

MINUTES of a **MEETING** of the **CABINET** held on 10 December 2024 at 5.15 pm

**Present
Councillors**

L Taylor (Chair), S J Clist, J Lock,
N Bradshaw, J Buczkowski, G Duchesne,
J Wright and D Wulff

**Apology
Councillor**

S Keable

**Also Present
Councillor**

E Buczkowski

**Also Present
Officer(s):**

Stephen Walford (Chief Executive), Richard Marsh
(Director of Place & Economy), Maria De Leiburne
(Director of Legal, People & Governance (Monitoring
Officer)), Matthew Page (Head of People, Performance &
Waste), Jason Ball (Climate and Sustainability Specialist)
and Laura Woon (Democratic Services Manager)

**Councillors
Online**

G Czapiewski, L Knight, R Roberts and S Robinson

Officers Online

Dean Emery (Head of Revenues, Benefits and Leisure),
Lisa Lewis (Head of Digital Transformation and Customer
Engagement), Elaine Barry (Planning Obligation Monitoring
Officer), Stephen Carr (Corporate Performance and
Improvement Manager), Adrian Welsh (Group Manager for
Growth, Economy & Delivery), Heather Nesbitt (Senior
Enforcement Officer), Stephen Bennett (Building Surveyor
Planning Maintenance), Carole Oliphant (Housing Policy
Officer), and Sophie Richards (Customer Engagement
Officer)

93. APOLOGIES

Apologies were received from Councillor S Keable.

94. PUBLIC QUESTION TIME

Paul Elstone

Question 1:

There was no column shown on the spreadsheet providing details of previous year's expenditures on these projects. This information was required in order to provide clarity on the total project cost. Why was this information not provided?

Response from Cabinet Member for Finance, Governance and Risk:

The previous year's expenditure was reported in the appropriate reports at that time, and fully within the outturn report each year.

Question 2:

Would such information be added to the budget sheet going forward? And if not why not?

Response from Cabinet Member for Finance, Governance and Risk:

The Council would look to see how historic information could be provided going forwards.

Question 3:

Project 41 Fir Close, Willand shown a revised total 2025/30 budgeted amount of £175,000. After the addition of the £50,000 shown as spent in 2024/25, this means the total cost of this single person's accommodation would be £225,000. How could such high expenditure be justified?

Response from Cabinet Member for Finance, Governance and Risk:

Any budgeted amount was the total project cost, so costs included all aspects of any projects not just the structure itself. Details such as parking, fencing, biodiversity net gain, planning fees, officer time and renewables were included within the total spend.

Question 4:

Was the Project 23 the ZED PODS Old Road Tiverton development?

Response from Cabinet Member for Finance, Governance and Risk:

Project names would not be published until such time as planning permission and local consultation had been undertaken.

Question 5:

The project budget for the Project 23 had increased from £4.1 million to £7.45 million. Could it be explained exactly why this project cost had nearly doubled?

Response from Cabinet Member for Finance, Governance and Risk:

As with any of the sites identified within the Housing Revenue Accounts (HRA) Development Programme the sites were identified at an early stage before any massing or designs were fully carried out and as such movement in unit numbers which could be both up and down could occur during any design process.

Question 6:

What or where was Project 20?

Response from Cabinet Member for Finance, Governance and Risk:

See the response to Q4 above.

Question 7:

Project 20 was shown as a massive budget of £16.49 million but there seems to be no intention to develop it within the next 5 years. It was known that the Council paid ZED PODS £435,360 in 2023 for work on this project.

Was this payment to ZED PODS not a waste and a very poor use of public funds?

Response from Cabinet Member for Finance, Governance and Risk:

The Housing Revenue Accounts (HRA) Development Programme was under constant monitoring and assessment with many aspects affecting when projects began or were moved. Each project's viability, in terms of cost and attainable external funding, played a major role in any decision making.

Question 8:

What or where was Project 8?

Response from Cabinet Member for Finance, Governance and Risk:

See the response to Q4 above.

Question 9:

Why had the cost of Project 8 increased by £1.37 million from £2.44 million to £3.61 million?

Response from Cabinet Member for Finance, Governance and Risk:

See the response to question 5 above.

Question 10:

Why exactly had the School Close Bampton Project cost increased by over 1 million pounds to £5.5 million?

Response from Cabinet Member for Finance, Governance and Risk:

See the response to question 5 above.

Question 11:

What or where were projects 29, 33 and 54?

Response from Cabinet Member for Finance, Governance and Risk:

See the response to Q4 above.

