Sullivan (Bishop Fleming)
Jennifer Whitten (Independent Person candidate)

62. APOLOGIES

Apologies were received from Councillor S Robinson who was substituted by Councillor Ben Holdman.

63. PUBLIC QUESTION TIME

The following members of the public had registered to ask questions:

Goff Welchman

My questions concern loans from this Council to 3 Rivers.

A friend of mine has had a very long career in banking with a major high street bank and in particular with business investments lending money to new start-ups. Having looked at it carefully, his view of 3Rivers was that if the original Directors with their lack of experience in the relevant field and with lack of any capital to invest themselves approached his bank without a proper business plan and asked for a loan every red flag in the lending world would have popped up and the request would have been rejected summarily. He also told me that if he had authorised loans to the tune of £23m to 3Rivers on behalf of his bank, he would have been fired. Therefore my questions are:

1. How were the loans from Mid Devon District Council assessed?
2. What checks and audits were in place?
3. How were the loans approved and on whose authority?
4. Were Councillors given the opportunity to review the loans and if not, why not?
5. What were the repayment terms of each loan and was the commercial interest rate at the time charged on the loan?

Nick Quinn

Regarding Agenda Item 8 – 3 Rivers Soft Closure Plan.....

Question 1

This 'Soft Closure Plan' report makes reference to Cabinet being informed of the purchase, or transfer, of assets from 3 Rivers to the Council. One of the items was expenditure relating to a possible development of the Park Road Nursery site, which I believe was described as being "intellectual property" - please can you tell me what actually is the "intellectual property" that the Council intends to buy from 3 Rivers?

Response from the Cabinet Member for Finance

This included the architectural drawings associated with the new planning application.

Question 1(a)

Bearing in mind that the Council still owns the Park Road Nursery site and has already obtained Planning permission for a development on it - why does this "intellectual property" have value to the Council?

Response from the Cabinet Member for Finance

It is possible that this might be re-sellable to any new purchaser.

Question 2

Has the purchase of the St George's Court complex, by the District Council, been completed yet?

Response from the Cabinet Member for Finance

Yes

Question 2(a)

If so, on what date was this completed?

Response from the Cabinet Member for Finance
21 March 2024

Question 3

Has the purchase of 42 Banksia Close, by the District Council, been completed yet?

Response from the Cabinet Member for Finance
No

Question 3(a)

If so, on what date was this completed?

Response from the Cabinet Member for Finance
N/a

Paul Elstone

Regarding Agenda Item 9 – Grant Thornton Interim Report 2022/23....

Question 1

Page 20 final paragraph says.

“The report set out the Judgement made by the Devon Audit Partnership is that the allegations were made on an incomplete understanding of the issues involved. The debate has however continued mistrust between officers, members and some members of the public continues.”

Given the last sentence never truer words spoken.

I find it belittling for it to be suggested that former members of this Council and some members of the public did not understand the issues. I would also promptly add the allegations made as much as anything were about Officer, Member and Director misconduct. This opposed to criminal actions. Therefore, I will ask the following related questions.

Why was the Officer most widely associated with the allegations allowed to set the terms of reference and the very tight investigation timelines?

Question 2

Why were the full reasons behind Rivers paying nearly twice as much above the lands market valuation and for the “*pig in the poke*” Bampton site not investigated?

Question 3

Why was the Building Developer and who had an agreement with the landowner to buy the Bampton site and who had spent £80,000 on the development site planning

works not interviewed? A developer who has since needed to file for bankruptcy and in part due to these losses.

Question 4

Why were the full circumstances of a non-existent Ransom Strip not investigated and something alleged had been used by 3 Rivers to destabilise the land-owners sale to the developer?

Question 5

Why was a former MDDC Planning Officer not interviewed and who knew of this building developer's involvement and including of his offer to make a S106 payment of circa £400,000 re: Affordable Homes?

Question 6

Why were conflicts of interest involving key persons involved in the land purchase and the landowner not investigated?

Question 7

Why was the Tiverton Town Clerk not interviewed and who identified the alleged theft of materials at St Georges Court?

Question 8

Why was the Town Clerk and supported by the current and previous Mayor not interviewed. This in respect of the attempts of Officers and Members to suppress any investigation into the alleged theft.

Question 9

Why were Officers, Members and 3 Rivers Directors not interviewed and who provided 3 separate excuses for the removal of the materials?

Question 10

Why was the Manager of a Builders Merchant not interviewed after he raised major concerns about materials being signed out by persons not knowingly associated with 3 Rivers?

Question 11

Why were Builders Merchants sales receipts and signatories not checked?

Question 12

Why were 3 Rivers payment records to this Builders Merchant not checked?

Question 13

Will the Chair of Audit and with the support of this committee agree there is justifiable reason to open a full and independent investigation into the previously made allegations of misconduct or worse?

The Chairman informed the meeting that, as their questions had not been received in advance of the meeting, written responses would be supplied to Mr Welchman and Mr Elstone within 10 working days and attached to the minutes of the meeting.

64. **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

65. **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 16 January 2024 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

66. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had the following announcements to make:

- He reminded the Committee that there would be a special meeting of the Audit Committee on Tuesday 30th April 2024 at 5pm to sign off the 2022/2023 Accounts.
- He introduced a representative from the Council's new External Auditors, Bishop Fleming, Mr Craig Sullivan, and stated that he would be presenting the Bishop Fleming Audit Plan later in the meeting.

67. **INDEPENDENT PERSON - INTRODUCTION**

The Chairman welcomed Jennifer Whitten to the meeting as a potential Independent Person to the Audit Committee. She was attending this evening's meeting in an observing capacity only.

68. **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

The Committee were of the opinion that their discussions for the following item did not need to go into Part II, therefore there was no need to pass a resolution to exclude the Press and Public at this stage.

69. **3 RIVERS DEVELOPMENT LTD - SOFT CLOSURE PLAN (00:15:00)**

The Committee received, and **NOTED**, a report * from the Deputy Chief Executive (S151) providing reassurance that a formal company closure plan was produced and utilised to assist with a structured closedown process. The plan had been followed by the officer / director working group and updated with both progress and new items as identified.

It was explained that the closedown procedure had commenced back in October 2023 and this was now nearing the end of that journey. Assets would be transferred by the end of the week. There would now be a period of dormancy before the company was struck off.

Note: * Report previously circulated.

70. GRANT THORNTON - INTERIM ANNUAL REPORT FOR 2022/23 (00:17:00)

The Committee had before it and **NOTED** a report * from Grant Thornton providing their interim assessment of the Council's Value for Money arrangements.

The following summary was provided:

- Grant Thornton's final conclusion in relation to the Council's accounts for 2022/2023 would be brought to the special meeting planned for 30th April 2024. This might include some updated commentary.
- Their approach regarding the Value for Money assessment was explained which included looking at 3 specific areas, including financial sustainability, governance and decision making.
- The 3 levels of possible recommendations were explained.
- Putting 3Rivers aside, the health of the Council's finances was very good.
- Regarding 3Rivers, it was the opinion of the external auditors that oversight of its stewardship had been insufficiently strong. It had been incumbent upon the Council to have asked more questions of 3Rivers, for example, were objectives still achievable? This was generally felt to be good practice.
- It was also the external auditor's opinion that the company's Business Plan had not been created and agreed in a constructive and timely manner meaning that the Council had not been able to set its budget according to regular time scales. Should the Council wish to enter into a similar arrangement in the future it should be mindful of the recommendations made by the Scrutiny Committees 'Lessons Learned' Working Group.
- Other improvement recommendations regarding the Council's finances would include firming up the Medium Financial Term Plan clearly identifying a savings programme to plug any future funding gaps. They had discovered no evidence of policies not being complied with but felt that more information could have been provided regarding cost effectiveness.

Discussion took place with regard to:

- Whether it would be possible to monitor cost effectiveness better by amending the Key Performance Indicators (KPI's)?
- It was suggested that the Council should try to in-still more of a business culture.
- The need the move on now and focus on the actions identified by the Scrutiny Working Group by regular monitoring.

It was **AGREED** that the Audit and Scrutiny Committees continued to monitor the actions identified by the Scrutiny Working Group looking at the lessons learned from the 3Rivers experience.

Note: * Report previously circulated.

71. CORPORATE RISK REPORT (00:20:00)

The Committee had before it, and **NOTED**, a report * from the Corporate Performance and Improvement Manager and the Corporate Manager for People, Performance & Waste providing a quarterly update on the Corporate Risk Register.

Discussion took place with regard to:

- Whether the risk rating for Corporate Risk 17, Severe Weather Emergency Recovery, needed to be increased given the volatility of climate change? This suggestion would be fed back to the Leadership Team. The focus of the risk was currently around whether the Council had the right preparedness to recover from an 'event'.
- The risk rating related to Corporate Risk 8 Quality of Planning Decisions has been reduced due to the actions of the committee.
- Appropriate mitigations needed to be in place to provide assurance in relation to Information Security.
- A possible risk in relation to Junction 27 given the significant economic impact upon the economy of Mid Devon. This would be fed back to the Leadership Team.

Note: * Report previously circulated.

72. **RISK MANAGEMENT POLICY (00:44:00)**

The Committee had before it a report * from the Corporate Performance and Improvement Manager updating the Council's Risk Management Policy for the 2024/25 financial year.

The following was highlighted:

- This policy was reviewed on an annual basis.
- The process had previously been revised to provide more accountability.
- The Corporate Risk Register had been established, rolled out and was now well embedded.

Discussion took place regarding risk appetite in relation to the local community which might need careful consideration. It was explained that the examples of risk severity which had been included in the policy were offered as guidance, they were not an exhaustive or prescriptive list but designed to be helpful examples.

RESOLVED that the updated Risk Management Policy be approved.

(Proposed by Cllr B Holdman and seconded by Cllr E Buczkowski)

Reason for the decision

Failure to mitigate risks or take advantage of opportunities could result in financial loss to the Council.

Risk management was an integral part of the Council's Corporate Governance arrangements and there was a statutory responsibility under the Account and Audit Regulations (2015) to put in place risk management arrangements.

Failure to take advantage of opportunities and mitigate risks could impact on the Council's ability to deliver its strategic objectives. Assessment of the effectiveness of the framework for identifying and managing risks and for performance and

demonstrating clear accountability was a key element of the Council's governance arrangements.

Note: * Report previously circulated.

73. **DAP INTERNAL AUDIT PROGRESS REPORT 2023-2024 (00:46:00)**

The Committee had before it, and **NOTED**, a report * from the Devon Audit Partnership (DAP) providing a progress update.

The following was highlighted within the report:

- An Outturn Report for 2023/2024 would be brought to the next meeting.
- The Housing Benefits area had received a 'Substantial Assurance' opinion.
- The Emergency Planning area now had a weather risk which was useful.
- The new Resilience Officer was undertaking good work.
- Building Control had received a 'Limited Assurance' opinion given the issues facing the partnership with North Devon District Council in providing an effective and timely service with a significant reduction in income.
- There had been a slight reduction in the number of overdue medium recommendations.
- There had been a real focus on housing voids by Mid Devon Housing and a reduction in the numbers generally since April 2023.

Note: * Report previously circulated.

74. **DAP INTERNAL AUDIT CHARTER AND STRATEGY (DAP) (00:55:00)**

The Committee received a report * from DAP providing the updated Internal Audit Charter and Strategy.

The following summary information was provided:

- The Charter and Strategy set out how Internal Audit delivered its service. Whilst this was a 'dry' document it was very important for setting the standard and supported the team in its work.
- The documents set out the framework of audit activity and formalised it.

RESOLVED that the updated Internal Audit Charter and Strategy be approved.

(Proposed by the Chairman)

Reason for the decision

The Internal Audit Charter and Internal Audit Strategy for Mid Devon was required by the Public Sector Internal Audit Standards (PSIAS).

Note: * Report previously circulated.

75. **DAP INTERNAL AUDIT PLAN 2024-25 (00:57:00)**

The Committee had before it a report * from DAP providing the Internal Audit Plan for 2024-2025.

The following was highlighted within the plan:

- The 'Audit Needs Assessment' was explained which provided information about how audits were prepared.
- Considerations when organising an audit included looking at universal areas of risk, discussions with the Directors, looking at previous reviews, looking at the IT systems in place and best practice across the sector.
- Audits were a collaborative process and the annual audit of the accounts usually started in December in each year.
- The proposal was to include a reduction of 10% in terms of the number of audit days next year.
- The plan would need to be responsive to unfolding events with follow up work on previous audits with 'Limited Assurance' opinions.
- 30 audit days were currently allocated to looking at Cyber Security.
- The majority of areas with significant risk would be covered.

Discussion took place regarding:

- There had been a slight improvement in the Council's audit opinions in the past 12 months however follow up work was still needed in relation to Cyber Security and Information Security.
- The delivery of the current audit plan, whilst nearing the end, was on target.

RESOLVED that the DAP Internal Audit Plan for 2024-2025 be approved.

(Proposed by Cllr B Holdman and seconded by Cllr C Connor)

Reason for the decision

The Audit Committee, under its Terms of Reference contained in the Council's Constitution, was required to review and approve the Internal Audit Plan to provide assurance to support the governance framework.

Note: * Report previously circulated.

76. **DAP - COUNTER FRAUD RESILIENCE AND ASSESSMENT REPORT (01:09:00)**

The Committee had before it, and **NOTED**, a report * from DAP outlining the ever increasing fraud threats affecting all areas of public spending and the responses expected from Mid Devon District Council.

The following was highlighted:

- The Committee were referred to a checklist of Chartered Institute of Public Finance Accountancy (CIPFA) expectations contained within the report which each local authority should assess itself against as a response to the risk of

fraud and corruption. It was DAP's opinion that this Council measured up quite well against this list.

- Fraud represented 41% of overall crime and was on the increase.
- Failure to attempt to prevent fraud could be classified as a criminal offence in the future.
- The Corporate Manager for Income, Benefits and Recovery had undertaken some important work in relation to the Single Persons Discount and was to be congratulated.

Discussion took place with regard to:

- Organisations now needed to demonstrate that they had adequate procedures in place to attempt to prevent fraud.
- Fraud risk in relation to the Council Tax area. It was confirmed that collection rates were looked at as part of any audit in this area, however, as the Council only kept £0.08p in every pound of Council Tax there was a limit in terms of how much resource that could be put to this area.

Note: * Report previously circulated.

77. **BISHOP FLEMING - 2023/24 AUDIT PLAN (01:25:00)**

The Committee had before it, and **NOTED**, a report * from Bishop Fleming, the Council's new External Auditors, providing an overview of the nature and scope of their audit work and bringing the Committee's attention to key aspects of the audit.

The following was highlighted within the Audit Plan:

- The plan set out their key roles and responsibilities. It also outlined the key risks.
- As the External Auditors they would be looking to assess the Council's Financial Statements and Value for Money arrangements.
- They would also be following up on any weaknesses identified by Grant Thornton.
- A sector update was also provided with information regarding the three current national consultations.
- They hoped to get back to the audit timetable that had existed before 3Rivers.
- They had met with relevant officers and had starting building important relationships.

Note: * Report previously circulated.

78. **CHAIRMAN'S ANNUAL REPORT 2023/2024 (01:27:00)**

The Committee had before it, and **NOTED**, the Chairman's Annual Report * for 2023/2024.

There being no further discussion on this report it would now go forward to full Council for noting on 24th April 2024 alongside the Annual Reports from all the other Committee Chairmen.

Note: * Report previously circulated.

79. **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:30:00)**

The Committee had before it, and **NOTED**, the items identified in the work programme for the next ordinary meeting. No additional items were requested to be added.

