

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 28 October 2024
at 5.00 pm

Present

Councillors

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

Apology

Councillor

C Harrower

Also Present

Councillors

S J Clist and J Lock

Also Present

Officers:

Richard Marsh (Director of Place & Economy), Maria De
Leiburne (Director of Legal, People & Governance
(Monitoring Officer)), Simon Newcombe (Head of Housing
& Health), Matthew Page (Head of People, Performance &
Waste), James Hamblin (Operations Manager for People
Services), Laura Woon (Democratic Services Manager)
and David Parker (Democratic Services & Policy Research
Officer)

Councillors

Online

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

Officers Online

Dean Emery (Head of Revenues, Benefits and Leisure)
and Jason Ball (Climate and Sustainability Specialist)

35 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Councillor C Harrower.

36 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

No interests were declared under this item.

37 PUBLIC QUESTION TIME

Paul Elstone:

Question 1

The report says there are 10 Anaerobic Digesters in Mid Devon. Accessing data from various sources not least Mid Devon District Council's own planning portal reveals there are just 6 of which only 4 are operational.

These are:

Menchine – Nomandsland
Red Linhay – Halberton,
Mount Stephen – Uffculme
Buttermoor - Loxbeare.

Non operational AD's are:

Willand,
Edgeworthy - Nomansland

Will the report be modified accordingly?

Question 2

Of those 6 AD's 3 can be considered as industrial in size
Menchine, Red Linhay, and Willand. Will the report recognise this?

Question 3

The report says the 10 AD's have an installed generating capacity of 5.3 megawatts. Data shows that the installed capacity is far less being 2.95 megawatts.

Will the report be modified accordingly?

Question 4

Importantly and I emphasise, the total planning consent generating capacity of the operating AD's in Mid Devon is 1.25 megawatts.

OFGEM Data reveals that both Menchine and Red Linhay have been grossly non-compliant with planning conditions going back to 2017 and 2019 respectively. Information that has repeatedly been made available to this Council but which it has failed to enforce.

As a result towns and villages right across Mid Devon have been blighted by high numbers even convoys of very large agricultural tractors.

Will the report recognise this?

Question 5

The report very disappointingly says that it is unable to provide details on AD feedstock land usage, or is there any attempt is made to do so. Especially disappointing this given it was the remit for the report in the first place.

Data available shows and again taken from the MDDC Planning Portal shows the land usage is of the order of 1350 acres.

To validate this statement the Red Linhay AD planning condition says that the AD can use a land area of 288 hectares or 714 acres to provide its 8,925 tonnes of arable and grass feedstock or an average yield of 31 tonnes per hectare.

Will the report now recognise this?

Question 6

What is the total land area of the solar farms once again information available on the planning site?

As an example, the planning information shows that Langford Solar Farm covers 60.78 hectares or 150 acres and generates up to 49.9 megawatts.

Question 7

How many solar farms are there in Mid Devon and where are they, information that should be readily available on examining planning applications?

Question 8.

What is the total design electrical output from the solar farms again information available on the planning site?

Question 9

Is there not merit in this Council preparing its own spread sheet for easy reference rather than being reliant on third parties to provide the information and which is not necessarily complete or correct?

Question 10

Does this Council have a map showing the locations and land area of solar farms this like Devon CPRE?

Question 11

Where is the biomass plant located?

Question 12

What is its feedstock and what amount?

The Chairman explained that as some of the questions had not been provided in writing in advance of the meeting that written responses would be provided within ten working days.

Barry Warren:

In section 1 is a paragraph in italics which sets out what was asked for by Scrutiny Committee.

The report does not answer the questions posed by committee but refers to Government figures which may well be out of date. It makes great reference to a 2018 report, 6 years out of date and prepared for a project that is no longer relevant.

Question 1. Where in the report does it deal with the question as to the *quantity of sites* that are up to date for Mid Devon?

Question 2. Where in the report does it deal with the question as to *how much land was devoted to renewable energies?*

Paragraph 2.1 advises '*currently only occupy a small amount of land and significant potential exists for further development of new installations*'.