Question 12:

The £5.5 million School Close Bampton cost equates to £4,590 per square metre. The Shapland Place, Tiverton cost was around £5,000 and St Andrews Cullompton was around £4,600 Fir Close Willand could be over £6,000 per square metre. Would Cabinet agree there was a common and very high cost theme developing?

Response from Cabinet Member for Finance, Governance and Risk:

Those figures were taking total project cost as indicated in Q3, whereas construction cost, and therefore build cost/m², was only one element of total project cost. It should also be remembered that those properties were net zero carbon with far higher energy efficiency elements incorporated. As such, while there may be extra costs involved to achieve this, which could be perceived as optional, the Council had committed to aiming for net zero, with the added benefit of this efficiency translating into lower running costs for tenants over the life of the asset (home).

Nick Quinn

In the press that 1200 Council properties had been overcharged on their rents while 1600 had been undercharged. The Housing Rents report states that it was being proposed to recompense those tenants who had been overcharged and the Council had already said they were not going to recover any undercharges from renters. But it was not clear, from the report, whether corrections were to be put in place for all tenancies, once the formula calculations had been done to work out the correct rent for every property. If this was not done, the overcharged renters had their correct rent put in place, but the undercharged tenancies continue on the incorrect base rent for the remainder of their tenancy. This would mean this Council were subsidising those tenants and would be paying for this error for years to come. Surely, this was wrong. Rather than agreeing to recommendation 2 and leave undercharged tenancies unchanged, as was suggested at point 19 on the table in paragraph 2.2 of the report: Would Cabinet look to undertake moves to implement the correct rent, properly calculated in compliance with the Statutory Social Rent Formula, to all their social rental properties over a phased period which was yet to be determined?

This was answered within the debate at item 6 on the agenda.

95. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

The following Councillors J Buczkowski, S Clist and D Wulff referred to item 7, updating Election Fees and declared they were Members of the Town Councils.

Members were reminded of the need to make declarations of interest where appropriate.

96. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 12 November 2024 were **APPROVED** as a correct record and **SIGNED** by the Leader.

Note: * the Leader abstained from voting due to not being present at the last meeting.

97. 2025/2026- DRAFT BUDGET

The Cabinet had before it a report * from the Deputy Chief Executive (S151) presenting the 2025/2026 draft Budget Report.

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

- At the last Cabinet meeting, the projected shortfall stood at £431k. Since then, a thorough review had shown that some previously identified savings were not achievable for 2025/26 and would need to be revisited in future years. However, the Council had been able to reduce other pressures and identify additional savings, bringing the shortfall down to £191k.
- Appendix 1 provided a detailed breakdown of movements at the service unit level, highlighting where pressures were being felt and where savings had been achieved. A full review of corporate budgets, combined with the possibility of further government grants, could help bridge the remaining gap.

- The Council were deeply disappointed by the government's decision to remove the Rural Services Delivery Grant. This, along with the uncertainty of the funding settlement, expected on 19 December 2024; this was unacceptably late in the budget-setting cycle, and had created significant challenges for financial planning.
- As a Council, strong representations would be made directly to central government at a senior officer level and through the membership of the Rural Services Network, urging them to address the dire state of local authority funding.
- Appendix 2 outlined the plans for the Capital Programme over the next 5 years. The commitment to invest £138m into maintaining and enhancing assets. A large portion of this would be directed towards increasing housing stock, delivering much needed social and affordable homes. Whilst this programme currently assumed significant borrowing, the Council remained optimistic that further successful grant applications would help reduce this burden, as they had done in the past.
- Housing Revenue Account, Appendix 3 provided an update on the Medium-Term Financial Plan. This included refreshed assumptions around income, particularly in relation to rent corrections. The Council were in the process of finalising a robust 30-year plan to enable more accurate budget profiling over the next 5 years and to identify ways to address the projected shortfall.
- This administration stood firm in its pledge to uphold fiscal responsibility whilst listening to the needs of the communities. The combined efforts of dedicated officers, alongside the support of Members across the Council, had made it possible to present a realistic and achievable draft budget, even in the face of uncertainty and challenging financial conditions.

Discussion took place regarding the internal borrowing and where this was reported.

RESOLVED that:

1. The contents of this report, specifically the inclusion in the 2025/26 adjustments be **APPROVED** and
 - a) Cabinet requests were considered at the last meeting (para 3.4);
 - b) The adjustments to previously **AGREED** budget options (para 4.2);
 - c) The proposed budget options (Section 5) that would be calculated as data or when Government announcements were made.
2. The proposed Capital Programme covering the period 2025/26 to 2029/30 be considered.
3. The updated Housing Revenue Account Medium Term Financial Position be considered.

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

Reason for Decision:

None directly arising from this report, although there was a legal obligation to balance the budget. There were legal implications arising from any future consequential decisions to change service provision, but those would be assessed at the time.

