

**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/EA/WRAP 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 5<sup>th</sup> 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**