(The meeting ended at 6.31 pm)

CHAIRMAN

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Audit Committee 26th March 2024 – Public Questions and Answers

Name of person submitting question/s	Questions and responses
Goff Welchman	<p>My questions concern loans from this Council to 3 Rivers.</p> <p>A friend of mine has had a very long career in banking with a major high street bank and in particular with business investments lending money to new start-ups. Having looked at it carefully, his view of 3Rivers was that if the original Directors with their lack of experience in the relevant field and with lack of any capital to invest themselves approached his bank without a proper business plan and asked for a loan every red flag in the lending world would have popped up and the request would have been rejected summarily. He also told me that if he had authorised loans to the tune of £23m to 3Rivers on behalf of his bank, he would have been fired. Therefore my questions are:</p> <ol style="list-style-type: none"> 1. How were the loans from Mid Devon District Council assessed? <p>Response from the Cabinet Member for Finance The loans were approved by Cabinet as part of the business case for each site.</p> <ol style="list-style-type: none"> 2. What checks and audits were in place? <p>Response from the Cabinet Member for Finance The company have their own process in place for checking and paying invoices relating to goods and services. Over and above this, the council spot check invoices within the requested loan drawdowns. Both the company and the council have independent audits of their annual accounts.</p>

	<p>3. How were the loans approved and on whose authority?</p> <p>Response from the Cabinet Member for Finance The loans were approved by Cabinet.</p> <p>4. Were Councillors given the opportunity to review the loans and if not, why not?</p> <p>Response from the Cabinet Member for Finance Yes.</p> <p>5. What were the repayment terms of each loan and was the commercial interest rate at the time charged on the loan?</p> <p>Response from the Cabinet Member for Finance The loans were specific to each site, were completed on a commercial basis with a mark-up applied to avoid state aid, and were repaid via sales receipts.</p>
<p>Nick Quinn</p>	<p>Regarding Agenda Item 8 – 3 Rivers Soft Closure Plan.....</p> <p>Question 1 This ‘Soft Closure Plan’ report makes reference to Cabinet being informed of the purchase, or transfer, of assets from 3 Rivers to the Council. One of the items was expenditure relating to a possible development of the Park Road Nursery site, which I believe was described as being “intellectual property” - please can you tell me what actually is the “intellectual property” that the Council intends to buy from 3 Rivers?</p> <p>Response from the Cabinet Member for Finance This included the architectural drawings associated with the new planning application.</p> <p>Question 1(a) Bearing in mind that the Council still owns the Park Road Nursery site and has already obtained Planning permission for a development on it - why does this “intellectual property” have value to the Council?</p>

	<p>Response from the Cabinet Member for Finance It is possible that this might be re-sellable to any new purchaser.</p> <p>Question 2 Has the purchase of the St George’s Court complex, by the District Council, been completed yet?</p> <p>Response from the Cabinet Member for Finance Yes</p> <p>Question 2(a) If so, on what date was this completed?</p> <p>Response from the Cabinet Member for Finance 21 March 2024</p> <p>Question 3 Has the purchase of 42 Banksia Close, by the District Council, been completed yet?</p> <p>Response from the Cabinet Member for Finance No</p> <p>Question 3(a) If so, on what date was this completed?</p> <p>Response from the Cabinet Member for Finance N/a</p>
<p>Paul Elstone</p>	<p>Regarding Agenda Item 9 – Grant Thornton Interim Report 2022/23....</p> <p>Question 1 Page 20 final paragraph says. <i>“The report set out the Judgement made by the Devon Audit Partnership is that the allegations were made on an incomplete understanding of the issues involved. The debate has however continued mistrust between officers, members and some members of the public continues.”</i></p>

Given the last sentence never truer words spoken.

I find it belittling for it to be suggested that former members of this Council and some members of the public did not understand the issues. I would also promptly add the allegations made as much as anything were about Officer, Member and Director misconduct. This opposed to criminal actions. Therefore, I will ask the following related questions.

Why was the Officer most widely associated with the allegations allowed to set the terms of reference and the very tight investigation timelines?

Response from the Cabinet Member for Finance

The Terms of Reference were based upon the allegations made by a small number of individuals and focused on issues relating purely to actions of the company. As the S151 Officer has responsibility for the financial regulations of the council it is therefore appropriate that they set the terms of reference for any investigation. The timeframe was based upon the importance placed upon the investigation.

Question 2

Why were the full reasons behind Rivers paying nearly twice as much above the lands market valuation and for the “*pig in the poke*” Bampton site not investigated?

Response from the Cabinet Member for Finance

The purchase of the land was a commercial undertaking in the commercial market. The council were not involved in the transaction.

We would welcome and ask you to reflect on how you are choosing to describe this development as it would seem a deliberate attempt to belittle this project and potentially do reputational damage which may undermine future sales revenue.

Question 3

Why was the Building Developer and who had an agreement with the landowner to buy the Bampton site and who had spent £80,000 on the development site planning works not interviewed? A developer who has since needed to file for bankruptcy and in part due to these losses.

Response from the Cabinet Member for Finance

The following response relates to Questions 3 – 12

At the outset of the Devon Audit Partnership (DAP) investigation and following initial interviews with the individuals making the allegations, there was no reliable evidence provided that warranted further involvement of any other parties. During the investigation and at the point the DAP report was discussed by the Audit Committee, senior DAP officers repeatedly advised that if any individuals had any evidence to substantiate their allegations, they should make it available to both them and the Police. To this day, no further evidence has been received.

If the questioner remains unsatisfied with the work and outcome of this externally commissioned investigation, it would appear appropriate for him to discuss the matter with DAP directly. However, it is a matter of public record that the Audit Committee fully considered and approved their findings that concluded that none of the allegations had any substance.

Question 4

Why were the full circumstances of a non-existent Ransom Strip not investigated and something alleged had been used by 3 Rivers to destabilise the land-owners sale to the developer?

(See response above)

Question 5

Why was a former MDDC Planning Officer not interviewed and who knew of this building developer's involvement and including of his offer to make a S106 payment of circa £400,000 re: Affordable Homes?

(See response above)

Question 6

Why were conflicts of interest involving key persons involved in the land purchase and the landowner not investigated?

(See response above)

Question 7

Why was the Tiverton Town Clerk not interviewed and who identified the alleged theft of materials at St Georges Court?

(See response above)

Question 8

Why was the Town Clerk and supported by the current and previous Mayor not interviewed. This in respect of the attempts of Officers and Members to suppress any investigation into the alleged theft.

(See response above)

Question 9

Why were Officers, Members and 3 Rivers Directors not interviewed and who provided 3 separate excuses for the removal of the materials?

(See response above)

Question 10

Why was the Manager of a Builders Merchant not interviewed after he raised major concerns about materials being signed out by persons not knowingly associated with 3 Rivers?

(See response above)

Question 11

Why were Builders Merchants sales receipts and signatories not checked?

(See response above)

Question 12

Why were 3 Rivers payment records to this Builders Merchant not checked?

(See response above)

Question 13

Will the Chair of Audit and with the support of this committee agree there is justifiable reason to open a full and independent investigation into the previously made allegations of misconduct or worse?

Response from the Cabinet Member for Finance

The chair of Audit has responded to you directly with the following response.

“I am more than satisfied from the content of independent reports presented to the Audit committee that there is nothing to warrant further investigation.

I also note that there have been numerous opportunities in the past to bring any matters to the attention of auditors which have, for whatever reason, been declined.”

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MINUTES of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 7 March 2024 at 5.30 pm

Present

Councillors

J M Downes (Chairman)
G Cochran, A Cuddy, M Farrell (Vice
Chairman), B Fish, M Fletcher, N Letch,
R Roberts and G Westcott

Also Present

Councillors

D Broom, E Buczkowski, J Buczkowski, G Czapiewski,
G Duchesne, B Holdman, S Keable and D Wulff

Also Present

Officers

Richard Marsh (Director of Place & Economy), Matthew Page (Corporate Manager for People, Governance and Waste), Paul Deal (Corporate Manager for Finance, Property and Climate Change), Luke Howard (Environment and Enforcement Manager), Zoë Lentell (Economic Development Team Leader), Darren Beer (Operations Manager for Street Scene), Amy Dugard (Growth and Regeneration Officer), Laura Woon (Democratic Services Manager) and Sarah Lees (Democratic Services Officer)

55 APOLOGIES AND SUBSTITUTE MEMBERS

Initial apologies had been provided by Cllr G Westcott, however, shortly after the meeting commenced Cllr G Westcott arrived.

56 PUBLIC QUESTION TIME

No members of the public had registered to speak and none were present.

57 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

No interests were declared under this item, however, Members were reminded of the need to make a declaration should it become relevant during the course of the meeting.

58 MINUTES

The minutes of the previous meeting, held on 4 January 2024, were approved as a correct record and **SIGNED** by the Chairman.

59 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that the meeting agenda was very long and that he wanted all contributions to be relevant to the topic in hand and not to drift off into other areas.

60 MEETING MANAGEMENT

Since there were no members of the public present for the Car Parking Consultation Working Group item, the Chairman stated that items 13 and 14 would be brought forward as the next items of business so that the officers presenting these were able to leave in good time afterwards rather than wait to the end of a long agenda.

61 TOURISM EVENTS UPDATE (00:05:00)

The Economic Development Team Leader provided the Group with a presentation regarding a number of tourism events scheduled for the near future, these included:

The Swan Trail

- There would be a launch event on 3rd April 2024.
- The trail would run from Easter until the end of the October half term.
- Free guides would be available.
- Strategic objectives included a need to increase the vibrancy in the town and encourage greater footfall.
- The trail would take 2 ½ hours to complete, there would be 12 fixed locations (across each of the town's 5 retail quarters) and the theme would be a celebration of Tiverton, its culture, history and wildlife.
- 9 local artists had engaged with the project, providing the design and painting skills. Each swan had been sprayed with anti-graffiti lacquer.
- Performance would be measured by footfall, visitor numbers, engagement with social media posts, feedback and liaison with the Town Centre Partnership.
- The intention was to hold an auction at the end of the project.

Walking Festival

- Circular and linear walks were included to increase visitor numbers and spends in the district.
- Town and Parish Councils had been involved in the Festival Programme as well as Walking Associations, attractions, organisations and businesses.
- The programme would be fully promoted via all available forums and evaluated at the conclusion of the event.

Other Funded projects

- Treasure Trails
- Egg Hunt
- Shakespeare in the Square (in Crediton)

Discussion took place regarding:

- Attractions had been approached and encouraged to advertise on the downloadable pdf walking routes.
- The swans would be fixed via metal straps to heavy concrete plinths making it very difficult for them to be vandalised, stolen or relocated.
- The locations for the swans had been risk assessed.
- The need to grasp every promotional opportunity.
- The Communications team had been asked to liaise with external media colleagues to bring a focus to the Swan Trail launch via their platforms.

The Economic Development Team were thanked and congratulated on the content of the presentation. The Cabinet Member for Planning and Economic Regeneration said that it had been an ‘...immense privilege’ to work with the Economic Development Team on the use of this funding and for coming up with such an impressive range of schemes.

62 FIELD TO FORK: MEET THE PRODUCER PROJECT UPDATE (00:20:00)

The Group received a presentation from the Economic Development Team Leader regarding the Field to Fork project. This included the following information:

- The scheme was about supporting local producers and encouraging shoppers to buy local.
- There had been a spotlight on the supply chain.
- A key aim was to strengthen local entrepreneurial ecosystems.
- There was a need to develop and promote the visitor economy.
- A photographer / videographer had been commissioned.
- There had been a spread of projects across the district.
- Having gathered data from Facebook and Instagram, the metrics were very encouraging showing all targets being exceeded.

63 PARKING CONSULTATION WORKING GROUP - PROPOSALS REGARDING LONG STAY TARIFFS (00:37:00)

The Group had before it a report * from the Environment and Enforcement Manager and the Corporate Manager for People, Governance and Waste providing recommendations from the Parking Consultation Working Group. The group had been working through proposals to amend tariff functions in order to better support local community demand.

The contents of the report were outlined with particular reference to the following:

- The Parking Consultation Working Group was formed to work with local communities and business groups to better understand the parking requirements of towns in Mid Devon. Members, Local business owners, Town Council and Officers represented the District through attending group meetings and these had been productive.

- In order to determine the scope of the group and better understand what proposals could be explored, terms of reference were discussed and agreed by officers and representative members at its first meeting.
- The group prioritised looking at long term stay tariffs and what could be done to potentially increase resident and visitor presence in our town centres. In particular, the group felt and aired the view that more needed to be done to incentivise the purchase of 3 hour parking tickets over purchasing 2 hour tickets. This would encourage people to spend longer periods of time when shopping and meeting family and friends in the community.
- The group put forward new proposals regarding additional tariffs relevant to long stay car parks for consideration by the Economy Policy Development Group and, if seen as a viable option, by Cabinet for ratification. The priority for looking at this issue had come from representatives wanting the tariffs to be revised to encourage more visitors to stay longer in our town centres. It was felt by the group that this was a priority for consideration. By enabling users to have a varied choice in tariff options it would assist town centre business and encourage longer stays.
- The proposals put forward by the group regarding Long Stay parking tariffs had been carefully deliberated and all aspects considered regarding how they supported the community, local businesses and the Council. The Council was praised by group members at its last meeting for taking steps to merge the gap between the Council and local communities when making decisions and for building greater collaboration and shared working.
- The group was proposing to implement some additional tariff bands in Long Stay carparks throughout the district. The group was also proposing to implement a 3 hour tariff in Market Place, Tiverton, to support medium stay visitors in the centre of town. The group had also requested this PDG to consider five free Saturdays in the Multi Storey Car Park, Tiverton, High Street, Crediton and Station Road, Cullompton to support Christmas 2024. The proposed dates were:
 - 23 November 2024
 - 30 November 2024
 - 7 December 2024
 - 14 December 2024
 - 21 December 2024
- Further explorative discussions had been held about the possibility of offering free Sunday parking to compliment the Saturdays. This would be further looked into regarding funding and viability.
- The proposals had been costed based on vends from the financial year 2022/23. However, due to the nature of the proposals which were implementing new tariff bands, it was extremely difficult to compare any relative data in respect of what the likely user take up would be. The costings were therefore best estimates based on knowledge of vends for the other tariff bands currently and were available on request.
- The proposals in Appendix 1 of the report included the inflation increase of 6.7% approved by Cabinet to support the budget setting process.

Discussion took place with regard to:

- The Chairman congratulated the Working Group on its work, praising the collaborative working ethos across all participating representatives.
- The Council's Finance officers were content with the proposals being made.
- The Chairman hoped that the Working Group would continue to engage with local stakeholders in all such discussions in the future.
- Feedback from the consultees to the Group had been very positive and had stated that this would be a good example of working with the public to achieve desired aims for the local community.

RECOMMENDED to the Cabinet that:

- a) The proposed tariff changes be approved.
- b) Approval be given for five free Saturday's parking at the Multi Storey Car Park Tiverton, High Street (St Saviours), Crediton and Station Road, Cullompton, in the lead up to Christmas 2024.

(Proposed by Cllr G Cochran and seconded by Cllr N Letch)

Reasons for the decision

Parking generated substantial revenue and proposals from the group were expected to help the council balance income against community requests. The group also explored opportunities to increase revenue streams.

The group considered how decisions impact on the climate, with special consideration given to improving climate impacts of parking through the implementation of technology such as EV Charging.

Note: * Report previously circulated.

64 **THE BIODIVERSITY DUTY (00:47:00)**

The Group had before it a briefing paper * from the Climate and Sustainability Specialist and the Director of Place and Economy setting out the need for all of the Council's operating areas to be fully aware of their responsibility in needing to meet the biodiversity duty.

The following was highlighted within the paper:

- The importance of this obligation.
- There was a distinction between what the Council could do in terms of 'planning' and what the Council could do in terms of everything else, for example, being a landowner, waste collector and managing car parks.
- The report set out what the Council was currently doing to exercise its Biodiversity duty but also what more could be done.
- A joined up approach was needed, with all Policy Development Group comments and suggestions being collated and then forwarded to Cabinet as recommendations.

Discussion took place regarding:

- There needed to be an embedded mind-set that everything the Council did had to have regard to the Biodiversity duty placed upon it.
- The intention was to monitor actions through an audit plan, rather like the Risk Register thereby monitoring progress against targets.
- A suggestion was made that the 'donut' economic model be used as a way to assess and monitor this duty, however, this had not received much support in the past.
- It was also suggested that the Committee report template have an additional section in it asking for Biodiversity consideration to be given to all issues coming to Committee.

Note: * Briefing paper previously circulated.

65 **PERFORMANCE DASHBOARD Q3 (01:00:00)**

The Group were presented with the Performance Dashboard for quarter 3 showing performance against target in the current year to date.

Discussion took place regarding:

- Why the Culm Garden Village and the Cullompton Relief Road were still 'both' not risk rated as 25? It was explained that the risk rating in relation to the Garden Village was 20 and not 25 because there was slightly lower level of risk compared to the Relief Road due to the fact that this was reliant on J28 and there was still engagement with the Government over funding.
- Slippage in relation to retail outlets in Westex, car parks and the Cullompton Relief Road. Redevelopment at Market walk had also slipped.
- The fact that projects had stalled did not mean the Council was losing money but that the delay was holding up growth.
- Pressure may need to be brought by the Group on the Cabinet regarding J28, the Garden Village and the Crediton Masterplan.
- It was confirmed that there were 253 empty properties falling under the Business Rate Scheme.

Note: * Performance Dashboard previously circulated.

66 **JUNCTION 27 AND JUNCTION 28 UPDATE (01:15:00)**

The Group had before it, and **NOTED**, a report * from the Director of Place and Economy updating Members on the current position in relation to development at both Junction 27 and Junction 28 of the M5 in Mid Devon.

The following was highlighted within the report and discussion took place with regard to:

- Both motorway junctions had been identified in the Local Plan and had presented significant opportunities for economic growth.
- J27 had had a long history with mixed results. The Eden Project work had commenced and been reported to the Group but had ended up not being a

viable prospect for them to pursue. There would be a need to consider that allocation in the new Local Plan.