Note: * Report previously circulated.

98. HOUSING RENTS

The Cabinet had before it a report * from the Deputy Chief Executive (S151) presenting the Housing Rents Report.

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

- The report related to a historical issue that affected the calculation of social rents within the Council's Housing Revenue Account (HRA). This error related to the original valuations used in the nationally prescribed formula for setting social rents.
- While annual increases had been correctly applied over the years, the historic valuation figures needed adjustments to bring them in line with the requirements.
- It was clear that, as an administration, the Council had no control over the historical issues.
- However, the Council's priority was to resolve it swiftly and effectively. The Cabinet Member for Finance, Governance and Risk reassured the Cabinet, and importantly the tenants, that they were secure in relation to their tenancies. The HRA remained financially sound, with sufficient reserves to address this matter responsibly and without jeopardising its long-term viability.
- It was highlighted in the report the steps that had already been taken, including a self-referral to the Regulator for Social Housing (RSH) and engagement with the Department for Work & Pensions (DWP), the Council's auditors, and the Valuation Office Agency (VOA). To ensure the actions were legally robust, external legal advice had been sought from a King's Counsel.
- Internally, a dedicated working group had been established to manage the actions required, and internal processes for setting rents had already been strengthened to prevent similar issues in the future. Based on initial calculations, the correction was estimated at approximately £1.8 million, which was within the HRA reserve balance. A strategy to replenish this reserve would be developed as part of the longer-term financial planning.
- The corrective actions prioritised current tenants, followed by former tenants, and refunds would likely be issued in tranches to ensure a controlled and efficient process. The Council were working closely with partner organisations to address any associated impacts on Housing Benefits, Universal Credit, and Council Tax liabilities.

The Cabinet Member for Finance, Governance and Risk wanted to emphasise that the Council's tenants were absolutely at the forefront of every decision made. Their interests would guide the approach, and the Council were committed to resolving this issue with urgency and transparency. Regular updates on progress would be brought back to Cabinet.

Discussion took place with regards to:

- The feedback from residents was low in some wards.
- The communication about the Housing rents and had it been delivered correctly?
- How many residents had come forward after receiving the communication?

- The legal position and that the Council cannot increase the rent in relation to a live tenancy other than the usual process.
- What methodology would be used when a property became vacant?
- Changes of tenancy if a family chose to pass it on to another family member within the same household and was there provision in place.

RESOLVED that:

1. All of the tasks that had already been progressed in order to correct this situation were **NOTED**.
2. The future proposed actions and solutions required to fully resolve the housing rents error identified in Table 1 para 2.2 were **AGREED**.
3. To request a further report be brought back for consideration once the proposed actions had been completed and the Regulator for Social Housing (RSH) had clarified their opinion, in order that any lessons identified could be sufficiently mitigated through the Council's Risk Register in future.

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

Reason for Decision:

External Kings Counsel's advice had been secured which had been used to underpin the recommendations made within this report.

Note: * Report previously circulated.

99. UPDATING ELECTION FEES

The Cabinet had before it a report * from the Chief Executive on the updated Election Fees.

The Cabinet Member for People, Development and the Deputy Leader outlined the contents of the report with particular reference to the following:

- The level of Election fees should be reviewed regularly to take into account inflation as well as any changes in legislative responsibility.
- Locally-originated fees had not been reviewed or updated for over 20 years and this report was an update to that position.
- The Returning Officer had to pay for polling staff, postage, mileage and venue hire at prevailing rates in order to run elections. Those had increased over time, while the core team fees were set in the context of the headline Returning Officer fee as set by the Council.
- The difference between the Council's current fees and the most up to date schedule adopted within Devon in 2023, was broadly equivalent to the increase that would have taken place if normal Consumer Price Inflation (CPI) had been applied each year.

Discussion took place with regards to:

- Could it be confirmed that the proposal line in the table included in the report at 3.3 be adopted?

- Would the calculated fees make the election cost neutral or be expected to subsidise those or was there a surplus?

RESOLVED that:

1. The revised fees for Mid Devon District and Parish elections, as per section 3, take effect from 1st April 2025 and be **APPROVED**.
2. That the fees would be updated annually from 2026 onwards in line with either the uplift of the previous year's staff pay award, or by the CPI at the prevailing rate from the previous September, should the annual pay award be expressed as a flat cash rate rather than as a percentage.

(Proposed by Cllr J Lock and seconded by Leader of the Council)

Reason for Decision:

The running of elections by the Returning Officer was overseen and monitored by the Electoral Commission. There were no legal implications associated with this decision.

