

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 9 June 2025 at 5.00 pm

Present

Councillors

S Robinson (Chair)
C Adcock, D Broom, E Buczkowski,
G Czapiewski, M Farrell, C Harrower,
L Knight, J Poynton, R Roberts and
G Westcott

Apology

Councillor

A Cuddy (online)

Also Present

Councillor

J Lock

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place & Economy), Maria De Leburne (Director of Legal, People & Governance (Monitoring Officer)), Simon Newcombe (Head of Housing & Health), Lisa Lewis (Head of Digital Transformation & Customer Engagement), Ewan Girling (Senior Information Officer) and David Parker (Democratic Services & Policy Research Officer)

Councillors

Online

J Buczkowski, A Cuddy, G Duchesne, M Fletcher,
A Glover, L Taylor and D Wulff

Officers Online

Laura Woon (Democratic Services Manager)

1 ELECTION OF VICE-CHAIR OF THE SCRUTINY COMMITTEE (0:04:06)

The Chair of the Committee invited nominations for the election of a Vice-Chair for the municipal year 2025/26.

RESOLVED that Cllr G Westcott be elected Vice-Chair of the Scrutiny Committee for the municipal year 2025/2026.

(Proposed by Cllr L Knight and Seconded by Cllr R Roberts).

2 **START TIME OF MEETINGS (0:05:43)**

The Committee **AGREED*** to meet at 5.00pm for the remainder of the 2025/26 municipal year.

(Proposed by Cllr L Knight and seconded by Cllr E Buczkowski)

Note: *Cllr R Roberts voted against.

3 **APOLOGIES AND SUBSTITUTE MEMBERS (0:11:20)**

Apologies were received from Cllr A Cuddy who joined the meeting on-line.

4 **MEETING MANAGEMENT**

The Chair brought forward Item 7 Chair's Announcements.

5 **CHAIR'S ANNOUNCEMENTS (0:12:20)**

The Chair thanked her Colleagues for voting her into the position of Chair and mentioned:

- The Liberal Democrats had appointed one of their own to the position of Scrutiny Committee Chair because they believed that this arrangement had worked for the past 2 years and so it should continue.
- The Scrutiny Committee were there to service the needs of the widest Mid Devon community. What would be important was to find consensus in decision making.
- The core of the Committee's work should be to dig down into the roots of issues that came before them – to ask the most searching of questions that they could – in order to establish what the truth was.
- There were some hefty and important agenda items through the next 10 months – not least of which was decentralisation and local government reorganisation. Tasks that now resided with the County Council would need to be appropriately shared between the Unitary Authorities that were to be created – whilst still ensuring that the existing District Council carried out their duties to the best of their abilities.
- Parish and Town Councils would have a huge part to play, in any new models, so the Council needed to work even more closely with them, and to more fully understand their key concerns and issues.
- Utility companies and their failure to meet the demands of new developments, in servicing what was needed, and in future proofing, would need the Committee's Scrutiny. Serious concerns over infrastructure, needed to come well in advance of development, may well need the attention of the Scrutiny Committee, plus roads, schools etc. actually being built, rather than being on approved plans and then not being delivered.
- How did the Council move towards Net Zero by their target date of 2030 most effectively?
- New Planning Laws were now in place, with building challenges that were pretty daunting, and very worrying for us in a rural county that also needed farm land from which to feed our country's inhabitants. Developers were sitting on tracts of land that they owned, not building on it. The District was challenged, in physical geographical terms, by exactly where it was going to

be possible to build new homes in mid Devon. The District had so much beautiful and important landscape that cried out to be cared for, not built upon. By contrast it also had a huge demand for more social housing, in particular, but the Committee must never lose sight of what their residents most wanted, which was safe, economical to run, homes of their own, where they felt safe and secure and part of a community.

- Those residents from the District who chose to come and join Scrutiny Committee meetings, to prod at decisions the Committee were in the process of making, were welcome. They, should be accepted as ‘critical friends’ to the Council – taking the time, as they did, to read documents, talk to fellow residents, and to have the courage to come here and express their views. The Chair thanked them for their commitment to working with the Council, not against it, to find the correct solutions for residents.
- The Chair wanted the Committee to move forward, not backwards, in their endeavours, and asked that the Committee refrained from any attempt to dig up the past, beyond having lessons to learn from mistakes made, and also from successes achieved.
- Generally, the Committee’s agenda would include an item on decisions from Cabinet – it had been omitted, deliberately from this meeting, since Cabinet had not met since the last Scrutiny meeting.

6 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0:20:01)**

No declarations were declared under this item.

7 **PUBLIC QUESTION TIME (0:20:23)**

N Quinn Regarding Agenda Item 9: The FOI Annual Report for 2024-25.

Paragraph 3.2 of this report, describes the partially upheld Decision Notice by saying: *“information was considered subject to legal professional privilege, but two of the five individual names redacted would have had a reasonable expectation of their name being placed in the public domain”*.

I think that this sentence could be considered as “Economical with the Truth”.

It says the some redactions were allowed and the release of two names was ordered - but that is not all...

It does not say that the Council was also ordered to release additional, wrongly redacted, information - or that 78 pages of information was released, on the advice of the Commissioner, prior to the Decision Notice being issued.

I have it on good authority that the request for a report was made in May 2024, but the Council said *“it was all exempt”*. When asked to review, the Council maintained that nothing would be released.