- The demand for tourism and leisure continued to be assessed and any proposals would be presented to the Planning Policy Advisory Group and eventually this Group.
- Covid had had a significant effect on the development of proposals.
- There was a lot of development ambition at J28. Proposals regarding Cullompton continued with every aspiration that they would succeed, however, without the Cullompton Relief Road, the Culm Garden Village could not happen. Much was dependent on the outcome of funding bids
- A draft business case was going to Devon County Councils Cabinet meeting on 13/3 for decision as they were the Highways Authority.
- A lot of public consultation had taken place with 92% of respondees supporting the Relief Road intervention. Public support was there which would help with any bids to central Government. Development here would unlock employment potential as well as other economic benefits.
- The Cullompton Railway project was progressing positively.

Note: * Report previously circulated.

67 **ECONOMIC DEVELOPMENT TEAM UPDATE (01:40:00)**

The Group had before it, and **NOTED**, a report * from the Director of Place and Economy updating Members on town centre health, projects and activities undertaken by the Growth, Economy and Delivery Team during the last two months.

Discussion took place with regard to:

- Why there was a drop in footfall figures during December when traditionally this was a key trading period? The statistics were being analysed and the details would be brought to the next meeting.
- It was also requested that the data be compared with that collected nationally and brought to the next meeting since it was likely the national cost of living crisis was having an affect up and down the country.
- The closure of Bampton Street in Tiverton in December, having an effect on trading figures.

Note: * Report previously circulated.

68 **MID DEVON'S PROSPERITY PROGRAMME UPDATE (01:49:00)**

The Group had before it, and **NOTED**, a report * from the Director of Place and Economy updating Members on the progress made under the Shared Prosperity Investment Plan (Year 2: 2023/24 and informing Members of the Year 3 (2024/25) Delivery Plan for Mid Devon's Prosperity Programmes.

Discussion took place regarding:

- There were currently no replacement funding streams announced once the Prosperity Programme came to an end.
- Devon had been one of the lowest recipients of SPF monies.

- It was anticipated that the Council would have to enter into a bids process again.

Note: * Report previously circulated.

69 FLEXIBLE WORKSPACE PROVISION UPDATE (02:00:00)

The Group had before it, and **NOTED**, a report from the Director of Place and Economy updating Members on the viability study for the provision of flexible workspace in Tiverton town centre.

The following was highlighted in the report and discussion took place regarding:

- There had been a visible gap in the Tiverton area regarding this sort of facility therefore the Economic Development Team had been keen to explore the opportunity. Shared Prosperity Fund funding had been used.
- There had been a strong ambition to draw people into the town with disposable income and a desire to increase footfall.
- The report provided an overview of the different types of work facility. This was based on an 'office when needed' concept with people coming and going as they wished.
- The idea was for a well-managed hub facility providing opportunities to build up a collaborative environment.
- There were competing aspirations for this building, however, a community based drop in facility was needed with broad needs.
- The provision of high speed internet would be critical.
- The Council needed to make sure this new opportunity was not identified with previous attempts to provide work space hubs.
- There had been some previous negative social media which it was hoped would cease with the new proposals.
- The direction of travel was viewed as being positive and the proposals were supported by the Group.
- There were very few buildings which suited this type of use.
- The model had been developed to work for a minimum of 45 users, 4 officers, 10 memberships with fixed desks.
- This provided an opportunity that could not be missed. It was the role of the Policy Development Group to support and encourage economic development where it could.

Note: (i) * Report previously circulated.

(ii) Cllr Beckett Fish declared a personal interest as he worked for a Telecoms Company.

70 INCOME GENERATION (02:34:00)

The Chairman stated that he felt this item was best discussed in the first meeting of the new municipal year therefore he proposed that this item be deferred until the June meeting. This was supported.

One of the suggestions would be to discuss advertising on Council owned vehicles.

71 CHAIRMAN'S ANNUAL REPORT FOR 2023/2024 (02:36:00)

The Group had before it, and **NOTED**, the Annual Report * from the Chairman of the Policy Development Group summarising the work of the Group during 2023/24.

There being no discussion on this item, the report would now go forward to full Council to note at its meeting on 24th April.

Note: * Report previously circulated.

72 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (02:37:00)

In addition to the items already listed the following was requested by the Group to be on an agenda either for the following or a future meeting:

- Income generation, including advertising on Council owned vehicles.

(The meeting ended at 8.08 pm)

CHAIRMAN

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MINUTES of a MEETING of the COMMUNITY POLICY DEVELOPMENT GROUP
held on 26 March 2024 at 1.00 pm

Present

Councillors

B Holdman (Chairman)
C Connor (Vice Chairman), D Broom,
G Cochran, G Czapiewski and C Harrower

Apologies

Councillor(s)

S Robinson

Also Present

Councillor(s)

G Duchesne

Also Present

Officer(s):

Maria De Leiburne (Director of Legal, HR & Governance (Monitoring Officer)), Matthew Page (Corporate Manager for People, Governance and Waste), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Jason Ball (Climate and Sustainability Specialist), James Hamblin (HR Business Partner) and Angie Howell (Democratic Services Officer)

Councillors

Online

J Buczkowski

Officers Online

59 APOLOGIES AND SUBSTITUTE MEMBERS (03:45)

Cllr S Robinson sent her apologies and Cllr G Czapiewski attended as her substitute.

60 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (04:15)

Members were reminded of the need to make declarations of interest where appropriate.

There were no declarations of interest.

61 PUBLIC QUESTION TIME (04:45)

There were no members of the public present.

62 **MINUTES OF THE PREVIOUS MEETING (05:00)**

The Minutes of the meeting held on 23rd January 2024 were approved as a correct record and **SIGNED** by the Chairman.

63 **CHAIRMAN'S ANNOUNCEMENTS (05:18)**

The Chairman had no announcements to make.

64 **MEETING MANAGEMENT (05:28)**

The Chairman announced that the Group would be discussing Agenda Items 9 and 10 before Agenda Item 6.

65 **CORPORATE HEALTH AND SAFETY POLICY (06:04)**

The Group had before it a report * from the Operations Manager Human Resources on the Health and Safety Policy which had been reviewed and approved by the Health and Safety Committee on 24 January 2024 as well as the Joint Negotiation and Consultation Committee (JNCC) on 25 January 2024.

The following was highlighted within the report:-

- The main changes were to the job titles.

Discussion took place with regards to:-

- Accidents, incidents and near misses and how these were recorded and reviewed. It was explained by the Corporate Manager for People, Performance and Waste that the data was analysed at a quarterly corporate meeting which was chaired by the Chief Executive that looked at the high risks which were scrutinised across the Council.
- Emergency evacuations and the use of the evacuation chair, where they were stored and staff training. All members of the Democratic Services Team and all Caretakers had received training.
- The requirement of a fire drill at a meeting of full Council and when this would be. This would be confirmed by the Corporate Manager for People, Performance and Waste.

RECOMMENDED to Cabinet that the revised Health and Safety Policy be approved.

(Proposed by Cllr C Connor and seconded by Cllr G Cochran)

Reason for the decision

As set out in the report.

Note: (i) * Report previously circulated.

66 SINGLE EQUALITIES SCHEME AND EQUALITY OBJECTIVES (13:14)

The Group had before it a report * from the Corporate Performance and Improvement Manager with an update on action taken to help meet the Council's statutory duties under the Equality Act (2010).

The following was highlighted within the report:-

- This report was presented annually to the Community PDG.
- The report outlined how the Council worked to implement equality duties.
- The Policy had been reviewed over the past 6 months by the Equality and Diversity Inclusion Group (EDI).
- Following the review a new set of objectives had been proposed to make them more specific and measurable.

Discussion took place with regards to:-

- Mid Devon residents being able to access the Council's services despite having no email address or internet facilities and how this was overcome by the existing channels in place such as the press and lobbying for better digital connectivity. An idea suggested by the Group was to approach Town and Parish Councils asking them to advertise on their local notice boards.
- Supporting Ukraine families now that CHAT were no longer managing this.

The Community PDG also thanked Dr Stephen Carr for his work on this report.

RECOMMENDED to Cabinet that the Single Equality Scheme together with the Equality Objectives for 2024/2025 be approved.

(Proposed by Cllr G Cochran and seconded by Cllr C Connor)

Reason for the decision

As set out in the report.

Note: * Report previously circulated.

67 PERFORMANCE DASHBOARD Q3

The Group were presented with, and **NOTED**, the Performance Dashboard * providing summary information reflecting performance for the previous quarter.

The following was highlighted:

- All Council complaints had been resolved within the timescales.
- Environment Protection Services were showing red as this was a new indicator set up for this financial year.

Discussion took place with regard to:

- Capital Projects and why there were showing Amber. It was explained that there were 5 projects running behind schedule and that this was not unusual.

Note: * Dashboard previously provided.

68 BIODIVERSITY DUTY REPORT

The Group had before it and **NOTED** a briefing paper * from the Climate and Sustainability Specialist and the Director of Place and Economy setting out the need for all of the Council's operating areas to be fully aware of their responsibility in needing to meet the biodiversity duty.

The following was highlighted within the paper:-

- Local Authorities had been asked by Government to set out an action plan which would be monitored to enhance nature in all areas to be applied across the organisation.
- The Cabinet had asked for all Policy Development Groups to consider this statutory duty under their own remits and to provide ideas and policies to take back to Cabinet so that they could be incorporated into an action plan.
- In the last 5 years the Council had achieved its tree planting targets.

Discussion took place regarding:-

- Whether Council tenants were able to plant trees in their gardens. It was explained that tenants would be encouraged to plant native trees as long as it did not affect neighbouring properties.
- The planting of community orchards and how this had already been a success.
- The idea of planting a tree for each baby born in Mid Devon, including stillborn babies as there was a similar scheme in Somerset.
- Biodiversity on waste land or brownfield sites and whether areas should be left for natural regeneration.
- The State of District Debate and how this highlighted how Town and Parish Councils wished to be involved.
- The monitoring of the survival of trees and how to protect trees that had been planted.
- Flood management schemes and how support was actively being offered to support projects for natural flood management.

Note: * Briefing paper previously circulated.

69 PUBLIC ACCESS FOR VULNERABLE CUSTOMERS

The Group had before it a report * from the Corporate Manager Digital Transformation and Customer Engagement to present the findings of the Public Access Working Group.

The following was highlighted within the report:-

- On the 22 August 2023 the Community PDG commissioned a Working Group to be set up to assess the impact of reduced opening hours of Phoenix House for vulnerable residents.
- The Working Group had met 3 times where Members worked with officers to assess the current provision and how this could be improved.
- The Working Group had forwarded a request to the Car Parking Working Group to identify whether it would be possible to provide free blue badge parking in the disabled parking facility as currently customers had to cross the car park to pay which could be difficult.
- The Working Group had suggested the provision of an intercom to be placed at the front of the building within the airlock so that when reception was closed to the public, the intercom would still be accessible.
- The calls made using the intercom would go through to the Contact Centre where they would be triaged and dealt with effectively.
- The usage would be monitored after 6 months of installation to see how much the facility was used. This would be reported back to the Community PDG.

Discussion took place with regards to:-

- The installation time and how long this would take. It was hoped, if approved that this could be achieved within a few weeks from approval.
- How this would be communicated to ensure members of the public were aware of the intercom being installed. This would be achieved through normal channels such as press releases and signage.
- It was also suggested by the Group that a table with a pen and paper be provided in the airlock for customers to use when making calls.
- The personal protection of staff when dealing with members of the public that were abusive or threatening.

RECOMMENDED to Cabinet the approval of the installation of an intercom for use by the public when Phoenix House was closed (available office hours only).

(Proposed by the Chairman)

Reason for the decision

As set out in the report.

Note: * Report previously circulated.

70 DEVON PREVENTING SERIOUS VIOLENCE STRATEGY

The Group had before it a report * from the Corporate Manager for Public Health, Regulation and Housing which was presented by Cllr D Wulff, Cabinet Member for Community and Leisure.

The following was highlighted within the report:-

- The report outlined the overall vision and priorities to prevent violence.
- There was a legal requirement for a Strategy for the area to be published by 31 January 2024.
- The work was completed with the Community Safety Partnership who had worked closely with the Office of the Police and Crime Commissioner to develop the adopted governance framework for delivery of the duty.
- There were 3 states of prevention, Universal (Primary Prevention), Targeted (Secondary Prevention) and Specialist (Tertiary Prevention).
- Cabinet had previously looked at the report in January 2024 and was now being presented to the Community PDG to embed the Strategy within the Council Policy Framework to enable delivery.

Discussion took place with regards to:-

- The role of the Police and Crime Commissioner (PCC).
- The unfortunate language used in the report when referring to children in care as it appeared they were being demonised.
- When referring to children in the report the Community PDG requested that it also included missing children.
- The need to work alongside Town and Parish Councils to ensure they were engaged and working alongside the Community Safety Partnership.

The Corporate Manager for Public Health, Regulation and Housing would put forward the above suggestions to the Community Devon Partnership.

RECOMMENDED that Cabinet recommends to Council the adoption of the Devon Preventing Serious Violence Strategy 2024-29 as attached in Annex A to enable delivery as appropriate by the Council's Community Safety Partnership (as a specified authority under the Serious Violence Duty).

(Proposed by Cllr D Broom and seconded by Cllr C Harrower)

Reason for the decision

The purpose of the report was to enable the Community PDG to make a forward recommendation for adoption of the Strategy. As a new Strategy within the Policy Framework it would require full Council approval to adopt.

Note: (i) * Report previously circulated.

71 SAFEGUARDING POLICY

The Group had before it a report * from the Corporate Manager for Public Health, Regulation and Housing with a revised Corporate Safeguarding Policy.

The following was highlighted within the report:-

- The current Policy was last reviewed by the Community PDG in March 2022.
- A Policy review was instigated to take into account changes of responsibilities within the Council.
- As part of the review process, views were sought on current safeguarding policy and operational practice from an internal Working Group of safeguarding leads and the external Devon Districts Safeguarding Officer Network.
- A draft Policy was also reviewed by a Housing Safeguarding Policy expert.
- Feedback from Members Safeguarding Training which took place in December 2023 had also helped to shape the policy format.
- The Policy was now updated and fit for purpose.
- As part of the policy review process it also identified a potential gap in safeguarding provisions for Members with a recommended mechanism to review Disclosure Barring Service (DBS) checks which could be included in a future update of relevant policies. This would be a Member led decision.

Discussion took place with regards to:-

- The action taken if a DBS result disclosed information. It was explained that it would be kept confidential and that there would be steps put in place to deal with such matters.
- The DBS check would be a basic check rather than an enhanced check.
- The importance of best practice and eligibility.
- The Group requested that on Page 124, 1.3.3 – the last bullet point of the report which currently read as “having been in care, prison or other institution” that children in care are not put in the same category as prison or other institution. The Corporate Manager for Public Health, Regulation and Housing would change this before it went to Cabinet.

RECOMMENDED to Cabinet that the revised Corporate Safeguarding Policy be approved.

(Proposed by the Chairman)

RECOMMENDED to Standards Committee that a Member Working Group be established to review the potential future inclusion of DBS checks for Members within the Corporate Safeguarding Policy and related DBS Policy.

(Proposed by the Chairman)

Reason for the decision

As set out in the report.

Note: * Report previously circulated.

72 COMMUNITY SAFETY PARTNERSHIP

The Group had before it, and **NOTED** a * report from the Corporate Manager for Public Health, Regulation and Housing on the annual report of the Community Safety Partnership (CSP) and planned activities for the coming year 2024/25.

The following was highlighted within the report:-

- The CSP priority areas of focus for 2024/25 were based on Strategic Assessments that had been discussed, shaped and agreed by the CSP Board Members.
- The Policy was largely unchanged from the previous year with priority areas of focus being based on violent crime and youth risk and vulnerability.
- The Terrorism Bill also known as Martyn's Law would require venues to assess and mitigate potential risks and to be prepared to deal with incidents to protect people.
- A new requirement based on a national of Community Safety Partnership and Anti Social Behaviours (ASB) powers. This work would need to be incorporated into the Council's Action Plan going forward to have plans in place to strengthen relationships with the local Police Team and other bodies.

Discussion took place with regards to:-

- Martyn's Law and whether training and guidance would be put in place to support those managing facilities. It was explained that at the moment the Council were unsure where this funding would be coming from.
- The need to have more information to encourage people who have intelligence regarding a crime to come forward. The Corporate Manager for Public Health, Regulation and Housing would look into this further.

Note: (i) * Report previously circulated.

73 CHAIRMAN'S ANNUAL REPORT

The Group had before it, and **NOTED**, the Chairman's Annual Report for 2023/2024
*.

The following was discussed:-

- The need to invite Devon and Cornwall Police back to future meetings of Community PDG.
- To also engage more with Town and Parish Councils moving forward.