Note: * Report previously circulated.

100. CORPORATE PERFORMANCE QUARTER 2 INCLUDING PERFORMANCE DASHBOARD

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

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

- The Corporate Plan included an ambition to avoid carbon emissions (renewables and green transport). This was an aggregated indicator, made up of two indicators as outlined. By generating electricity through solar panels, the Council had avoided 259t CO2 emissions this financial year.
- Through the use of electric vehicles in the fleet, the Council avoided a further 8.8t CO2e against an annual target of 10t CO2 emissions. This result demonstrated that electric vehicles were becoming embedded and well used as part of the fleet.
- Planning applications determined within 8 weeks was 99% for the year to date, and minor applications overturned at appeal was 0.4%.
- Under the 'The Support the Voluntary, Community and Social Enterprise (VCSE) sector by securing additional external funding', data showed that for the financial year to date indicated that £182k had been secured.
- Household waste recycled in the financial year to date was 59.8% and was above target (58.5%).
- The dashboards contained 99 performance measures on how services were performing across the Council, and included the indicators that were part of the Corporate Plan. Those dashboards had also been reviewed by all the relevant Policy Development Groups and the Planning Committee.

- Section 2 of the report provided performance analysis on a theme by theme basis, focusing on Corporate Plan performance indicators.
- The total number of open planning enforcement cases was 338. Having reviewed this, it should have stated 319.

Discussion took place regarding:

- The total number of missed bin collections was going in the right direction.
- The staff turnover percentage increase.
- The Council should be acknowledged for the effort they were putting into delivering their Corporate Plan.
- The Planning Environment and Sustainability Policy Development Group's dashboard seemed a bit light on performance measures.
- The absence of air quality metrics, especially considering two designated air quality improvement areas within the district – Cullompton and Crediton.
- Behind the scenes to reinstate real-time air quality monitoring within those zones, which was not funded by the previous administration and therefore switched off in June 2023
- The Director of Place and Economy had confirmed that real-time monitoring would be back in place by January 2025, after a rather elongated process that started in July 2023
- Given the significance of this development, could air quality be monitored as a key metric on the dashboard?
- It was **AGREED** to include real-time air quality monitoring within the two air quality management areas as a performance metric on either the Planning Environment and Sustainability Policy Development Group, or Communities, People and Equalities Policy Development Group dashboard moving forward.

(Proposed by the Leader)

Note: * Report previously circulated.

101. CORPORATE RISK QUARTER 2

Cabinet had before it a report * and **NOTED** from the Corporate Manager for People, Governance and Waste and the Corporate Performance and Improvement Manager on the Corporate Risk Quarter 2.

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

- Considerable progress had been made over the past year to manage the most significant risks. Many of the risks on the register had seen their risk scores reduced through the work of the Council for example 3 Rivers, Cullompton Town Centre Relief Road, and Homes for Ukraine Scheme.
- Even where risk scores had not improved, there had been a huge amount of work to ensure the Council had maintained its risk position and was in a position to improve – such as in the areas of cyber security, climate change, and financial sustainability.

- A robust process was in place for managing corporate risks and presenting this information to the Audit Committee and to Cabinet. Members further strengthened the process through their check and challenge and there had been positive engagement in the past year. The approach had proved effective in 2024, and would provide the Council with a strong foundation to manage the risks of 2025.
- The Council's current corporate risks with their updated position as of early November. Those were the risks which had been identified that may be most likely to impact the Council meeting its objectives.
- Any significant changes to the Risk Register since it was last reported to Cabinet were listed in the covering report, at paragraph 2.3.
- Audit Committee Members asked that Corporate Risk 9 and 9a related to 3 Rivers be reviewed by the Leadership Team given the closure of the company, with the remaining risk to focus on reputational risk.

Discussion took place regarding:

- The risk rating 3, failure to meet Climate Change Commitments by 2030, would this be reviewed before the next quarter?
- Had the Council been subject to any Cyber-attacks and what security was in place to measure this?
- 3 Rivers Developments Limited was formally dissolved on 29th November 2024. This dissolution would be formally reported to Cabinet as part of the next financial report, but it was relevant to the discussion today regarding the review of the Risk Register.
- CR9 related specifically to the risks surrounding the closure of 3 Rivers Developments Limited. CR9a, on the other hand, pertained to the reputational risks experienced by the company and, by extension, the Council as its shareholder. At a recent Audit Committee meeting, there was a robust debate on whether those risks would remain on the Risk Register in their current form. Audit Committee's input was a vital advisory body to the Council and this administration.
- CR9 and CR9a be replaced with one combined risk that reflected the current circumstances and identified the tangible risks and mitigation actions relevant today. This approach ensured the Corporate Risk Register remained focused on the strategic risks most likely to impact the corporate priorities of the Council.