Question 3. How can such a statement be creditable when Committee cannot be advised of up to date information as to how many particular sites there are, their locations and areas of land used?

Not only is this information not available in the report as requested but the answers to questions in an earlier meeting also support the fact that MDDC do not know what is going on. Please see minutes of 23 January 2024 meeting of Planning, Environment & Sustainability PDG minute 47 where no detailed information was given in response to questions.

The current report lacks the information requested and if the Scrutiny Committee are giving attention to renewable energy and the impact on land and the amount of land used then the following questions may also assist.

Question 4. Why is there no reference to the use of BESS [Battery Energy Storage Systems] or SMR's [Small Modular Reactors]?

Virtually all planning applications for solar sites include the area of land to be used and the expected output. These details are in the application, approved plans and, where appropriate, conditions.

Question 5. Why has this information not been collated to give more information and relevance to the questions asked?

Virtually all planning applications for AD Plants include the areas of land to be used for the provision of feedstock and the expected output are given. Invariably locations and areas for the spreading of digestate are also approved. These details are in the approved plans and where appropriate conditions.

Question 6. Why has this information not been collated to give more information and relevance to the questions asked?

In Section 1 of the report the recommendation is that 'Members note the report.'

Question 7. How can Scrutiny Committee discharge its function by noting a report that does not answer the questions asked?

The Chairman explained that as the questions had not been provided in writing in advance of the meeting that written responses would be provided within ten working days.

38 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 9 September 2024 were **APPROVED** as a correct record and **SIGNED** by the Chair.

39 **CHAIR'S ANNOUNCEMENTS**

The Chair asked the Committee that when the item on Voids came up that Members avoided mentioning individual addresses.

40 **DECISIONS OF THE CABINET**

The Committee **NOTED** that none of the decisions made by the Cabinet on 15 October 2024 had been called in.

41 **WHISTLEBLOWING - SIX MONTH UPDATE**

The Committee received and **NOTED** a verbal update from the Head of People, Performance and Waste.

The following was highlighted in the update:

- There had been a whistleblowing incident in the early part of the year as mentioned in the officer's previous report to the Committee. That incident had been independently investigated and none of the allegations had been upheld.
- There had been no incidents of whistleblowing in the past six months.

42 **ESTABLISHMENT - SIX MONTH UPDATE**

The Committee had before it and **NOTED** a *report from the Head of People, Performance and Waste and the Operations Manager for People Services.

The following was highlighted within the report:

- There had been a fall in sickness absence. The 10.45 days sickness per full time employee were reflected in similar organisations across the country, however, in the current year that number was on target to reduce.
- There had been a fall in agency expenditure.
- Since the report had been published, the 2024/25 Pay Award had been accepted by the Unions and would be made, including back pay, in November 2024. So the threat of strike action had now disappeared.
- Training available to Council Employees.
- The current predictions for staff turnover, were on course.
- The Structure Charts were appended to the report.
- The reasons for leaving the Council varied across different service areas.

Discussion took place with regard to:

- Whether there were a relatively small number of long term sickness absence cases that significantly impacted the overall figures? Last year there had been an increase in both short term and long term absences but this year the Council had made significant reductions to this overall figure. The Council was in a similar position to other councils who were experiencing the same level of challenge. It was asked on how many occasions had managers spoken to individuals who had been sick for more than six days in a rolling twelve month period? The Operations Manager for People Services did not have that figure to hand but would look into it and report back (and in a way that would not compromise data protection and/or employee confidentiality).
- The number of employees accepting the offer of free flu jabs was approximately the same as last year. With regards to its effectiveness and ability to help reduce sickness absence the Head of People, Performance and Waste felt that the Council would have a better idea when the report came back to the Scrutiny Committee in February 2025 after some of the peak flu and infection season in autumn and winter of 2024/25 had taken place.
- The level of apprenticeships across the Council. Currently the Council had twenty people on some form of apprenticeship scheme (whether those were people joining the Council as an apprentice or who were an employee who was being upskilled). Next year there would be people joining Leisure Services as apprentices. The Council were committed to growing their own talent as a workforce strategy. Training was provided to support apprentices if they needed more help with english and maths.
- All service areas were impacted by staff turnover but this was in line with the challenge that other authorities were experiencing.
- As a result all service areas had recently reviewed and considered their business continuity plans and the impact would be looked at on a service by service basis
- All vacancies across the Council were looked at on a weekly basis to ensure resource was being effectively assigned and approved.
- The Council was in the process of finalising a system where similar authorities shared data in order that they could benchmark each other.