There being no further comment on the report, this would now be presented to full Council at their meeting on 24th April 2024.

Note: * Report previously circulated

(The meeting ended at 3.33 pm)

CHAIRMAN

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MINUTES of a MEETING of the ENVIRONMENT POLICY DEVELOPMENT GROUP
held on 12 March 2024 at 5.30 pm

Present

Councillors

M Fletcher (Chairman)
B Fish (Vice Chairman), C Adcock,
G Czapiewski, C Harrower, B Holdman,
J Poynton, S Robinson and G Westcott

Also Present

Councillor(s)

N Bradshaw, D Broom, E Buczkowski, J Buczkowski,
L Taylor and J Wright

Also Present

Officer(s):

Paul Deal (Corporate Manager for Finance, Property and Climate Change), Matthew Page (Corporate Manager for People, Governance and Waste), Luke Howard (Environment and Enforcement Manager), Darren Beer (Operations Manager for Street Scene), Jason Ball (Climate and Sustainability Specialist), Sarah Lees (Democratic Services Officer) and David Parker (Democratic Services & Policy Research Officer)

Councillors

Online

S J Clist, G Duchesne, A Glover and D Wulff

56 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies.

57 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

Members were reminded of the need to make declarations of interest where appropriate. There were no interests declared under this item.

58 PUBLIC QUESTION TIME

There were no questions from members of the public.

59 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on Tuesday 23 January 2024 were considered. Councillor Natasha Bradshaw (Cabinet Member for Climate Change) asked that her apologies for that meeting and the fact that she had briefed Councillor Josh Wright in her place be noted. This was agreed and subject to that comment being added the minutes were approved as a correct record and set aside for signing by the Chairman.

60 CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked the Members of the Committee and the Officers for all their support over the past year.

61 CABINET MEMBER FOR CLIMATE CHANGE UPDATE

The Group had before it, and **NOTED**, a report from the Climate and Sustainability Specialist.

The Cabinet Member for Climate Change stated that the Council was at a key stage of implementing Biodiversity Net Gain. The Planning Policy Advisory Group (PPAG) had Local Plan Review and Members would have a chance to engage on this and many other areas e.g. Climate Change planning policies over the coming months. The support through participative policy making is hugely important. The State of the District Debate was approaching and that would be a good opportunity for partnership working in this area to see if together we could go beyond what was statutory policy. For example the Blackdown Hills National Landscape would go beyond the District's own planning policy.

Biodiversity duty

The Policy Development Group (PDG) consultation was in progress – did Members have any ideas they would like to be considered for the draft Action Plan?

The Council would use the Biodiversity Duty to support good actions e.g. push developers to deliver Dark Skies to benefit people and nature.

Tree Planting

Over 50 standards had been planted. The majority at People's Park and Amory Park at Tiverton, 6 large standard orchard trees at Uplowman and 5 standards and shrubs at Willand wildlife area. Standards are equivalent to 10 whips (50 standards = 500 whips) so effectively the Council had met their annual tree target.

The Climate and Sustainability Officer commented upon the excellent work done by:

- Housing teams working on improvements to social housing stock e.g. studying data to help tackle mould and damp issues as well as energy efficiency, to achieve healthy homes with lower bills
- The Tenant Engagement Teams
- Public Health Teams and Private Sector Home Improvements (in the report).
- There was a Community element to the ongoing work, working in partnership with the private sector in relation to the installation of air source heat pumps, loft insulation, cavity wall insulation and solar PV.

The Council had now achieved most of what they could when it came to trees on Council land. The best opportunity for the Council to develop tree planting, and other biodiversity enhancement measures, was through strategic landscape-scale partnership work, with landowners, agencies and community engagement. For example, large scale nature recovery networks and connectivity; woodland cover; local food; outdoor activity and citizen science with all the health and wellbeing benefits that go along with it; climate adaptation and natural flood management partnership schemes.

Discussion took place with regard to:

- Whether there were targets for tree planting for years to come, and how aftercare is achieved? Aftercare was carried out by the Council's own work force out of the general budget. Where there was sufficient grant aid, aftercare was by contractors.
- Volunteering - had there been any discussion with Town and Parish Councils – it was hoped to use the forthcoming "State of the District Debate" to gather expressions of interest from the Towns and Parishes where they were interested in partnership working.
- Control over hedge cutting was it possible to influence how land owners were managing hedges?
- The Planning Policy Advisory Group were looking at policies in development and Members were able to contribute – could Environment PDG do the same?
- Higher EPC (Energy Performance Certificate) was being achieved for private sector rented homes through MEES (Minimum Energy Efficiency Scheme) – ways to encourage and enforce – grant schemes were available.
- Biodiversity Net Gain (BNG) regulations stated that there must be a minimum 10% biodiversity net gain on site for eligible developments. Where, in some situations, that may not be achievable, biodiversity banking sites might offer an alternative way to secure the uplift. That site did not always have to be within the same district, but within Mid Devon was best.
- Agreed to look into feasibility of raising the local BNG requirement to be above the 10% minimum required by regulation. (Cllr Bradshaw.)
- The Climate and Sustainability Specialist was thanked for his work on Carbon Literacy Education.

Recommendations:

- **The Environment PDG noted and accepted the update on the Council's Climate and Sustainability programme and progress on its response to the Climate Emergency including the Climate Action Plan.**
- **The Environment PDG noted that the Council's Planning Policy Advisory Group would be engaged with ongoing work for the new Local Plan for Mid Devon throughout the plan making programme. (Elected Members were encouraged to join in with PPAG and the Local Plan making process, and might wish to influence policy with regard to the sustainability matters such as the draft policies around climate change, the Biodiversity Duty, Biodiversity Net Gain, etc.)**

- **The Environment PDG noted the Cabinet report and the requirements on the Council to act in relation to the Biodiversity Duty.**

62 PERFORMANCE DASHBOARD QUARTER 3

The Group had before it, and **NOTED** the presentation from the Corporate Manager for Performance and Improvement.

The following was highlighted:

- The Own Fleet CO_{2e} Avoided was red rated due to the fact that the Council did not have its new electric vehicles for the first four months of the year.
- The prices for recycled materials were volatile.
- There was an overspend on agency staff which Management were looking at.
- There was a slippage in percentage terms on capital projects due to the fact that the Council were looking for a new waste site.
- The PDG Chairman asked if the (missing) solar power data could be provided by the end of March 2024? The Corporate Manager for Performance and Improvement hoped that a fresh target for solar panel performance could be set in March 2024 once gaps in our information had been filled.

Discussion took place with regard to:

- Risk. Potential failure to meet our Climate Change obligations rated at 15.
- Whether the Council would have an annual progression of targets to lead up to 2030? – That was not available in the current Corporate Plan but the Corporate Manager for Performance and Improvement would encourage it.

The Performance Dashboard for Quarter 3 2023/24 was **NOTED**.

63 REVIEW OF BIN IT 123

The Group had before it, and **NOTED** the verbal update from the Corporate Manager for People, Governance and Waste.

The Following was highlighted:

The revised deadline concerning the elimination of side waste for district collections.

In October 2022 Mid Devon District Council brought in three weekly bin collections following a trial the previous year. Three weekly collections aimed to increase the amount of district recycling and reduce its residual tonnage. Both of those aspects underpin a reduction in the Council's carbon footprint and helped it meet its carbon net zero commitment.

To date the results of the scheme had been encouraging. Our recycling rates had risen around 5% and significantly reduced our residual tonnage. In 2022-23 the Council came in the top 10% of all Councils on recycling rate and reduction in residual tonnage. The Council was identified by Office for Local Government for the positive progress and asked to present to other Councils in December of last year on how we had achieved those results and the lessons learned from our experience.

On February 26th of this year we eliminated side waste collections following a 16 month transition period where we had been flexible with all of the district in picking up additional waste left out for collection e.g. that contained in black bins or seagull sacks. We raised awareness of this change through press releases, an online video which showed residents what should be done and also writing to residents who were identified by our crews as still leaving side waste out for collection (this correspondence was shared with Members).

Since the 26th February 2024 the Council had received daily data on households who were still leaving side waste out for collection. At present and from the results we had received we were showing between 96.5 and 97% compliance on average. These households were being identified for visits from either a Recycling Adviser or an Enforcement Officer depending on the nature of the offence e.g. had it happened before, had they been written to and its scale (2 letters and a sticker). Very few were repeatedly putting out side waste, which was around 4 people per day. A big thank you to the vast majority of the District for supporting the scheme to increase recycling and reduce residual waste.

Behind the numbers there was the important context of local challenges and how we best educate residents and enforce where appropriate. This was where the Members could really assist the scheme, both by helping residents understand what was required but also identifying potential challenges and problems which need to be handed over to the Waste Management for attention. Members input was really invaluable as was their steer on the importance of all residents complying with the scheme.

Our District Officers had investigated those more severe and larger deposits of side waste. These investigations had identified households that had left out carpets and other large items from household clearance which should have been taken to the Recycling Centre (and a visit could be arranged if telephone contact had not been successful). It had also identified households taking their waste to the front door of another residence e.g. finding proof of correspondence for the original resident in the black bag. Where appropriate enforcement action was being taken with fly tipping enforcement part of the portfolio of options considered.

Much of the remaining challenge rested on how we get residents to reduce waste and divert what could be recycled of their waste into the recycling containers and food caddies rather than black bins and sacks. This would be a question posed at next week's State of the District debate and was highly pertinent to our current situation. A blend of positive education, engagement and communications was required, augmented by effective and proportionate enforcement action.

The District needed to understand that full compliance with the Bin-It 123 scheme was vital if we were to fully realise the objectives of higher recycling and less residual waste set out at the start of this update. As important was the fact that the District was rewarded financially for recycling more of its waste and the current discrepancy between now and where we want to be would be costing the Council the best part of one million pounds.

In looking at our recycling data for 22-23, if everything in our residual waste collection had been recycled then our recycling rate would have seen our income from recycling credits increase by approximately £230K whilst the sale of these materials

would have brought in an additional estimated £700K. Obviously there was the current volatility regarding prices for certain materials eg plastic but there would be clear financial benefit from achieving maximum recycling for the District.

Discussion took place with regard to;

- Dealing with Houses of Multiple Occupancy (HMO's).
- Dealing with those properties that did not have facilities to store bins. – In both of those areas education of the public would be involved including sending out advisers to assist with the problems that some householders might have. If people needed additional bins or containers then they should get in touch with Mid Devon District Council.
- Although Food Waste was collected on a weekly basis, too much food was still being thrown into general waste.
- Plastic Film waste was on schedule to be collected in 2027 – would it bring in more revenue by way of Government Funding or would it cost the Council? – The answer was that it should be regarded as positive. Customers were keen for the Council to recycle plastic film.
- Whether the current workforce was sufficient? – This was under constant review with checks being made on a quarterly basis. There had been previously a real shortage of HGV drivers but it is now better than previously reported.
- Request for more publicity as to what could be recycled and how?
- Bulky Waste collections – this was a service that could be requested on-line or through customer services. Bulky waste was a problem for a transient population, the Council would prefer suitable items of furniture to be re-used through a number of the pre-loved shops.
- There was a certain amount of discussion on social media about black bag waste, HMO's and flats – what was the profile of the sort of residents or areas against whom enforcement action was taken? There was no specific profile that had been more prevalent than others.

The Review of Bin it 123 verbal update was **NOTED**.

64 ENVIRONMENT ENFORCEMENT STATISTICS - QUARTER 3

The Group had before it, and **NOTED** the report from the Environment and Enforcement Manager

The following was highlighted:

- The Council were able to complete all cleansing inspections although due to the staffing resource they had completed less inspections that they would have hoped for.
- Only 3 fixed notices had been issued for dog fouling in 2022 and none in 2023. It was commented that people were less likely not to pick up after their dog if the Enforcement Officer was visible. Mid Devon District Council was happy to work in partnership with Town and Parish Councils, The Authority was also willing to link with partner authorities to learn from best practice. Would more “pick up after your dog” signs make any difference?
- Were there fly tipping hot spots and would CCTV be of any use?
- Car Parking – were we a paperless operation? – The Council offered cardless payments and there was a consumer shift towards that but there was still need

for pay and display machines as some customers still wanted a printed ticket.
– This was ongoing work.

- Mid Devon District Council were promoting the “Keep Britain Tidy Week” and the “Great British Spring Clean”.

The Environment Enforcement Statistic quarter 3 were **NOTED**.

65 **WORK PLAN**

The existing Environment PDG work plan was noted and the following items were considered as to whether they should be added to the work plan:

- The option of community municipal bonds as a way to increase revenue for renewable energy projects (i.e. EV Charging Points, wind farms, etc.). **ADDED**
- Workplace parking levies to encourage car sharing in the District / more use of public transport. – This was discussed at PPAG where it was realised that public transport could be an issue. – not added.
- Working with the communications team to create local guides of accredited local business with strong green credentials (carbon neutral / B Corp). **ADDED**
- Increased Solar PV at Council-owned buildings. Reduction in business rates for those that wish to install clean energy solutions. **ADDED**
- Feasibility of community composting schemes – biodiversity. **ADDED**
- Incentivising the use of electric vehicles with lower cost/free parking for electric vehicles at District owned sites. There were restrictions on how much electricity could be drawn off the electricity mains. – This idea was to be sent to the Car Parking Working Group.
- Feasibility of becoming a zero food-waste District. This is something that was happening in Bristol, with campaigns to support education and updates in relation to what happens to food waste (biogas for green buses, etc.). The Corporate Manager would consider this idea in a future report.
- Public Recycling Bins - The Corporate Manager would consider this idea in a future report.
- Food redistribution schemes through the Council to reduce food waste. It was agreed that there needed to be communication and liaison with community undertakings such as the “sustainable” groups to find out what was already happening. - **ADDED**
- Repair cafes and green markets / free business workshops on reducing waste.
- Working with local businesses (i.e. Pipers Farm) on local food growing workshops for residents (reduction in food waste from supermarkets).
- Small electrical donation schemes.

- Did you know what the Council's current tree planting strategy is? Was there a target in mind?
- Did we have a green procurement policy? Should we? - **ADDED**
- Facilitation of the rolling out of EV chargers, like the DELETTI programme in Devon and Somerset. - **ADDED**
- Feasibility of cross-county co-operation on recycling centres. – As this was a County function it would not be appropriate for this PDG to look at the matter.
- Rolling out of refillable water stations in town highstreets / at Council buildings. Possible involvement of South West Water – **ADDED**
- Could we commission and pay for dog poo signs for our Parish Councils? Include the fine and how to report it. Ask officer to cost up for us. - **ADDED**

The four items considered in section 61 Environment and Climate Change Update were also added to the Work Plan:

- Targets for Tree Planting for years to come
- Grant Funding – higher EPC through MEES scheme – ways to encourage and enforce.
- Biodiversity Net Gain – going beyond the minimum 10% in regulations
- Policies in Development - Environment PDG adding its thoughts

66 ENVIRONMENT PDG CHAIRMAN'S ANNUAL REPORT

The Group had before it, and **NOTED** the Chairman's annual report.

In my first term as an elected member of Mid Devon District Council, I've had the privilege of chairing the Environment Policy Development Group (PDG), a role aligned with my deep passion for environmental issues.

Since the change in administration in May 2023, the Environment PDG has effectively embraced its responsibilities.

The Environment Policy Development Group (PDG) acted to further environmental sustainability in the round, influencing both the Council's operational practices and its broader responsibilities to Mid Devon's communities.

The Environment PDG has shaped, scrutinised, and recommended important initiatives brought forward by officers, such as:

- Regular Climate Change and Sustainability Updates.
- Revenue and Capital Outturn Reports.
- Environment and Enforcement Policy.
- Waste and Recycling and a review of the Bin It 123 Scheme, including education for residents in relation to reducing side-waste from the Environmental Enforcement Team.
- The MDDC draft Budget and Medium Term Financial Plan to support the Council presenting a balanced budget for the financial year 2024/2025.

- Management of Himalayan Balsam & other invasive species.
- Corporate Performance.
- Amendments to the Fly Tipping Policy for a proactive reduction in fly-tipping incidents.
- Green Standards in Planning including renewable and alternative energy, Energy efficiency and Community Energy Projects.
- Renewable Energy in Mid Devon District Council.
- Support for the Council's biodiversity duty.
- Staying up to date with the Climate Action Plan.

Our Environment Enforcement Team has excelled in enforcing best practices, handling diverse cases such as abandoned vehicles, fly-tipping, environment enforcement, and parking. By patrolling town centres, car parks and other key areas of the District to proactively identify any arising issues or concerns. Their efforts have played a pivotal role in our Continuous Improvement program, addressing concerns raised by elected members to maintain the cleanliness of our district.