Note: * Report previously circulated.

102. **MID DEVON HOUSING (MDH) ASSET MANAGEMENT STRATEGY**

Cabinet had before it a report * from the Head of Housing & Health on Mid Devon Housing's (MDH) Asset Management Strategy.

The Cabinet Member for Housing, Assets and Property and the Deputy Leader outlined the contents of the report with particular reference to the following:

- Mid Devon Housing (MDH) had a requirement to understand the condition and demand of the housing stock and other buildings it was responsible for, by establishing the current position, identifying future maintenance costs as well as providing new homes to meet demand.

- This Strategy set out how this would be achieved during the financial years 2025-2029. This was a review of the existing Asset Management Strategy and had been undertaken to bring the document up to date in the context of the new consumer regulation regime that included the statutory consumer standards as set out within the report and background papers.

RESOLVED that the updated MDH Asset Management Strategy attached in Annex A be **ADOPTED** as recommended by the Homes PDG.

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

Reason for Decision:

As a registered provider of social housing, the Council was obliged to take account of the standards contained within the revised regulatory framework which was administered by the RSH as well as The Health and Safety at Work etc Act 1974 and other building safety legislation. This placed a duty on MDH to maintain legal compliance within its housing stock.

Note: *

- (i) Report previously circulated.
- (ii) Cllr N Bradshaw abstained from voting due to not being present for the debate.

103. MID DEVON HOUSING (MDH) TENANT COMPENSATION POLICY UPDATE

Cabinet had before it a report * from the Head of Housing & Health on Mid Devon Housing's (MDH) Tenant Compensation Policy Update.

The Cabinet Member for Housing, Assets and Property and the Deputy Leader outlined the contents of the report with particular reference to the following:

- The Policy was last approved in January 2022, and was due to be reviewed after 3 years.
- Since the current Compensation Policy was adopted the Housing Ombudsman (HO) had issued guidance notes to Registered Providers that relevant policies should provide redress to restore a person to the position they would had been in had the service failure not occurred.
- In line with the Housing Ombudsman (HO) guidance the revised policy set out compensation payments that were fair, consistent and proportionate whilst recognising that each case would be considered on its individual merits.
- The Council had also recently received specific guidance and recommendation from the Housing Ombudsman (HO) in respect of compensation for the additional cost of temporary heaters.

Discussion took place regarding monitoring and performance and the figures in regard to compensation.

RESOLVED that the updated MDH Tenant Compensation Policy and Equality Impact Assessment contained in Annexes A and B respectively as recommended by the Homes PDG be **ADOPTED**.

(Proposed by the Cllr S Clist and seconded by Cllr N Bradshaw)

Reason for Decision:

It would be necessary to ensure that the Tenant Compensation Policy addressed all the legal obligations the Council had as a Landlord under within the parameters of the Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994, the Housing Act 1985 and the Leasehold Reform, Housing and Urban Development Act 1993.

Note: * Report previously circulated.

104. NATIONAL ASSISTANCE BURIAL PROCEDURE

Cabinet had before it a report * from the Head of Finance, Property & Climate Resilience on the National Assistance Burial Procedure.

The Cabinet Member for Service Delivery and Continuous Improvement outlined the contents of the report with particular reference to the following:

- The Policy was last reviewed in June 2019 and had become due for review after 5 years.
- The report presented the revised Policy for National Assistance Burials.

RESOLVED that the National Assistance Burials Policy as recommended by the Service Delivery & Continuous Improvement Policy Development Group be **ADOPTED**.

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

Reason for Decision:

The Council had a statutory duty to carry out National Assistance Burials under Section 46 of The Public Health (Control of Disease) Act 1984.

Note: * Report previously circulated.

105. THE STATUTORY DUTY TO CONSERVE AND ENHANCE BIODIVERSITY

Cabinet had before it a report * from the Head of Finance, Property & Climate Resilience and Climate and Sustainability Specialist on the Statutory Duty to Conserve and Enhance Biodiversity.

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

- The Statutory Duty plan encouraged innovation and set out achievable goals. However, service teams had identified new ways to report on how to make a difference with Biodiversity Net Gain.
- The plan aimed to support ecological awareness in the service teams, it aimed to boost nature on Council owned land, and it set a goal for partnership schemes to boost nature at a landscape scale.

- As explained in the report, the Local Planning Authority role had set duties to discharge in line with National Policy and this was separate and distinct from anything which the Council chose to do as a corporate land / property owner.
- The consultation had been to the Planning and Policy Advisory Group (PPAG) and each of the Policy Development Groups.