Note: *report previously circulated.

43 MID DEVON HOUSING VOIDS

The Committee had before it and **NOTED** a *report from the Head of Housing and Health.

The following was highlighted within the report:

- Voids Management Policy.
- Temporary Accommodation resulted in a higher turnover of housing stock due to the type of use which sometimes saw moves as often as weekly. The frequent turnover of voids inevitably would impact on the overall occupancy rate for performance reporting. Every time that there was a change in temporary dwelling, the housing team had to action all the standard checks. Sometimes, due to its nature temporary housing repairs were prioritised over other types of housing repairs.
- There were a high number of development voids as the Council was currently getting assistance from Homes England, those properties would be demolished soon and new, more energy efficient homes built on those sites. Once the properties were demolished they would make a noticeable difference to the overall performance data and would enable several development schemes to proceed.
- The Council continued to achieve a voids target of 97% occupancy of its stock. When a property became void, there were various matters to consider such as redevelopment, demolition or simply decoration. There was always a compromise between meeting the pressure of social housing demand and ensuring safe, well maintained homes that met legal standards.

Discussion took place with regard to:

- Delays in properties being let due to some properties requiring substantial work, extended legal delays due to care plans not being in place or probate.
- There were 28 properties listed for demolition out of the 3000 properties that Mid Devon Housing owned.
- A separate category for legal delays / challenging issues would not work as those areas cut across all existing categories. There was not a category for serviceable properties as they fell under the standard category.

Notes: *report previously circulated.
 Cllr D. Broom arrived at 17:53hrs.

44 SOLAR PANEL FARMS AND ANAEROBIC DIGESTERS - QUANTITY OF SITES AND LAND USE

The Committee had before it and **NOTED** a *report from the Director of Place and Economy.

The following was highlighted within the report:

- Circa 0.135 of land in mid Devon was in use to support renewable energies.
- Publically available data was taken from the [Department for Energy Security and Net Zero](#) (DESNZ).

Discussion took place with regard to:

- The target figure for land that was considered acceptable was already considered within the Council's existing Local Plan.

- There was a change in national guidance relating to on-shore wind farms.
- A discussion had to take place within the Council as to what types of renewables the Council most wished to support and there was an opportunity to confirm that in the new Local Plan. There was a concern not to take out of farming, productive agricultural land.
- Impacts upon road infrastructure particularly around anaerobic digesters where the network needed sufficient infrastructure to handle the traffic. Several of the renewable energy options had challenges around infrastructure including grid connections. The challenge was to find the right solution for the right place and carry that forward into planning policy.
- Public mood had changed, now people were more accepting of on-shore wind farms, and discontent had risen in relation to anaerobic digesters. Once solar arrays and wind turbines were in place they did not make as heavier demand on the local road network as anaerobic digesters did.
- As table 3 demonstrated, Mid Devon was the most “grid constrained” district amongst the four selected Devon authorities. What could be done to resolve the lack of grid capacity in Mid Devon? It was stated that infrastructure providers had woken up to the problem and were looking at how they could address the problem. The Council were doing what they could to be ready.

Note: *report previously circulated.

45 **PORTFOLIO PRESENTATION FROM THE CABINET MEMBER FOR HOUSING , ASSETS AND PROPERTY.**

The Committee received and **NOTED** a presentation from the Cabinet Member for Housing, Assets and Property Services.

The Cabinet Member thanked officers and the Mid Devon Housing Team for their dedication, professionalism, endeavours and achievements. He said “we punch above our weight and were regarded as an exemplar local authority and a national lead for our proactive approach. We should be proud”. He also thanked the Homes Policy Development Group for their hard work and efforts in bringing forward policy and continuing to establish working groups to facilitate that.