Our District Officers have been instrumental in transitioning to three-weekly bin collections, resulting in Mid Devon District Council coming within the top 10% of all Councils for our recycling rate and reduction in residual tonnage. I would like to extend my utmost congratulations to all staff and residents that have helped us achieve this.

One of the first actions of the Environment PDG was to reconstitute the Net Zero Advisory Group, which has been expertly chaired by Cllr Beckett Fish as we strive to achieve our Net Zero objectives.

NZAG has been re-established in order to support the Environment PDG identify the most effective ways of achieving zero carbon output in Mid Devon. Members from all PDGs participate in the Net Zero Advisory Group (NZAG) which has helped explore and steer activity on a wide range of topics.

NZAG have identified a number of ways or building reports on the status of carbon output across Mid Devon and are bringing together a number of metrics for regular review so we can track our performance.

The discussions have looked at a wide number of pathways to furthering the council's achievement of net zero, we have looked at these routes against the amount of impact they will have, the time taken, any cost and just how achievable the plan is.

Areas that are being focussed on include:

- "Greener" policy planning.
- Energy saving and decarbonisation.
- Developing more "green" spaces.
- Rivers partnership.
- Council & Communities Action Plan.
- Supporting local energy projects.
- Supporting local food growing.

NZAG are targeting greener policy planning and energy saving/ decarbonisation as areas where we can make the most traction in the shortest time.

We would like to express thanks to officers Jason Ball and Paul Deal for their assistance as we develop our plans. Also to all members who have contributed to our discussions particularly Cllr Josh Wright and Cllr Natasha Bradshaw.

I would like to thank fellow members for their contribution to the debates this year, and officers for their guidance, support and professional recommendations. Particular thanks also goes to David Parker for organising agendas, report packs, and ensuring everything runs smoothly. Your help and support is really appreciated.

As Chairman, it has been an honour to serve, and I look forward to continuing my commitment to the committee. Balancing tight budgets, increasing demands on public services, and fostering sustainable communities remains our generation's greatest challenge. I look forward to being part of the discussions and debates that help that future.

(The meeting ended at 7.26 pm)

CHAIRMAN

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 19 March 2024 at 2.15 pm

Present

Councillors

C Adcock (Chairman)
J Cairney, C Harrower, L Knight, F W Letch, N Letch and
S Robinson

Apologies

Councillors

S Chenore and A Glover

Also Present

Councillors

D Wulff, D Broom, S J Clist, G Duchesne and S Keable

Present

Officers

Richard Marsh (Director of Place & Economy), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Dr Stephen Carr (Corporate Performance & Improvement Manager), Mike Lowman (Building Services Operations Manager), Claire Fry (Operations Manager for Housing Management Services), Jason Ball (Climate and Sustainability Specialist), Sophie Richards (Customer Engagement Officer, Mid Devon Housing), David Parker (Democratic Services & Policy Research Officer) and Sarah Lees (Democratic Services Officer)

Councillors

Online

J Buczkowski and H Tuffin

62 Apologies and Substitute Members

Apologies were received from Cllr A Glover and Cllr S Chenore who was substituted by Cllr L Knight.

63 Public Question Time

No members of the public had registered to ask a question and none were present.

64 Declaration of Interests under the Code of Conduct

No interests were declared under this item.

65 Minutes

The minutes of the meeting held on 16 January 2024 were approved as a correct record and **SIGNED** by the Chairman.

66 Chairman's Announcements

The Chairman had the following announcements to make:

1. On behalf of the Group he extended his thanks and appreciation to Claire Fry, who would shortly be retiring, for all her help, advice and assistance in the 16 years she had been reporting to the Homes PDG. He wished her a long and happy retirement.
2. He thanked the officers for providing the reports to the meeting.
3. As Cllr Chenore had sent apologies for the meeting he proposed from the Chair that Cllr J Cairney be elected Vice Chairman for this meeting only. This was **AGREED** by the Group and accordingly Cllr J Cairney took his position in the Vice Chairman's seat.

67 Government consultation on reforms to allocation of social housing (00:09:00)

The Group had before it, and **NOTED**, a report * from the Corporate Manager for Public Health, Regulation and Housing which had been written in response to a letter received by all Council leaders from Baroness Scott (Parliamentary Under Secretary for Social Housing and Faith) setting out that government had launched a consultation seeking views on a series of reforms to how social housing was allocated in England.

The proposals were summarised and discussion took place regarding:

- Views were being sought by the Government in relation to the following new or updated tests: UK connection test, local connection test, income test, anti-social behaviour test, terrorism test and the false statement test.
- The Government were trying to create a more consistent approach nationally.
- The Council's current Devon Home Choice policy was still fit for purpose under the new proposals although it may require some small tweaks.
- Officers had some concerns regarding the proposed reforms on the anti-social behaviour (ASB) tests. More clarification was needed. ASB was a complex area, some ASB was gratuitous and unjustified other cases less so. The proposal of '3 strikes and you are out' seemed harsh and allowed little room for manoeuvre. Would these proposals, if implemented, actually create more homeless people? The Council aspired to be compassionate where it could, the proposals as currently set out prevented this.
- Concerns regarding the proposals for the UK connection test and the lack of detail provided in the proposals.

It was **AGREED** that the review, as set out within the report, form the basis of a proposed response to the consultation from Mid Devon District Council whilst also bearing in mind comments made by the Group today in relation to ASB and the UK connection test.

Note: * Report previously circulated.

68 Performance Dashboard Q3 (00:45:00)

The Group were presented with, and **NOTED**, the Performance Dashboard * providing summary information reflecting performance in the Mid Devon Housing (MDH) area for the previous quarter.

The following was highlighted:

- There were 2 corporate risks in relation to the Homes Policy Development Group.
- Under the General Fund, 4 indicators were either red or amber. However, it was explained that performance was likely to be higher than that reported with the utilisation of grants due to take place in quarter 3 and 4, therefore the year end performance figures would show a more favourable position.
- Under the Housing Revenue Account (HRA), performance levels were increasing. Staffing levels had improved slightly and 60 houses were on track to be completed by 31 March 2024.

Discussion took place with regard to:

- The need to see data in terms of 'direction of travel' rather than 'N/A' as this was not felt to be very helpful.
- More targets were needed and it was hoped these would be forthcoming once the Tenant Satisfaction Measures had been thoroughly analysed.
- Refinement of the Dashboard was still a 'work in progress' and a full year of data was needed in order to get most benefit from viewing performance data in this way.
- The Group needed to be aware that a new Corporate Plan was being developed and dashboards were likely to change as a result.

Note: * Dashboard previously provided.

69 Biodiversity Duty Report

The Group had before it a briefing paper * from the Climate and Sustainability Specialist and the Director of Place and Economy setting out the need for all of the Council's operating areas to be fully aware of their responsibility in needing to meet the biodiversity duty.

The following was highlighted within the paper:

- The Cabinet had asked for all Policy Development Groups to consider this statutory duty under their own remits and to provide ideas and policies to take back to it so that they could be incorporated into an action plan.
- Engagement with tenants regarding this issue needed to continue and be progressed. Achievements needed to be celebrated Enhancement projects needed to be considered, for example, roosting bricks in housing developments.
- Other ideas included awareness training and improving access to the green areas when developing housing estates.

- It was confirmed that new housing schemes already incorporated enhanced levels of Biodiversity. However, one of the tensions the Group needed to be aware of was the potential conflict with other aspirations, such as the pressure for parking on housing developments. Difficult conversations may be needed going forwards if the priority of one aspiration meant other aspirations, such as housing schemes, may not get permission for development.
- There needed to be more planting of wild flower meadows where possible.

Note: * Briefing paper previously circulated.

70 **MDH Service Delivery Report for Q3 (01:07:00)**

The Group had before it, and **NOTED**, a report * from the Corporate Manager for Public Health, Regulation and Housing providing an update to Members on activity undertaken by MDH, including some relating to enforcement.

The following was highlighted within the report and discussion took place with regard to:

- The report was slightly out of date due to timing issues between the end of quarter 3 and today's meeting. The outturn report for the whole year would be presented to the next meeting.
- Much work was taking place in relation to Tenant Satisfaction Measures. Some proposals for change would be brought to the next meeting.
- The Government had published new revised Consumer Standards, for example, in the area of accountability.
- There was lots of evidence of good performance.
- Heating repairs and routine repairs had dipped below target as there had been a focus on emergency repairs, however, performance had bounced back, any dip had been due to staffing issues and difficulty recruiting to this type of work.
- Some void properties had been left in a very damaged state which had needed time to rectify. Recharges needed to take place and non-payment followed up.
- There were different types of void including, structural, voids for decarbonisation, developmental voids and voids requiring adaptation.
- The Council had been given some 'new burdens' funding by the Government.
- 77% of the Council's properties contained asbestos. A licenced contractor was needed to remove this, approximately 300 houses were dealt with in this regard each year.
- No RAAC (reinforced autoclaved aerated concrete) had been found in any of the Council's properties.
- The service was now better staffed although there was a high turnover of Neighbourhood Officers.

Note: * Report previously circulated.

71 **Garage / Asset Management presentation (01:37:00)**

The Group received a presentation from the Corporate Manager for Public Health, Regulation and Housing and the Operations Manager for Building Services providing information in relation to asset and garage management as requested at the last

meeting. It was explained that the Council's Asset Management Strategy was being reviewed and a revised and updated version would be brought to the Homes Policy Development Group in the near future.

A summary of the information provided was as follows:

- Health & Safety was a key priority which was managed through an effective maintenance programme.
- There were still over 1000 garages in the Council's stock and the Council was 2 years into a 5 year modernisation programme.
- In terms of progress so far, every garage had been visited and measured, each one being assessed for a change of use. A key consideration was the potential to modernise and adapt a garage for housing.
- Garages were a good income source for the Council.
- Currently 87% were tenanted. 334 had been modernised.
- 600 people were on the waiting list for a garage with some people waiting because they wanted a specific garage.
- It cost around £2k to modernise a garage with these costs being recouped in around 5 years.
- Key components of the overall strategy included: homes, parking, sewerage, roads and green spaces.
- Garages were not treated any differently to any other asset owned by the Council.

Discussion took place with regard to:

- The information provided in the presentation had been very valuable to the Group to aid their understanding.
- The content of the presentation also demonstrated what a valuable income source the garages were to the Council.

72 **Tenant Satisfaction Measures perception survey and action plan update (01:49:00)**

The Group received and **NOTED** a presentation from the Operations Manager for Housing Services providing an update on the Tenant Satisfaction Measures (TSM) perception survey and associated action plan.

A summary of the information provided was as follows:

- There are a number of standards in the framework for social housing.
- There is a Tenant Satisfaction Measures Standard within the framework which requires Registered Providers of social housing to collect and record data to inform an annual return to the Government.
- Performance data needs to be collected and also 10 measures which relate to the tenants view of different aspects of the service.
- This perception data was collected by a survey sent out by a contractor, procured by a group of local landlords in partnership.
- 2830 surveys had been sent out; 635 had been returned. 100 people had responded by telephone, 187 by post and 338 online.

- A lot of data had been collected and was currently in the process of being analysed. The results would be formally reported at a later date and an action plan would be shared.
- The top three 'headlines' from the data analysed so far indicated that the Council's stock was well maintained, repairs were carried out effectively and Mid Devon Housing listened to its tenants.
- A free text question had been included in the survey which it was hoped would include some very valuable feedback from tenants.
- This would be an annual process and the approach for 2024/2025 was already being considered.
- Some initial lessons learned included the need to target different groups in the future to generate a wider response. Members would also be asked for their input.
- The biggest group of responders was in the 55+ age bracket.

Discussion took place with regard to:

- A question was asked as to whether results could be separated by ward? It was explained that agreeing to this request needed careful consideration as being able to identify individual tenants might be possible in some of the smaller more rural wards. Town wards would be less problematic.
- This was the first time the Council (and other Council's) had a consistent set of questions which could be assessed and benchmarked against others. This would be helpful in creating a blended improvement plan going forwards. Prior to this survey there was no real way of the Council comparing itself with others. It would enable a comparison across Devon, the South West and nationally.

73 **Work Programme for 2024/2025 (02:10:00)**

The Group had before it, and **NOTED**, the draft Work Programme for 2024/2025 *.

The Group agreed that the draft work programme already listed a big programme of activity for the coming year.

However, it was requested that the following items be added to it within appropriate time scales indicated if possible:

- Regular and programmed consideration of the Biodiversity duty.
- Revised Asset Management Strategy to the August 2024 meeting.

Note: * Work Programme previously circulated.

74 **Chairman's Annual Report for 2023/2024 (02:12:00)**

The Group had before it, and **NOTED**, the Chairman's Annual Report for 2023/2024 *.

The Group congratulated the Chairman on his excellent chairing and lead since being elected.

There being no further comment on the report, this would now be presented to full Council at their meeting on 24th April 2024.

Note: * Report previously circulated.

75 Identification of items for the next meeting (02:13:00)

No additional items were identified for the next meeting other than those already listed in the work programme.

(The meeting ended at 4.29 pm)

CHAIRMAN

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MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 13 March 2024 at 2.15 pm

Present

Councillors

L J Cruwys (Chairman)
G Cochran (Vice Chairman), S J Clist,
F J Colthorpe, G Czapiewski, G Duchesne,
B Holdman, F W Letch, N Letch and
S Robinson

Apologies

Councillor(s)

M Farrell

Also Present

Councillor(s)

D Broom and S Keable

Also Present

Officer(s):

Maria De Leburne (Director of Legal, HR & Governance (Monitoring Officer), Richard Marsh (Director of Place & Economy), John Millar (Area Team Leader), Yvonne Dale (Planning Officer), Claire Sutton (Conservation Officer), Laura Woon (Democratic Services Manager), Sarah Lees (Democratic Services Officer), David Parker (Democratic Services & Policy Research Officer) and Angie Howell (Democratic Services Officer)

Councillors

Online

J Buczkowski and D Wulff

Officer Online

Dr Stephen Carr (Corporate Performance and Improvement Manager)

81 APOLOGIES AND SUBSTITUTE MEMBERS (04:31)

Apologies were received from Cllr M Farrell with Cllr G Czapiewski substituting.

82 PUBLIC QUESTION TIME (04:49)

There were no public questions.

83 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (04:59)

Members were reminded of the need to declare any interests where appropriate.

- Cllr S Clist referred to Plan List 1 Application No. 23/00510/FULL and declared that he had an Other Registerable Interest as it was his Cabinet portfolio area but he had not been involved with this application.

84 **MINUTES OF THE PREVIOUS MEETING (05:54)**

The minutes of the previous meeting held on 14 February 2024 were agreed as a true record and duly signed by the Chairman.

85 **CHAIRMAN'S ANNOUNCEMENTS (06:30)**

The Chairman made the following announcements:-

- Today the Committee would be using the new Audio Visual System and he hoped that everyone would enjoy using it and would see a great improvement from the previous system.

86 **MEETING MANAGEMENT (06:35)**

The Chairman stated that item 10 – Access to Information – Exclusion of the Press and Public would be brought forward as he wished to propose that Agenda item 11 Enforcement Notice did not go into Part 2 for discussion as this should remain in the public domain. It would also give members of the public attending the opportunity to read the report should this be agreed.

87 **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (07:20)**

The Chairman proposed that item 11 Enforcement Notice did not go into Part 2 for discussion as this should remain in the public domain.

This was **AGREED** by the Committee.

88 **WITHDRAWALS FROM THE AGENDA (07:32)**

There were no withdrawals from the Plans List.

89 **THE PLANS LIST (07:42)**

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes.

- a) 23/00510/FULL - Erection of 2 dwellings with associated vehicular and pedestrian access, parking, landscaping and associated works at Land at NGR 306315 112571, College Green, Uffculme.

The Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- This application was required to be considered at Planning Committee as Mid Devon District Council (MDDC) were the land owners.
- The proposal was for the construction of 2 single story 1 bedroomed dwellings with 3 dedicated parking spaces which would form part of MDDC's housing stock.
- The proposed materials would match those of the surrounding properties through the use of painted render and with some red brick cladding on the elevations.
- The current site was situated at the top of College Green and had 2 garages, which were rented by College Green residents and some areas of hard surfacing for parking.
- It was proposed to demolish the garages which were not being used for vehicle storage.
- Solar panels would be fitted to each dwelling and the energy produced would meet the proposed energy requirements for the 2 dwellings.
- The application would also include the erection of a 1.8m high timber fence around the eastern, northern and western boundaries of the site.

Discussion took place regarding:-

- The impact the works would have on wildlife such as bats, hedgehogs and badgers.
- Disabled access and who the properties would be most suitable for.
- Parking issues for neighbouring residents.
- Whether the application had been advertised in the usual way whereupon the officer confirmed that it had been advertised by way of notices displayed locally and in newspapers.

It was therefore **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr G Duchesne and seconded by Cllr S Robinson)

Reason for the Decision – as set out in the report.