Discussion took place regarding:

- Under the Planning, Environment and Sustainability Policy Development Group, they were looking at new builds and legal requirements as to what was stipulated from a house building perspective.
- New build houses and the approach from developers to help towards biodiversity and to consider bird houses and bricks for bees to be included in this document.
- The ecological surveys on developments.
- As a Council to put pressure on developers to provide more eco-friendly projects.
- Rewilding of farms this would contribute greatly towards biodiversity net gain.
- Support the environment locally and the hope of support, from the Climate Nature and Water Bill that was currently going through Parliament.

RESOLVED that the draft Biodiversity Duty Action Plan as recommended by the Planning, Environment and Sustainability Policy Development Group be **APPROVED**.

(Proposed by the Cllr N Bradshaw and seconded by Cllr S Clist)

Reason for Decision:

The Council's environmental sustainability duties were underpinned by legislation e.g. Environment Act 2021 as noted.

Note: * Report previously circulated.

106. **CLIMATE STRATEGY ACTION PLAN**

Cabinet had before it a report * from the Head of Finance, Property & Climate Resilience and the Climate and Sustainability Specialist on the Climate Strategy Action Plan.

The Cabinet Member for Environment and Climate Change and Climate and Sustainability Specialist outlined the contents of the report with particular reference to the following:

- This was an important milestone for the Council. The Climate Change Strategy and Climate Action Plan, was a response to the Council declaring a climate emergency in 2019 and the Council's targets of achieving net zero by 2030.
- Officers had worked persistently to bring this strategy together. A Draft Climate Strategy was considered by the Planning, Environment and Sustainability Policy Development Group (PDG) on 26 November 2024 and was now recommended to Cabinet for approval.

- The Strategy was a starting point for engagement with communities, businesses and other partners, to co-create a vision for a sustainable future including the themes and expressed ambitions about the benefits for Mid Devon residents.
- The Climate Change Strategy was aligned with the Corporate Strategy and with the Devon Carbon Plan, and related to all of the Council's Policy Development Groups:
 - Planning, Environment and Sustainability- Vibrant landscapes at the heart of Mid Devon.
 - Community, People and Equalities- Climate Resilient Communities.
 - Homes- Healthy Homes.
 - Economy & Assets- Green Growth and Bright Futures.
 - Service Delivery & Continuous Improvement- Sustainable Services and Spending.
- Mid Devon's 2022 territorial carbon footprint, excluding land use change, was 907,684 tonnes of carbon dioxide equivalent (tCO₂e). The largest climate impacts came from:
 - Agriculture at 43% (394,256t), mainly from livestock farming;
 - 29% from transport (267,527t) almost all from road transport; and
 - 9% from heating fuels in buildings (78,68t) with most of that (68,643t) from homes.
- The Council's own organisational carbon footprint, the 2023-2024 emissions were 16,545 tCO₂e. Components of the carbon footprint under direct control of the Council comprised only 2,103 tCO₂e.
- Potentially, Net Zero for the 'direct control' footprint could be achieved by a combination of reducing the impact of what the Council could directly control (mitigation was the top priority) and by balancing actions that reduced the impact of the other elements in the wider footprint. The Climate Action Plan indicated ways that carbon emissions could be avoided, reduced offset and inset emissions.
- Steps as a Council to further reduce it's own footprint included: Lower emissions for their fleets, facilities and services, Renewable energy projects and support for trees and habitat schemes which absorbed carbon.
- The Council only directly controlled a tiny fraction of the district's annual impact, but could influence a significant part of local activity and infrastructure.
- In the years between now and 2030, a series of projects were set to deliver important reductions to the Council's annual carbon footprint.
 - Renovating sports centres could save up to 200 tonnes per year.
 - Workplace energy efficiency could save up to 200 tonnes annually.
 - Replacing 57 vans with EV by 2030 would save over 140 tonnes annually.
 - More renewable energy projects could save 200 - 600 tonnes annually.
 - A programme to replace 22 old residential properties with Net Zero homes by 2030 would save up to 136 tonnes annually.
 - Renovating Council homes would save over 400 tonnes annually.
- The next steps the Council could lead and influence through best practice. In 2025 the Council intended to host Mid Devon's first Climate Forum that would bring the Council's strategy to communities, businesses and partners. This had to be a collective effort, working together and providing feedback to Central Government where it could see barriers to the necessary change.