The Cabinet Member highlighted

- Moving away from flexible tenancies to secure tenancies and in so doing freeing up officer time to deal with other matters.
- The Council were aware of their duty to be fiscally responsible.
- The Council’s duty to provide safe, secure and affordable housing to families and individuals who were unable to access private housing.
- The Council had made a commitment to Net Zero.
- Mid Devon Homes (MDH) had eight objectives to try to strive for continuous improvement and were well on course to achieve those objectives.
- At a meeting the Cabinet Member had attended with the Housing Ombudsman, Mid Devon District Council officers were leading the meeting.
- The Council was accelerating new social /affordable housing projects.
- The modular homes plan was well underway with Shapland Place and St Andrews developments receiving a number of national awards.

- The greatest concern was getting those homes linked to utilities whose providers were slow to react.
- An aim was to encourage people to buy and stay in the area rather than leave at the age of 25 and return at the age of 55.
- Grant funding had been secured by officers who had a good relationship with Homes England.
- The quarterly updates to the Homes Policy Development Group were the best seen in five years.
- There had been huge strides in tenant engagement which had much improved from five years ago with social media and schemes like the “Best Kept Garden” a competition over seven different categories; a quarterly newsletter including advice and features such as a recipes page; “New Tenant” information packs, an “affordability wheel” to assist new tenants.
- The Cabinet Member mentioned, roadshows, Churches Housing Action Team (CHAT), Exeter Community Energy Project, Police engagement, six monthly estate walks and new environmental projects such as a small community orchard on old allotments at Uplowman and a possible community orchard at St Georges Court.
- MDH had received over 20 awards in the last year for development, net zero/modular homes/and in the prevention of damp and mould. The Council was a national lead and officers were invited abroad to liaise with other authorities on “the Council’s approach”.
- The Local Authority Housing Fund had been used towards the purchase of 12 properties for the use of those who would otherwise be homeless avoiding the funds being spent on bed and breakfast or hotel accommodation. This was helping to overcome homelessness pressures and meet the Council’s refugee legislation commitment.
- Those houses would become long term Council assets such as Belmont Road and St Pauls.
- Care leaver accommodation in dedicated units with the Housing Revenue Account new build programme, again showing Mid-Devon leading the way.
- New development accelerated new council housing delivery with high quality build and ultra-low running costs for tenants.

Challenges

- There was a generational change in the consumer regime with new consumer standards/ RSH inspection, which was like an Ofsted for Housing.
- The Housing Ombudsman was driving complaints but MDH were leading the way on complaints handling and using complaints to drive service change/continuous improvement.
- Utility Companies delays regarding new development. Unfortunately, the Council had no control or leverage.
- There were challenges in recruiting trades professionals, which had particularly been affected by the closure of Petroc building apprenticeships.
- The change in Central Government had meant that there was a lot of uncertainty around “Right to Buy” and affordable housing delivery support.
- Future pipeline of development – where would the land be coming from.
- Financial risk from “Claim Farming”, recently three claims for disrepair had been filed against the Council and all three had been defended successfully.

46 WORK PROGRAMME

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

The following was highlighted:

- It was hoped that a briefing to the Scrutiny Committee would be given in February 2025 relating to the wider new housing regulatory framework around the consumers standards,
- The Destination Management Plan report had been moved to December 2024 so that it could include statistics arriving at the end of October and therefore would be more up to date,
- The title of the report on the impact of the Government's proposed changes to National Planning Policy on the Council's priorities and preparation of a new Local Plan had been changed to reflect that the new Government had already published its proposed changes to the National Planning Policy Framework and had consulted on these.

Discussion took place with regard to:

- The visit of South West Water awaited completion of the Water Cycle report which had now been commissioned and was expected early in the new year. It was **AGREED** to invite South West Water to the meeting of the Scrutiny Committee on 17 March 2025.
- The Air Quality Action Plan was going to the Community People and Equalities Policy Development Group on 2 December 2024, and to Cabinet on 7 January 2025.
- Ambulance response times and take up.

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

(The meeting ended at 7.05 pm)

CHAIR