Notes:-

- (i) Amy Cooper spoke as the Applicant.
- (ii) Cllr N Letch abstained from voting and wished this to be noted.

90 MAJOR APPLICATIONS WITH NO DECISION (53:41)

The Committee had before it, and **NOTED**, a list *of major applications with no decision.

The Committee agreed that the applications remained as per the report, with the addition of arranging a site visit for application No. 24/00250/MFUL Variation of Condition 2 and Removal of Conditions 24 and 25 of planning permission 21/00128/MFUL - Erection of 86 dwellings to include public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure – to allow self build units (plots 195-199) to be open market units.

Note: *List previously circulated, copy attached to the minutes.

91 **PERFORMANCE DASHBOARD QUARTER 3 (53:54)**

The Group were presented with the Performance Dashboard for quarter 3 showing performance against target in the current year to date.

Discussion took place regarding:-

- The length of time for planning applications to be determined were due to different applications having different deadlines.
- Due to only having 1 Enforcement Officer this meant that more enforcement cases were open than closed.
- The Section 106 full annual monitoring statement could be viewed on the MDDC website which gave a full detailed breakdown.
- The possibility of a new indicator showing enforcement cases that had been closed.

Note: * Performance Dashboard previously circulated.

92 **ENFORCEMENT NOTICE**

Consideration was given to the cases in the *Enforcement List.

Note: *List previously circulated and attached to the minutes

Arising thereon:

- a) Bell Cottage, Woodland Head, Yeoford EX17 5HF

The Committee considered the report of the Director of Place and Economy.

Discussion took place regarding:-

- The process for a Compulsory Purchase Order.
- The damage to the property and to the neighbouring property.

It was therefore **RESOLVED** that the Committee support the serving of an Urgent Works Notice to be served under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of Bell Cottage, Woodland Head, Yeoford EX17 5HF to make it safe and prevent collapse, preventing water ingress into the adjacent property, Cree Cottage.

(Proposed by Cllr S Clist and seconded by Cllr F Letch)

(The meeting ended at 3.40 pm)

CHAIRMAN



Report for: Standards Committee

Date of Meeting:	13 March 2024
Subject:	Governance – Proposed Changes to Policy Development Groups
Cabinet Member:	Cllr Luke Taylor, Leader
Responsible Officer:	Maria de Leburne – Director of Legal, HR & Governance (Monitoring Officer)
Exempt:	N/A
Wards Affected:	All
Enclosures:	None

Section 1 – Summary and Recommendation(s)

To provide Members with a proposed change to the Policy Development Groups (PDG) and the proposed required amendments to the Constitution.

Recommendation(s):

1. **Standards Committee to recommend to Full Council that there be five (5) Policy Development Groups: Planning, Environment & Sustainability; Community, People & Equalities; Homes; Economy & Assets; Service Delivery & Continuous Improvement.**
2. **Standards Committee recommend to Full Council that the Constitution is amended to reflect the changes to the PDGs.**
3. **That the Standards Committee recommend to Full Council that delegated authority is provided to the Director of Legal, HR & Governance (Monitoring Officer) to amend the Constitution as per the above and any other amendments required to reflect the new PDGs.**

Section 2 – Report

1.0 Introduction

In recent years the council has considered a number of changes to its governance and arrangements, including through working groups, externally-facilitated advisory sessions, and debates at council. Most recently, at Full Council on the 1 November 2023, Option D was approved with an amendment that *‘This Council moves to a more robust implementation of the Hybrid system, utilising the Policy Development Groups and the Programming Panel to better develop policy and set strategic direction.’*

This report forms part of the journey of changing the council’s system of governance.

2.0 Background

2.1 The previous administration on the 8 January 2020 resolved to set up a politically balanced working group to review the governance arrangements of the council. The group consisted of 12 members and carried out a comprehensive review of the council’s governance arrangements with a view that any changes could take effect for the municipal year 2021/22.

2.2 The Local Government Association (LGA) assisted the working group and the wider membership of the council was also encouraged to be involved. External consultation was also carried out with a panel-led session in November 2020 which 6 members of the public registered to attend and 5 actually doing so. In January 2021 seven conclusions were agreed by Council and other themes were considered in March 2021.

2.3 The recommendations from the working group were put to an Extraordinary Full Council meeting held on 17 March 2021 and it was carried that in the absence of a clear mandate for change at this time, the council keeps the current executive governance arrangements; and also that they endorsed the continuation of the PDGs and in doing so, requests members and officers to find effective ways to support the groups future work programmes.

3.0 Proposed Changes

3.1 Hybrid system

3.1.1 As per Full Council’s approval on the 1 November 2023, work has been carried out in relation to a more robust implementation of the hybrid system, utilising the Policy Development Groups and the Programming Panel to better develop policy and set strategic direction.

3.2 New PDGs

3.2.1 It is recommended that the names of the current PDGs change to reflect the aims of the new the Corporate Plan and that there be an additional PDG, so instead of four (4) there will be five (5) PDGs. It is proposed that the PDGs will be renamed as follows:

- Planning, Environment & Sustainability;
- Community, People & Equalities;
- Homes;
- Economy & Assets;
- Service Delivery & Continuous Improvement

3.3 Each PDG will continue to have a different remit as set out below.

3.3.1 Planning, Environment & Sustainability - To be a leader and pioneer of best climate practice so new innovation and thinking is at the heart of the services we deliver and informs our planning policies.

3.3.2 Community, People & Equalities - Involving and engaging with our communities, ensuring everyone is treated with equity and respect, and protecting our most vulnerable.

3.3.3 Homes - Delivering new affordable and social homes annually, improving and maintain the existing stock to world class standards.

3.3.4 Economy & Assets - Growing the District Economy and increasing returns from our assets.

3.3.5 Service Delivery & Continuous Improvement - Delivering Council services that residents want in the right way, in the right place and at the right price.

3.4 PPAG (Planning Policy Advisory Group) and DDAG (Development Delivery Advisory Group) along with the Net Zero Advisory Group will remain separate to the PDGs.

3.5 Constitution Changes

3.5.1 PDGs are outlined within the Constitution on pages 23-25. This will need to be amended to reflect the new titles of the PDGs and the additional fifth PDG as below.

Group	Thematic Area
Planning, Environment & Sustainability	Waste collection and Recycling, Street cleaning, Trade Waste, Clinical Waste, Climate change, reduction of carbon footprint, Parks

	and Open Spaces, Cemeteries, Trees, environmental enforcement (vehicles, animal control, fly tipping, fly posting), flood defence and drainage, clocks and monuments, street naming and numbering, public conveniences, Grounds maintenance – grass cutting
Community, People & Equalities	Any matters that impact on the health, safety and wellbeing of people (e.g. air quality, pollution, noise), Public health, Environmental Health (e.g. food standards, water quality), Leisure, Grants funding, Town and Parish fund updates, Presentations from grant funded organisations, Safeguarding children and vulnerable adults, Community engagement and consultation, Equalities, Health and Safety, Town and Parish Councils (charter), Anti-social behaviour, Community safety, Digital transformation – broadband, Local welfare assistance, Benefits, Presentations from local interest groups such as Drink Wise Age Well, Youth Services, Older Persons strategy, Updates from the clinical commissioning group, RIPA, Targeted families
Homes	Council Housing, Housing Strategy, Housing policies, Neighbourhood and tenancy management, tenant involvement, homelessness prevention, housing needs and allocations, housing enabling, HRA budget, HRA capital programme and planned maintenance, Building maintenance, Devon Home Choice, Asbestos management, Community Housing support, Update on affordable housing projects, Updates on legislative changes or guidance from the HCA, Private Sector Homes, Bringing back empty homes into use, DFGs
Economy & Assets	Economic Development, Inward Investment, Business support and development, Tourism, Town

	Centres, Markets, local and national economy, Town Team updates, CCTV, Car Parking, Business Rates updates, Commercial units property updates, Night time economy (could include references to licencing and anti-social behaviour), Funding bids and updates, High Street Innovation Fund, Project updates on heritage projects, arts projects and food and drink projects which link to the local economy
Service Delivery & Continuous Improvement	Front Line Services of MDDC; operational efficiency and effectiveness

3.6 Page 49 of the Constitution will also need to be amended to incorporate the new names of the PDGs and include the new fifth PDG being Service Delivery & Continuous Improvement which will also have nine (9) members and meet every other month.

3.7 That the Standards Committee delegate to the Director of Legal, HR & Governance (Monitoring Officer) to amend the Constitution as per the above and any other amendments required to reflect the new PDGs.

4.0 Next Steps

4.1 That Standards recommend to Full Council the recommendations outlined at the outset of this report.

Financial Implications

There will be a small cost to the Council as each Chairman of Policy Development Groups receive a Special Responsibility Allowance which currently is £3000.

Legal Implications

If Council wishes to direct that changes be made to the Constitution/changing the PDGs this initially is considered by the Standards Committee and then will require Full Council's approval.

Risk Assessment

There is a clear risk that making a change to governance arrangements or making no change will be perceived as unsatisfactory, depending on any individual viewpoint. The key will be in how the Council then goes about making the arrangement work and/or work better. The Council has to decide as a collective, what it considers to be the best way forward.

Impact on Climate Change

None

Equalities Impact Assessment

None directly arising from this report, but impacts must be considered carefully in any decisions which result in a change to current practices affecting those with protected characteristics.

Relationship to Corporate Plan

Our values and priorities – equally important to the ‘what’ we are trying to achieve, is the ‘how’ the organisation operates and conducts itself.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Maria de Leiburne
Agreed on behalf of the Monitoring Officer
Date: 29.2.24

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive
Date: 05/03/2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 05/03/2024

Cabinet member notified: (yes/no)

Section 4 - Contact Details and Background Papers

Contact: Maria de Leiburne, Director of Legal, HR & Governance (Monitoring Officer)
Email: mdeleiburne@middevon.gov.uk
Telephone: 01884 255255

Background papers: None

Report for: Standards Committee

Date of Meeting:	13 March 2024
Subject:	Amendments to the Constitution
Cabinet Member:	Cllr Luke Taylor, Leader
Responsible Officer:	Maria de Leburne – Director of Legal, HR & Governance (Monitoring Officer)
Exempt:	N/A
Wards Affected:	All
Enclosures:	Appendix 1 – list of proposed changes

Section 1 – Summary and Recommendation(s)

To provide Members with proposed required amendments to the Constitution.

Recommendation(s):

- 1. That Standards Committee recommends to Full Council that the Constitution be amended as per the list within Appendix 1.**
- 2. That the Standards Committee recommend to Full Council that delegated authority is provided to the Director of Legal, HR & Governance (Monitoring Officer) to amend the Constitution as per Appendix 1 and any other amendments required to reflect the changes.**

Section 2 – Report

1.0 Introduction

- 1.1** There have been changes within the Leadership team. The Director of Business Improvement and Operations has left the Council and this role has not been replaced. The Director of Place role has been replaced by the Director of Place and Economy. The role of District Solicitor and Monitoring Officer has been replaced by the Director of Legal, HR & Governance (Monitoring Officer).

This has meant that the delegations and job titles contained within the Constitution need to be amended.

2.0 Proposed Changes

- 2.1 These have been set out within Appendix 1 attached to this report.
- 2.2 The proposed changes to delegation are detailed on Appendix 1 and Sections 1 and 5 are regarding delegations. This includes the new delegations regarding the new Building Control legislative requirements. There are also changes to Part 4 Council Procedure rules.
- 2.3 The amendments also include a previous planning committee decision from 21 March 2018 - with the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval be brought before the Committee for determination.
- 2.4 Having had the changes to public questions approved by Full Council on the 6 September 2023 we have had opportunity to consider and review how this has worked. There are recommendations as per Appendix 1.
- 2.5 Following a PAS review of the Councils Planning Committee, one of their recommendations contained within their review in March 2023 was removal of public question time. We are not aware of any other planning committees which have a public question item on the agenda. Members of the public have already had their opportunity during the planning process to make relevant representations such as support or objections, and experience shows that public question time here is simply used to repeat issues and objections already made, adding considerable length to what is already one of the longest committee meetings of the council. During the relevant item at the planning committee there is still the opportunity for 1- applicant/agent, 1- objector, 1- parish councillor, and 1- ward member. This ensures a balanced representation at committee, rather than an additional for example 10+ members of the public in support or objecting to an application, which could potentially be seen as persuading the committee. The intention is that national best practice is adopted and the relevant amendment is as per Appendix 1.

3.0 Next Steps

- 3.1 That Standards Committee agree the proposed recommendations as listed at the outset of this report to Full Council.

Financial Implications

There are no financial implications to the proposed changes to the Constitution.

Legal Implications

If Council wishes to direct that changes be made to the Constitution this initially is considered by the Standards Committee and then will require Full Council's approval

Risk Assessment

There are no risks.

Impact on Climate Change

None

Equalities Impact Assessment

None directly arising from this report, but impacts must be considered carefully in any decisions which result in a change to current practices affecting those with protected characteristics.

Relationship to Corporate Plan

Our values and priorities – equally important to the 'what' we are trying to achieve, is the 'how' the organisation operates and conducts itself.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 29.2.24

Chief Officer: Stephen Walford

Agreed by or on behalf of the Chief Executive

Date: 05.03.2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 05.03.2024

Cabinet member notified: (yes/no)

Section 4 - Contact Details and Background Papers

Contact: Maria de Leburne, District Solicitor and Monitoring Officer

Email: mdeleburne@middevon.gov.uk

Telephone: 01884 255255

Background papers: None

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Changes to the Section 1 The Powers of the Council: (Pg 53)

Changes

1. 3b) To remove Director of Business Improvement and Operations post and replace with Director of Place and Economy.

- 3c) To remove Director of Business Improvement and Operations post and replace with Director of Place and Economy.

- 3d) To remove Director of Business Improvement and Operations post and replace with Director of Legal, HR & Governance (Monitoring Officer).

- 3f) To remove Director of Business Improvement and Operations post and replace with Director of Legal, HR & Governance (Monitoring Officer).

Changes to Section 5 Scheme of Delegation to Officers Only: (pg 63)

Changes

1. Under 2a) Leadership Team :
To remove the Director of Business Improvement and Operations and District Solicitor job titles and replace with Director of Place and Economy and Director of Legal, HR & Governance (Monitoring Officer).

2. On page 64 – to change the Director of Business Improvement and Operations to Director of Legal, HR & Governance (Monitoring Officer) and the following (e), (k- o) and (w-y) be removed and placed under the Deputy Chief Executive (S151); and (h), (q-v) be removed and placed under the Director of Place and Economy

3. On page 65 to remove the titles Director of Business Improvement and Operations and replace with Director of Legal, HR & Governance (Monitoring Officer)

4. On page 67 to add in under the exceptions 8) With the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval be brought before the Committee for determination – this was a resolution from Planning Committee made on the 21 March 2018.

5. On page 68 to remove the titles Head of Planning Economy and Regeneration or the Group Manager for Development, and replace this with the Director of Place and Economy and/or Development Management Manager.

6. All references within the Constitution which state Director of Place are amended to Director of Place and Economy.

7. All references within the Constitution which state District Solicitor (Monitoring Officer) are amended to Director of Legal, HR & Governance (Monitoring Officer).
8. All references to Gypsy within the Constitution are changed to Gypsy and Traveller.
9. To remove a duplication section on page 69 - Director of Place as showed in track changes.
10. On page 70 under Building Control – the addition of:
 - The first sentence ‘under the Building Act 1984 or regulations *and any subsequent legislation*’
 - To determine and issue all Decisions and Notices arising under the Building Act 1984 and any building regulations.
 - To relax or dispense with Building Regulations and to sign and issue such decisions.
 - To refer to the Magistrates’ Court, Notices under Section 77 of the Building Act 1984 requiring dangerous buildings to be made safe, and to take, or instruct emergency action under the provisions of Section 78 of the Building Act 1984.
 - To carry out, or instruct contractors to carry out, works in default of a Court Order obtained pursuant to Section 77 of the Building Act 1984.
 - To institute proceedings for infringement of the Building Regulations.
 - To serve Notice requiring removal or alteration of work not conforming to the Building Regulations (Section 36 of the Building Act 1984). To sign and issue Demolition Notices in respect of works falling within Section 80 of the Building Act 1984.
 - To issue Notices under Sections 24, 71 and 72 of the Building Act 1984, requiring adequate entrances, exits and means of escape in case of fire in appropriate buildings.
 - To serve Notices under Section 79 of the Building Act 1984 relating to ruinous and dilapidated buildings.
 - To enter sites and premises to carry out and enforce the Statutory Powers and Duties, such visits to be properly recorded.
 - To carry out tests on sewers, drains and land and where necessary to take samples and conduct tests on other building materials.
 - To take emergency action under the provisions of Section 78 of the Building Act 1984 in respect of dangerous structures.
 - To take action to enforce Building Regulations, including the issue of written Notices.
 - Under Other Provisions where CS and C of DA is replaced with the full words of Caravan Sites and Control of Development Act 1960.