Discussion took place regarding:

- Did the Council have a policy about the use of weed killer?
- How serious were the Council about energy when there was a procurement process and measurement in place to be affordable moving towards net zero.
- The Council could lead by example. This would play a small part in making a difference to climate change.
- The importance of climate change and considerations about wind power, solar power and greenhouse gas emissions.
- Working towards net zero and the collaborative approach.
- The work that had gone into the Climate Strategy Action Plan and the great foundation this would provide in order to move forwards.
- How close were the Council to net zero for 2030?
- The Council to have a strong vision for a sustainable future.
- Cop29 fossil fuels that caused the problem. The ambitions of the Council and the importance for the community and changing the world.
- Should the focus be on resilience for the future?
- Flourishing and happiness within the community and the benefits this would have and the leadership was important.

RESOLVED that the Climate Change Strategy and Action Plan as recommended by the Planning, Environment and Sustainability Policy Development Group be **APPROVED**.

(Proposed by the Cllr N Bradshaw and seconded by Cllr G DuChesne)

Reason for Decision:

The Council's environmental sustainability duties are underpinned by legislation e.g. Environment Act 2021. All local authorities had obligations under the Climate Change Act 2008 with regard to climate change adaptation (resilience) and mitigation (emission reductions). Full Council declared a Climate Emergency in June 2019.

Note: * Report previously circulated.

107. S106 GOVERNANCE FRAMEWORK

Cabinet had before it a report * from the Director of Place and Economy on the S106 Governance Framework.

The Cabinet Member for Housing, Assets and Property outlined the contents of the report with particular reference to the following:

- This was an update to the existing S106 governance arrangements.
- It had been revised to ensure the most appropriate and effective approach to S106 management and monitoring, to ensure that they were consistent with the latest government regulations and to provide Members with more visibility and input into the spend process.
- Any financial planning obligations must be spent in accordance with the terms of the S106 agreement. Those agreements were used to offset the

implications of an individual development as identified through the planning process and therefore it was important to have a robust and appropriate governance to ensure the effective and appropriate use of S106 monies.

- The proposed governance framework (Appendix 1), which set out the arrangements on the nature of the S106 spend, and provided clarity in terms of when decisions were delegated to planning officers, and the conditions where more significant decisions needed to go the Governance Board for consideration.
- Also included, were the Terms of Reference, which set out the purpose and expectations of the Board and the decision making process, including composition of the Governance Board and regularity of meetings.

The framework document and appended terms of reference were considered by the Planning, Environment and Sustainability Policy Development Group at a meeting on 26 November 2024. The Group agreed that the framework document and appended terms of reference be recommended to Cabinet for approval, with one minor amendment, which was to add the word 'Infrastructure' at the end of bullet point 9, at 4.0 Planning obligations (Section 106 agreements) so that the bullet point read 'Highways and Transport Infrastructure', to ensure wider transport schemes such as rail related projects were captured.

Discussion took place regarding:

- The timelines on spending and the balance of priorities.
- Key challenges, such as balancing local and district-wide strategic priorities and enhancing Member oversight.
- Clarity was needed in certain areas. Delegated decisions allowed for more streamlined approvals, what was the route of appeal should a validation or delegated decision be contested?
- Were the Governance Board decisions final?
- Disappointed by the lack of progress on the Community Infrastructure Levy (CIL).
- Opportunities to review the structure to further enhance inclusivity and transparency, particularly with respect to representation from Ward Members and Town and Parish Councils.
- Further clarity on the new government's direction regarding the emerging Infrastructure Levy (IL), and would the Council prioritise preparing for this transition and consider aligning infrastructure planning processes accordingly?

RESOLVED that the revised S106 Governance arrangements (Appendix 1; Mid Devon District Council S106 Governance Framework) be **APPROVED** with the following exceptions.

- a) This would require a change to the Terms of Reference section 4 under the Fixed Panel heading before bullet point four the following words to be added "three Cabinet Members from the following:"
- b) A new seventh bullet point to be added to this section with the words "Cabinet Member for Parish and Community Engagement".
- c) The Quorum arrangements would remain unaltered at two Members and
- d) That the S106 Governance arrangements returned to the Planning, Environment and Sustainability Policy Development Group within the next 12 Months.

(Proposed by Cllr S Clist and seconded by Cllr N Bradshaw)

Reason for Decision:

S106 agreements may include obligations on the developer to make a financial contribution in order to make the development acceptable in planning terms. Contributions become due on a trigger point set out in the legal agreement.

Note: * Report previously circulated.

108. **INFRASTRUCTURE FUNDING STATEMENT- INFRASTRUCTURE LIST**

Cabinet had before it a report * from the Director of Place and Economy on the Annual Infrastructure Funding Statement, the Infrastructure List.