11. On page 71 – remove the duplicated words ‘Monitoring Officer.
12. Page 78 - In Appendix 3 - To change the officers job title from Director of Business Improvement and Operations under:
Elections – to Chief Executive
Operations – to Director of Place and Economy apart from - To remove and dispose of abandoned vehicles – to Deputy Chief Executive (S151)
Housing – to Director of Place and Economy
13. In appendix 4 – page 83 under 2. to remove Director of Business Improvement and Operations and :
 - replace the Data Protection Act delegations to the Deputy Chief Executive (S151) list
 - replace the Representation of the People Act delegations under the Chief Executive list on pages 81/82
 - S234 (1) and (2) delegations to the Director of Place and Economy

Changes to Part 4 The Council Procedures.

Existing:

9. Questions and Statements by the Public

- 9.1 Residents, electors or business rate payers of the District may make a statement or shall be entitled to ask questions at a meeting which:
- a) concerns the Council’s powers / duties or which otherwise affects the District;
 - Where a question does not relate to an agenda item, the question must be submitted to the Democratic Services Manager two working days before the meeting to give time for a response to be prepared.
 - Where such advance notice is given, the questioner may ask a supplementary question at the meeting, if it is relevant to the original question.
 - Contributions from members of the public will be limited to 3 minutes, and 30 minutes (extendable at the Chairman’s discretion) will be available at the beginning of meetings for such questions and statements.
 - b) The Chair of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.
 - c) NB Planning Committee has its own arrangements for public questions.

Changes to:

9. Questions by the Public

9.1

- Residents, electors or business rate payers of the District shall be entitled to ask questions.
- Residents, electors or business rate payers of the District wishing to raise a question under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting.
- Questions must be relevant to an item on the Agenda for that meeting (excluding the Minutes). The exception to this is at Full Council when residents, electors or business rate payers can ask a question concerning any of the Council's powers / duties or which otherwise affects the District.
- The Chairman, following advice from either the Chief Executive, Monitoring Officer or Democratic Services Manager, shall have the discretion to reject a question, giving reasons if it:
 1. Is not about a matter for which the Council has a responsibility or which affects the District
 2. Is in his/her opinion scurrilous, improper, capricious, irrelevant or otherwise objectionable
 3. Is substantially the same as a question which has been put at a meeting of the Council in the past six months;
 4. requires the disclosure of confidential or exempt information.
- At the discretion of the Chairman of that meeting, the questioner may ask a supplementary question at the meeting, if it is relevant to the original question.
- Contributions from members of the public will be limited to 3 minutes, and 30 minutes (extendable at the Chairman's discretion) will be available at the beginning of meetings for such questions and statements.
- The Chair of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.
- NB Planning Committee does not have public questions.

Existing:

9.2 Attendance

Persons submitting questions must be present (remotely or in person) at the meeting unless the Chairman agrees to address the questions in the questioner's absence.

Changes to:

9.2 Attendance

Persons submitting questions must be present (remotely or in person) at the meeting unless the Chairman agrees to address the questions in the questioner's absence.

Persons attending the meeting in person are required to sign in at reception on arrival.

Existing:

9.5 Recording of Questions and Statements by the Public

The minutes shall contain a condensed written record of questions and statements made by the public which accurately conveys the context.

Changes to:

9.5 Recording of Questions by the Public

The minutes shall contain a condensed written record of questions made by the public which accurately conveys the context.

Existing:

20. Disturbance by the Public

20.1 Removal of member of the public

- (a) If a member of the public interrupts proceedings, the Chairman will warn the person concerned.
- (b) If they continue to interrupt, the Chairman will order their removal from the meeting room.

Changes to:

20. Disturbance by the Public

20.1 Removal of member of the public

- (c) If a member of the public interrupts proceedings, the Chairman will warn the person concerned.
- (d) If they continue to interrupt, the Chairman will order their removal from the meeting room or online.

Access to Information Procedure Rules (Pg 109)

Existing:

4.0 Notices of meeting

- 4.1 The Council will give at least five clear days notice of any meeting by posting details of the meeting at Phoenix House, Phoenix Lane, Tiverton Devon known as the designated office or on its website at www.middevon.gov.uk

Changes to:

4.0 Notices of meeting

- 4.1 The Council will give at least five clear days notice of any meeting by posting details of the meeting on its website at www.middevon.gov.uk

Existing

13.3 Publication of the Notice of Key Decision (Pg 113)

The Notice of Key Decision must be made available for inspection by the public at Phoenix House, Phoenix Lane, Tiverton Devon known as the designated office or on its website at www.middevon.gov.uk.

Changes to:

13.3 Publication of the Notice of Key Decision

The Notice of Key Decision must be made available for inspection by the public on its website at www.middevon.gov.uk.

Appendix J – Protocol of Good Practice for Councillors Dealing in Planning Matters (Page 250)

Existing:

- 9.1 Public Question Time is available at the beginning of the meeting for those present to ask questions about any item of the agenda, or to speak briefly by way of background or introduction to those questions, including planning applications
- 9.2 For applications reserved for individual consideration, the Chairman will call those who have indicated a wish to speak in the following order: officer, one objector (3 minutes), one from applicant/agent/supporter (3 minutes), parish council (3 minutes) and ward member(s) (5 minutes each). For the avoidance of doubt, the Chairman has the discretion to vary the number and order of speakers, including the amount of time for which they may speak. In some circumstances, it may also be appropriate to hear from the County Councillor.
- 9.3 Through the Chairman, members of the Planning Committee may ask questions of any person who has spoken under paragraph 9.2 of this Protocol. Further, a ward member who has spoken under 9.2 may raise

through the Chairman a point of order in order to correct a statement or error of fact which has been made during the course of the debate.

Changes to:

9.1 There is no Public Question Time for a Planning Committee.

9.2 is renumbered as 9.1

9.3 is renumbered as 9.2 and where referenced to 9.2 this is amended to 9.1.

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Report for: Standards Committee

Date of Meeting: 13 March 2024

Subject: Correspondence sent to Members and Residents.

Cabinet Member: Cllr Luke Taylor, Leader

Dear Members and Residents,

The proposals for discussion at the Standards committee tonight are to bring Mid Devon in line with neighbouring Councils, and strengthen our processes. Somerset Council requires members of the public to register to speak 3 working days prior to a general meeting. Devon County requires 4 working days. I would like Mid Devon to adopt the shorter of these - 3 working days – for questions that will receive an answer in the meeting itself. This time requirement is not arbitrarily chosen, it is used to allow information to be researched and verified to provide complete answers.

With many Councils that is the extent of public questions, but I have always been clear that I want Mid Devon to be a leader amongst its peers, not a follower. This is why when my administration was formed, I made a public commitment to not only provide full answers to questions that are provided in advance, but also to allow registered members of the public to ask additional questions at the meeting to be answered later when the information can be obtained. I have therefore asked for the proposed changes before us to be amended to make this crystal clear.

I respect the work of the LGA's Planning Advisory Service in bringing forward proposed changes to bring us in line with other Councils regarding not having a general public question time at the Planning Committee. However, I also note that its advice was prepared during the disfunction of the previous council and it may or may not still be what is best for us today. I would like the current Council's Planning Committee to have their say on any proposals that affect their committee. I have asked for the Planning Committee rules to remain unchanged.

As a Council we are making many changes to increase public engagement in our meetings. We have recently invested in new audio/visual equipment in our Council chambers to improve the remote experience, both for participants and presentations. We will shortly be providing the ability for videos of our meetings to be published alongside the minutes. I am, as ever, always keen to hear feedback and suggestions on how we can further increase the governance, quality, and accessibility of our meetings.

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Changes to the Section 1 The Powers of the Council: (Pg 53)

Changes

1. 3b) To remove Director of Business Improvement and Operations post and replace with Director of Place and Economy.

- 3c) To remove Director of Business Improvement and Operations post and replace with Director of Place and Economy.

- 3d) To remove Director of Business Improvement and Operations post and replace with Director of Legal, HR & Governance (Monitoring Officer).

- 3f) To remove Director of Business Improvement and Operations post and replace with Director of Legal, HR & Governance (Monitoring Officer).

Changes to Section 5 Scheme of Delegation to Officers Only: (pg 63)

Changes

1. Under 2a) Leadership Team :
To remove the Director of Business Improvement and Operations and District Solicitor job titles and replace with Director of Place and Economy and Director of Legal, HR & Governance (Monitoring Officer).

2. On page 64 – to change the Director of Business Improvement and Operations to Director of Legal, HR & Governance (Monitoring Officer) and the following (e), (k- o) and (w-y) be removed and placed under the Deputy Chief Executive (S151); and (h), (q-v) be removed and placed under the Director of Place and Economy

3. On page 65 to remove the titles Director of Business Improvement and Operations and replace with Director of Legal, HR & Governance (Monitoring Officer)

4. On page 67 to add in under the exceptions 8) With the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval be brought before the Committee for determination – this was a resolution from Planning Committee made on the 21 March 2018.

5. On page 68 to remove the titles Head of Planning Economy and Regeneration or the Group Manager for Development, and replace this with the Director of Place and Economy and/or Development Management Manager.

6. All references within the Constitution which state Director of Place are amended to Director of Place and Economy.

7. All references within the Constitution which state District Solicitor (Monitoring Officer) are amended to Director of Legal, HR & Governance (Monitoring Officer).
8. All references to Gypsy within the Constitution are changed to Gypsy and Traveller.
9. To remove a duplication section on page 69 - Director of Place as showed in track changes.
10. On page 70 under Building Control – the addition of:
 - The first sentence ‘under the Building Act 1984 or regulations *and any subsequent legislation*’
 - To determine and issue all Decisions and Notices arising under the Building Act 1984 and any building regulations.
 - To relax or dispense with Building Regulations and to sign and issue such decisions.
 - To refer to the Magistrates’ Court, Notices under Section 77 of the Building Act 1984 requiring dangerous buildings to be made safe, and to take, or instruct emergency action under the provisions of Section 78 of the Building Act 1984.
 - To carry out, or instruct contractors to carry out, works in default of a Court Order obtained pursuant to Section 77 of the Building Act 1984.
 - To institute proceedings for infringement of the Building Regulations.
 - To serve Notice requiring removal or alteration of work not conforming to the Building Regulations (Section 36 of the Building Act 1984). To sign and issue Demolition Notices in respect of works falling within Section 80 of the Building Act 1984.
 - To issue Notices under Sections 24, 71 and 72 of the Building Act 1984, requiring adequate entrances, exits and means of escape in case of fire in appropriate buildings.
 - To serve Notices under Section 79 of the Building Act 1984 relating to ruinous and dilapidated buildings.
 - To enter sites and premises to carry out and enforce the Statutory Powers and Duties, such visits to be properly recorded.
 - To carry out tests on sewers, drains and land and where necessary to take samples and conduct tests on other building materials.
 - To take emergency action under the provisions of Section 78 of the Building Act 1984 in respect of dangerous structures.
 - To take action to enforce Building Regulations, including the issue of written Notices.
 - Under Other Provisions where CS and C of DA is replaced with the full words of Caravan Sites and Control of Development Act 1960.

11. On page 71 – remove the duplicated words ‘Monitoring Officer.
12. Page 78 - In Appendix 3 - To change the officers job title from Director of Business Improvement and Operations under:
Elections – to Chief Executive
Operations – to Director of Place and Economy apart from - To remove and dispose of abandoned vehicles – to Deputy Chief Executive (S151)
Housing – to Director of Place and Economy
13. In appendix 4 – page 83 under 2. to remove Director of Business Improvement and Operations and :
 - replace the Data Protection Act delegations to the Deputy Chief Executive (S151) list
 - replace the Representation of the People Act delegations under the Chief Executive list on pages 81/82
 - S234 (1) and (2) delegations to the Director of Place and Economy

Changes to Part 4 The Council Procedures.

Existing:

9. Questions and Statements by the Public

- 9.1 Residents, electors or business rate payers of the District may make a statement or shall be entitled to ask questions at a meeting which:
- a) concerns the Council’s powers / duties or which otherwise affects the District;
 - Where a question does not relate to an agenda item, the question must be submitted to the Democratic Services Manager two working days before the meeting to give time for a response to be prepared.
 - Where such advance notice is given, the questioner may ask a supplementary question at the meeting, if it is relevant to the original question.
 - Contributions from members of the public will be limited to 3 minutes, and 30 minutes (extendable at the Chairman’s discretion) will be available at the beginning of meetings for such questions and statements.
 - b) The Chair of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.
 - c) NB Planning Committee has its own arrangements for public questions.

Changes to:

9. Questions by the Public

9.1

- Residents, electors or business rate payers of the District shall be entitled to ask questions.
- Residents, electors or business rate payers of the District wishing to raise a question under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting to ensure that a response is received at the meeting to the written question.
- Questions must be relevant to an item on the Agenda for that meeting (excluding the Minutes unless challenging the accuracy of the minutes). The exception to this is at Full Council when residents, electors or business rate payers can ask a question concerning any of the Council's powers / duties or which otherwise affects the District.
- The Chairman, following advice from either the Chief Executive, Monitoring Officer or Democratic Services Manager, shall have the discretion to reject a question, giving reasons if it:
 1. Is not about a matter for which the Council has a responsibility or which affects the District
 2. Is in his/her opinion scurrilous, improper, capricious, irrelevant or otherwise objectionable
 3. Is substantially the same as a question which has been put at a meeting of the Council in the past six months;
 4. requires the disclosure of confidential or exempt information.
- At the discretion of the Chairman of that meeting, the questioner may ask a supplementary question at the meeting, if it is relevant to the original question.
- Contributions from members of the public will be limited to 3 minutes, and 30 minutes (extendable at the Chairman's discretion) will be available at the beginning of meetings for such questions and statements.
- The Chair of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.
- NB Planning Committee has its own arrangements for public questions.
- ~~NB Planning Committee does not have public questions.~~

Existing:

9.2 Attendance

Persons submitting questions must be present (remotely or in person) at the meeting unless the Chairman agrees to address the questions in the questioner's absence.

Changes to:

9.2 Attendance

Persons submitting questions must be present (remotely or in person) at the meeting unless the Chairman agrees to address the questions in the questioner's absence.

Persons attending the meeting in person are required to sign in at reception on arrival.

Existing:

9.5 Recording of Questions and Statements by the Public

The minutes shall contain a condensed written record of questions and statements made by the public which accurately conveys the context.

Changes to:

9.5 Recording of Questions by the Public

The minutes shall contain a condensed written record of questions made by the public which accurately conveys the context. The minutes are not verbatim.

Existing:

20. Disturbance by the Public

20.1 Removal of member of the public

- (a) If a member of the public interrupts proceedings, the Chairman will warn the person concerned.
- (b) If they continue to interrupt, the Chairman will order their removal from the meeting room.

Changes to:

20. Disturbance by the Public

~~20.1~~ 20.1 Removal of member of the public

- (a) If a member of the public interrupts proceedings, the Chairman will warn the person concerned.

(b) If they continue to interrupt, the Chairman will order their removal from the meeting room or online.

Access to Information Procedure Rules (Pg 109)

Existing:

4.0 Notices of meeting

4.1 The Council will give at least five clear days notice of any meeting by posting details of the meeting at Phoenix House, Phoenix Lane, Tiverton Devon known as the designated office or on its website at www.middevon.gov.uk

~~Changes to:~~

~~4.0 Notices of meeting~~

~~4.1 The Council will give at least five clear days notice of any meeting by posting details of the meeting on its website at www.middevon.gov.uk~~

Existing

13.3 Publication of the Notice of Key Decision (Pg 113)

The Notice of Key Decision must be made available for inspection by the public at Phoenix House, Phoenix Lane, Tiverton Devon known as the designated office or on its website at www.middevon.gov.uk.

~~Changes to:~~

~~13.3 Publication of the Notice of Key Decision~~

~~The Notice of Key Decision must be made available for inspection by the public on its website at www.middevon.gov.uk.~~

Appendix J – Protocol of Good Practice for Councillors Dealing in Planning Matters (Page 250)

Existing:

9.1 Public Question Time is available at the beginning of the meeting for those present to ask questions about any item of the agenda, or to speak briefly by way of background or introduction to those questions, including planning applications

9.2 For applications reserved for individual consideration, the Chairman will call those who have indicated a wish to speak in the following order: officer, one objector (3 minutes), one from applicant/agent/supporter (3 minutes), parish

council (3 minutes) and ward member(s) (5 minutes each). For the avoidance of doubt, the Chairman has the discretion to vary the number and order of speakers, including the amount of time for which they may speak. In some circumstances, it may also be appropriate to hear from the County Councillor.

- 9.3 Through the Chairman, members of the Planning Committee may ask questions of any person who has spoken under paragraph 9.2 of this Protocol. Further, a ward member who has spoken under 9.2 may raise through the Chairman a point of order in order to correct a statement or error of fact which has been made during the course of the debate.

~~Changes to:~~

~~9.1 — There is no Public Question Time for a Planning Committee.~~

~~9.2 is renumbered as 9.1~~

~~9.3 is renumbered as 9.2 and where referenced to 9.2 this is amended to 9.1.~~

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Report of the Chairman of the Audit Committee for 2023 / 2024

The Audit Committee helps the authority to fulfil its responsibilities for accountability to the local community and meet the expectations of partners, regulators, and other stakeholders. As the primary point of contact for the authority's auditors, it provides a forum to review audit conclusions and recommendations.

During bi-monthly meetings it is the duty of the committee to consider reports from both internal and external auditors on a wide range of subjects related to the financial resilience and operations of the council with specific consideration of Governance and Risk Management.

Following local council elections in May 2023 a change of governing party resulted in multiple changes to the membership of the committee.

At an early stage the committee considered the first external audit report on the 3Rivers Project, a subject considered by the previous committee who had advised against the risk of the proposed business plan. The first report received by this committee had found that whilst there were significant losses incurred by the council, the owners of the project, governance was acceptable and there was no evidence of fraud.

At the end of this Council year, Grant Thornton, our external auditors appointed by the Public Sector Audit Appointments Scheme, will stand down and the role taken over by the officers of Bishop Flemming.

On behalf of the committee and Council I would like to express our thanks to Grant Thornton for their advice and guidance. I look forward to an equally productive relationship with staff of Bishop Flemming.

I would like to thank the committee for their diligence in representing the Council, stakeholders and other organisations with whom we connect. I would like to express my special thanks to the committee Vice Chair, Councillor Lloyd Wright, for assuming the chair whilst I was incapacitated.

In conclusion, on behalf of the committee, I thank the officers of the council who through often difficult and pressing meetings, demanding their tolerance, they have given controlled consideration to difficult questions concerning complicated historical matters. Some of these have been due to enforced delays in completion and have resulted in the external auditors not being able to complete their submissions. This will be a matter that will in the near future allow the committee to complete the 2022/2023 considerations which as announced previously will be at a special meeting of the Audit Committee on 30th April 2024 at 5pm.

Cllr Lance Kennedy
Chairman of the Audit Committee

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Scrutiny Chairman's Annual Report – 2023-2024

It's been a busy year for the Scrutiny Committee, with ten full meetings and one special meeting all with hybrid accessibility, and briefings. We started the year by welcoming a new Scrutiny Committee following the May elections. We continued the previous Committee's way of working, that of 'critical friend' giving robust clear guidance to Cabinet, Council, officers and external bodies / organisations. Both pre- and post-decision making. I stated from the outset that openness and transparency would be the watchwords of this committee and am proud to report that we have not had any reports presented in part II.

An early informal meeting developed and added to the works program, with a keen emphasis towards 'adding to and ongoing'. Of the varying work that Scrutiny Committee undertook we actively encouraged public participation – a key facet of local government activity. As usual, the committee deliberated and debated a wide range of topics, reaching decisions and democratically resolving to advise the various bodies engaged.

We established working groups to look at and report back on two specific issues:

- 3 Rivers Developments Ltd
- Does local government work for women (Inclusion and Diversity) – motion 564

Topics of note were:

- Decisions of Cabinet, Council, Officers and external organisations
- Six monthly Establishment updates
- Six monthly Corporate performance reports
- Planning enforcement
- Community Safety Partnership Report
- Six monthly whistleblowing updates.
- Annual report of complaints and compliments
- Annual Report under the Regulation of Investigatory Powers Act
- Motion 583 – protecting rivers and seas
- Scrutiny agenda process
- Budget (Medium Term Financial Plan) update

We have commenced a process of scrutinising the portfolios of the Cabinet members to get a better understanding of their responsibilities and oversights.

Finally, it has been a privilege and pleasure to chair the Scrutiny Committee and I am indebted to officers and members for their tireless hard work, thus making our meetings well informed. A large thank you to everyone.

Cllr Rachel Gilmour (Clare & Shuttern)

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Chairman's Report: The Environment Policy Development Group (PDG) 2023-2024.

In my first term as an elected member of Mid Devon District Council, I've had the privilege of chairing the Environment Policy Development Group (PDG), a role aligned with my deep passion for environmental issues.

Since the change in administration in May 2023, the Environment PDG has effectively embraced its responsibilities.

The Environment Policy Development Group (PDG) acted to further environmental sustainability in the round, influencing both the Council's operational practices and its broader responsibilities to Mid Devon's communities.

The Environment PDG has shaped, scrutinised, and recommended important initiatives brought forward by officers, such as:

- Regular Climate Change and Sustainability Updates.
- Revenue and Capital Outturn Reports.
- Environment and Enforcement Policy.
- Waste and Recycling and a review of the Bin It 123 Scheme, including education for residents in relation to reducing side-waste from the Environmental Enforcement Team.
- The MDDC draft Budget and Medium Term Financial Plan to support the council presenting a balanced budget for the financial year 2024/2025.
- Management of Himalayan Balsam & other invasive species.
- Corporate Performance.
- Amendments to the Fly Tipping Policy for a proactive reduction in fly-tipping incidents.
- Green Standards in Planning including renewable and alternative Energy, Energy efficiency and Community Energy Projects.
- Renewable Energy in Mid Devon District Council.
- Support for the council's biodiversity duty.
- Staying up to date with the Climate Action Plan.

Our Environment Enforcement Team has excelled in enforcing best practices, handling diverse cases such as abandoned vehicles, fly-tipping, environment enforcement, and parking. By patrolling town centres, car parks and other key areas of the District to proactively identify any arising issues or concerns. Their efforts have played a pivotal role in our Continuous Improvement program, addressing concerns raised by elected members to maintain the cleanliness of our district.

Our District Officers have been instrumental in transitioning to three-weekly bin collections, resulting in Mid Devon District Council coming within the top 10% of all Councils for our recycling rate and reduction in residual tonnage. I would like to extend my utmost congratulations to all staff and residents that have helped us achieve this.

One of the first actions of the Environment PDG was to reconstitute the Net Zero Advisory Group, which has been expertly chaired by Cllr Beckett Fish as we strive to achieve our Net Zero objectives.

NZAG has been re-established in order to support the Environment PDG identify the most effective ways of achieving zero carbon output in Mid Devon. Members from all PDGs participate in the Net Zero Advisory Group (NZAG) which has helped explore and steer activity on a wide range of topics.

NZAG have identified a number of ways of building reports on the status of carbon output across Mid Devon and are bringing together a number of metrics for regular review so we can track our performance.

The discussions have looked at a wide number of pathways to furthering the council's achievement of net zero, we have looked at these routes against the amount of impact they will have, the time taken, any cost and just how achievable the plan is.

Areas that are being focussed on include:

- “Greener” policy planning.
- Energy saving and decarbonisation.
- Developing more “green” spaces.
- Rivers partnership.
- Council & Communities Action Plan.
- Supporting local energy projects.
- Supporting local food growing.

NZAG are targeting greener policy planning and energy saving/ decarbonisation as areas where we can make the most traction in the shortest time.

We would like to express thanks to officers Jason Ball and Paul Deal for their assistance as we develop our plans. Also to all members who have contributed to our discussions particularly Cllr Josh Wright and Cllr Natasha Bradshaw.

I would like to thank fellow members for their contribution to the debates this year, and officers for their guidance, support and professional recommendations. Particular thanks also goes to David Parker for organising agendas, report packs, and ensuring everything runs smoothly. Your help and support is really appreciated.

As Chairman, it has been an honour to serve, and I look forward to continuing my commitment to the committee. Balancing tight budgets, increasing demands on public services, and fostering sustainable communities remains our generation's greatest challenge. I look forward to being part of the discussions and debates that help that future.

Chairman's Annual Report – Community Policy Development Group

So it has been a busy year to date with a lot happening on the Community Policy Development Group.

Firstly I would like to thank Angie Howell and Sarah Lees for their support and constant encouragement and enthusiasm. Also my thanks to the Officers, the Vice Chairman Cllr Cathy Conner plus our Portfolio Holders from Cabinet. I would also like to thank all Members of the PDG for their hard work and commitment. It's been a learning curve for us all and for me personally as Chairman.

You may be a surprised as to what we have achieved so far! We have done quite a bit including:-

- Visits to the 3 Leisure Centres – it was really good to visit and to meet the staff who do an amazing job. Part of our manifesto was to keep the Leisure Centre's going and it was really good to see how passionate everyone is that works there and what a fantastic service is provided.

Also we have seen a lot of investment in Leisure Centres over the past year. From new solar panels to heat source pumps to help improve the running costs. As a Council we subsidise the Leisure Centres by £1.4 million a year in running costs. However the importance of providing this service in Mid Devon is massive in my opinion as it continues to thrive and provides such an essential amenity to so many people.

- Since becoming Chair we have set up a Working Group looking at our vulnerable customers and how the lack of opening hours are affecting them. The Working Group have been looking at different ways this could be improved whilst still keeping within budget and staff constraints. I would like to thank Lisa Lewis, Lynsey Chilcott, Cllr Glover, Cllr Harrower, Cllr Connor and Cllr Cochran for their enthusiasm and input into this. Hopefully the recommendations that we put forward will be approved and we can help improve the way that Mid Devon deliver their services to our vulnerable customers.

- We have also received an update from Devon and Cornwall Police regarding antisocial behaviour and looked at better ways of working together.
- We received a visit from Alex Munroe, Devon Energy Partnership which was interesting and extremely informative.

We have also looked at and reviewed various policies and strategies such as:-

- Communication and Engagement Strategy,
- Vulnerability Statement,
- Climate Change Updates,
- Leisure Policy and Pricing Strategy,
- Strategic Grants to External Organisations where incredibly tough important decisions were made,
- Budget Setting to help MDDC achieve a balanced budget.
- Recommended a full consultation for the Town and Parish Charter;
- Customer Care Policy; with still many more to come.

There's been some tough decisions we have had to recommend to Cabinet, unfortunately due the underfunding of Central Government it has not been easy.

We will still have budget setting for 25/26 so please share any ideas you may have for potential savings.

I have enjoyed being the Chairman of the Community PDG. Looking ahead, if I am still Chair I would be keen to look at:-

- Starting to develop some new policies and would like to set up a workshop to do this. This will enable the whole Council to get involved and it will be great to see some work done on this.

- I would also like to arrange another visit to our Leisure Centres and to see the progress they continue to make.
- Additionally, I would plan to invite Devon and Cornwall Police back to talk to the Community PDG and to continue working together regarding anti-social behaviour.

I am open to other ideas that any of you may have now that you have been part of the Community PDG for a year and you can see the important work we do and will continue to do together.

Once again many thanks to all Members and Officers for their support and commitment.

Councillor Ben Holdman
Chair of Community Policy Development Group
Tiverton Castle Ward

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Economy Policy Development Group – 2022/2023

Chairman's Annual Report

The Economy Group have continued to successfully gain and administer funds for the District and I am pleased to report that the Crediton Master Plan has now commenced with the publication of the initial plan and public consultations. We unfortunately have been curtailed in pursuing any more commercial ventures due to the Government now restricting Local Authorities taking out loans to fund opportunities, such as Three Rivers.

As ever the Group and I are indebted to the work and support of Richard, Adrian and Zoe and all of the Economic Development team.

The main focus of the Economic Development team over the last year has been the Shared Prosperity and the Rural England Prosperity programmes. The Policy Development Group has played an important role in the formulation of Shared Prosperity Investment Plans as part of the District's successful submissions to government. The Policy Development Group will continue to play an important role in overseeing the delivery of these plans over the next few years. It should be noted that a great deal of the ground work for these submissions was informed by the Economic Strategy which this Group had a pivotal role in its development. Over the next twelve months members of the group will again be involved in the formulation of the Council's Economic Strategy for the next five year period.

Overview

During 2023/24 the Group considered a number of issues. In summary these included:

- Various UK Shared Prosperity Fund & Rural England Prosperity Fund reports
- Economic Development Team updates
- Economic Updates regarding Junction 27 and Junction 28
- Business Support Programme – Guest Speaker (Rob Evans, Devon County Council)
- Establishment of the car parking working group and subsequent updates
- Town Centre Health updates
- Various Budget updates and financial discussions

As referred above car parking was often discussed at the meetings. Car parking fees were increased only in line with inflation this year. A working group has been convened, working with resident groups and businesses, which will present any proposed revised parking fees to future meetings. In addition throughout the year members have been provided with a number of reports and presentations providing data and analysis regarding the current economic position nationally and locally. Members have also been updated with progress regarding other initiatives such as:

- Job Fairs in partnership with Tiverton JobCentre Plus (DWP) for local employers and job-seekers
- Business support surgeries
- 'Be Grant Ready' workshops
- Cullompton Heritage Action Zone (HAZ) –public realm enhancements
- Cullompton Heritage Action Zone (HAZ) - distribution of grants
- Cullompton Heritage Action Zone (HAZ) – cultural programme
- Digital skills training for businesses
- Local Growth Fund bid for Business Decarbonisation
- Finger posts installation in Tiverton
- Crediton Masterplan
- Mid Devon Walking Festival
- Sculpture Trail
- Thrive business support programme
- Major Infrastructure updates
- Visit Mid Devon – Leisure, Tourism & Hospitality Business
- Love Your Town Centre grants
- Field to fork programme

Cllr John Downes

Chairman of the Economy Policy Development Group

Mid Devon District Council (MDDC) Homes Policy Development Group Chairs Report for 2023-24

In May 2023 I was honoured to be elected to the office of Councillor representing Clare and Shuttern Ward of MDDC, my first public appointment. As a new Councillor, it was with some trepidation I accepted the nomination for the role of Chairman of the Homes Policy Development Group (PDG).

However, following the excellent new councillor training programme and with reassuring support from the Clerk, Sarah Lees, in facilitating the meetings and ensuring that all members had the information they needed in good time, it has been a positive experience. Council officers have produced and presented excellent policy documents and reports for review by the PDG and members of the group have engaged effectively in the process. I thank them all for their professionalism and hard work.

There have been five Homes PDG meetings since the May 2023 elections and a full programme of work. Eight new or updated policies developed by Officers were recommended to Cabinet (and duly adopted) on:

- Anti-Social Behaviour
- Neighbourhood Management
- Damp and Mould
- Recharges
- Tenancy Inspection
- Garages and Parking Space
- Homes Safety
- Pets and Animals

The PDG has also received and noted reports or briefings on

- Revenue and Capital Outturn - MDDC's General Fund and the separate Housing Revenue Account (HRA).
- Service Delivery
- Complaints Handling
- Homes for Ukraine
- Voids Management
- Savings options for the 2024-5
- Tenant Involvement and Engagement Strategy Action Plan
- Consultation on potential Fees to the Regulator for Social Housing (disputed)
- Neighbourhood Management
- Performance dashboard
- Detailed report on Damp and Mould Focus by MDH, following the proposed introduction of Awaab's Law.
- Flexible tenancies – a working group of PDG members was formed in November 2023.

One constant theme that has demanded a great deal of officer attention has been the introduction of the new regulatory regime for social housing developed by the Government in the wake of the Grenfell disaster including the collection of data for 22 Tenant Satisfaction Measures.

The Tenure Review Working Group set up in November 2023 is reviewing plans for Flexible Tenancies being developed by MDDC as an alternative to traditional 'lifetime' tenancies in order to facilitate the more optimal allocation of Council homes to tenants.

Looking to the future, Mid Devon Homes (MDH) faces the challenge of meeting increased regulatory demand from Government in the face of costs increasing with inflation and restricted ability to increase revenue.

It's a major concern that, in common with most local authority areas, there is a severe shortage of homes for social rent in Mid-Devon: there are around 1600 applicants on the MDH waiting list. Also, the continuation of 'Right To Buy' tends to deplete stocks while not providing sufficient revenue to replace homes sold.

To begin to tackle the shortfall in supply, MDH has an ambitious 5-year plan to increase its stock of housing. Where possible, existing MDH-owned sites will be developed, or re-developed where housing has become obsolete. Many of the new homes will be built using a modular approach, which has many benefits: notably predictability of cost, the low impact on neighbourhoods due to rapid installation onsite and a level of energy efficiency that will eliminate energy poverty for the tenants and greatly reduce carbon emissions. MDH has recently launched its 'Development Hub' web site,

<https://letstalk.middevon.gov.uk/mdh-development-hub>

where information can be found on all current and future development sites across the District.

Finally, once again I thank the PDG Members and the professional MDDC staff, who continue to work hard to make the Homes PDG an effective forum for maintaining and improving homes provision and related services within MDDC.

Cllr Chris Adcock
Chairman
Homes Policy Development Group
19th March 2024