The Cabinet Member for Housing, Assets and Property and the Deputy Leader outlined the contents of the report with particular reference to the following:

- The report related to infrastructure that could be funded partly or wholly by developer contributions.
- Local Planning Authorities were required to publish an Infrastructure Funding Statement annually. The Statement included a summary of developer contributions collected and spent by the authority in the previous financial year, and an Infrastructure List which identified the infrastructure required to facilitate the delivery of the adopted Local Plan.
- The list was not exhaustive, it was a live document that continued to evolve and could be reviewed and updated anytime.

The Planning, Environment and Sustainability Policy Development Group (PDG) were asked to consider the Infrastructure List at a meeting held on the 26 November 2024. The Group recommended the infrastructure list for approval by Cabinet with the following suggestions:

- Under Priority 2 - Sustainable Travel the group suggested widening reference to Cullompton Rail improvements to include rail improvements elsewhere in the district by referring to District Wide Railway Infrastructure.
- Under Priority 1 – Education Category to include specific reference within the 2nd line to include Post 16 provision.

Discussion took place regarding the process, when items were added to the list in the future, and would this be reported back to Policy Development Groups and Cabinet.

RESOLVED that:

1. The list of infrastructure (Appendix 1; the Mid Devon Infrastructure List) that the Council intended to fund, either wholly or partly, by developer contributions as recommended by the Planning, Environment and Sustainability PDG be **APPROVED**.
2. The Infrastructure List was included within the Annual Infrastructure Funding Statement (IFS) to be published on the Council's website by 31st December 2024 as recommended by the Planning, Environment and Sustainability PDG.

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

Reason for Decision:

There was a legal requirement placed through Regulation 121A of the Community Infrastructure Levy largely applicable to CIL charging authorities to publish no later than 31st December in each calendar year an annual infrastructure funding statement which comprised “a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL (“the infrastructure list”)”

Note: * Report previously circulated.

109. PLANNING ENFORCEMENT- ENFORCEMENT POLICY UPDATE

Cabinet had before it a report * from the Director of Place and Economy on the Planning Enforcement- Enforcement Policy Update.

The Cabinet Member for Housing, Assets and Property and Deputy Leader outlined the contents of the report with particular reference to the following:

- The proposed Planning Enforcement Policy brought the operations of the Enforcement Team in line with the Council’s current approach.
- Formal adoption and publication of the policy should make it easier for the public to understand Mid Devon’s approach to Planning Enforcement. It would set a much clearer framework for when enforcement action would be taken, and how it would be taken, together with clarity on what types of cases would be investigated as high priority, medium priority and lower priority accordingly.
- Following a public question directed to the Scrutiny Committee, an amendment was suggested to be made to the flow chart in the Enforcement Policy to add an additional arrow to clarify that complainants would get feedback in relation to their complaint. This will be added between “Breach identified and no further investigation required” and “Investigation Results”. There would also be a spelling error amendment in the box “Possible Breach Identified”.

Discussion took place regarding:

- The concerns about planning enforcement in Councillors ward areas and how this would be reflected.
- When criticism had been received with regard to this report and had this been looked into?
- Any changes to planning enforcement and was there a record of this.
- Cabinet Members thanked all officers involved for the work that had been achieved in the report.

RESOLVED that:

1. The report and the updated Planning Enforcement Policy which had been discussed and noted by Scrutiny be **NOTED**.
2. The updated Planning Enforcement Policy, as recommended by the Planning Policy Advisory Group (PPAG) be **APPROVED** and **ADOPTED**.

3. Delegated authority be given to the Development Management Manager, in conjunction with the Cabinet Member for Planning and Economic Regeneration, to make any future revisions to the Planning Enforcement Policy to ensure it accorded with the National Planning Policy Framework be **APPROVED**.
4. The flow diagram contained at page 14 of the Policy to be updated to include an arrow between “Breach identified and no further investigation required” and “Investigation Results” to demonstrate that complainants would receive feedback on their complaint be **APPROVED**.

(Proposed by Cllr S Clist and seconded by Cllr G DuChesne)

Reason for Decision:

Matters of enforcement were bound by strict data protection rules and the authority must be mindful of the rights of individuals concerned. This meant that specific details and ongoing enforcement activity could not be shared beyond those within the authority who were immediately and necessarily involved in cases.

Notes: *

- (i) Report previously circulated.
- (ii) Cllr N Bradshaw abstained from voting.

110. NOTIFICATION OF KEY DECISIONS

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

The Clerk identified the changes that had been made to the list since it was published with the agenda. This included the following:

- The work agreement for the Measured Term, Internal Painting Contract 2025-2029.
- The Award of contract for CHP Plant/ Battery Storage at Exe Valley

Note: * Key Decisions report previously circulated.

(The meeting ended at Time Not Specified)

CHAIRMAN