A complaint was sent to the Information Commissioner, who contacted the Council about how the request had been handled.

The Council then released:
a 14 page report (with some redactions);

a 38 page Appendix (with minor redactions);
a 24 page Appendix (with very minor redactions);
and a 2 page Appendix (with no redactions at all).

Then in February 2025, after a total of nine months, the Decision Notice was issued.

Question 1: Does the Committee consider that this sentence, in the report, accurately reflects that 99% of the requested information was released?

Question 2: Does the Committee consider that this report informs Members of the problems that the public can have in obtaining information from this Council?

Question 3: Does the Committee consider it acceptable that a requester has to call in the Information Commissioner and wait nine months, in order to get 99% of the information requested?

The Chair thanked Mr Quinn for his questions and stated that he would receive a response within ten working days.

Barry Warren Regarding agenda items 8 and 9.

Firstly Madam Chair may I please compliment the Head of Digital Transformation & Customer Engagement for the positive intentions set out in the report and I hope that they are progressed and achieved and will therefore make the whole system so much more available and transparent to members and the public.

Question 1. Is the time schedule set out in paragraph 3.1 in agenda item 8 report still considered to be achievable?

Moving to item 9, I must declare an interest in the cases set out at paragraphs 3.3 and 3.5 and the questions I now raise would benefit from an answer but I would hope that in researching the answer the officer could assure members that lessons could be learned to prevent a repeat of the issue in the future.

Question 2. In the case at 3.3 the original request was for two documents and the response made no reference to one of them. A review was sought and again that document was not dealt with. Why was this request for a document completely ignored twice?

After the intervention of the Information Commissioner the ignored document appeared before the release of his final decision on the main document. Redactions were made to the main document contrary to the instruction of the Information Commissioner and the Council applied to a Tribunal to retain the redactions. The Tribunal did not take its full course as there was no point since the information redacted was elsewhere in the report unredacted.

Question 3. What procedures are being put in place to ensure that more care is being taken over understanding the requests made and ensuring all matters raised are addressed rather than some being ignored?

The case referred to in 3.5 resulted in the Information Commissioner issuing a Decision Notice for compliance by MDDC who did not fully comply with it. The case has been referred back to the Information Commissioner and given a new reference. I am aware that the Information Commissioner's Office has contacted MDDC and a new Decision is still awaited.

Question 4. How will this case be reported to Scrutiny Committee as it is not closed at this stage?

The Chair thanked Mr Warren for his questions and stated that he would receive a response within ten working days.

Paul Elstone – Regarding Agenda Item 10 Modular Home Value for Money Benchmarking Report.

I feel certain the Housing Officer will provide this Committee with a raft of reasons as to why he considers this Councils investment in Zed Pod's modular homes has provided net best value and come across as convincing when doing so.

I maintain a position Benchmarking Report being used to justify this position is fundamentally (fatally) flawed.

I hope you all have taken the opportunity to read the document plus attachments I have provided well in advance, and which details these fundamental flaws.

Question 1

The net cost calculations per square metre show that the Bristol Category 2 MMC development is by far the best value.

That the net cost per square metre of the Croft Estate – Sandford Development is 66% more expensive. Shapland Place is 58% more expensive.
This when everything including grant funding is normalised.

The gross Internal floor area for the Bristol Development is 1,350 square metres yet the report calculation only equates to 900 square metres.

There are similar and very major calculation errors for the Eastleigh development seriously impacting the accuracy of the value for money benchmarking results.

Please explain the full reason for the 900 square metre calculation error. An error which seriously distorts benchmarking results?

Question 2

This Council has a recent history of making disastrous financial decisions and related to Housing Projects.

3 Rivers including but not limited to St George's Court

Post Hill - Land acquisition and disposal.

Knowle Lane - Land acquisition.

Answers to questions asked at a Parliamentary Committee on the 4th March this year stated the following:

"I have just come out of a meeting yesterday looking at Councils use of MMC and what the barriers were. They had a pretty negative view. Almost all council development people around the table had tried and were not going to do it again".

Also, and I again quote "we've been bitten. We are not doing that again". This with regard to build cost, financial exposures plus build quality.

I contend this Council has already been 'bitten' and by both cost and quality. That it has not given full consideration to its financial exposures.

Why does this relatively small council with limited technical resources plus financial reserves think it can deliver something very different compared to larger Councils and in doing so guarantee there will not be yet another financial mistake? A disaster.

Question 3

My final question and one Chair I hope you will allow me to complete uninterrupted given it relates to health and well-being concerns for infants, the infirm and the elderly.

I have previously raised concerns about the potential of high temperature, overheating risk, at the Shapland Place development. Concerns which have been dismissed.

Concerns raised given resident's experiences at a Zed Pod development in Bristol and after internal temperatures of over 36 degrees C being reported.

At the Homes PDG meeting a Shapland Place resident and who is a single parent with a young child advised that they had already suffered uncomfortable temperatures as high as 30-degree C. Even feeling it necessary to fix a thermometer to an internal wall.

High temperatures this despite them opening windows. Windows known to have limited cross air (cooling) ventilation capacity.

With an internal temperature of 30 degrees C in May what will it be in a July or August heatwave?

It may not be commonly known but room temperatures above 22 degrees C have been attributed to sudden infant death syndrome.

The Report Table at paragraph 2.3 states Zed Pods “Meet or Exceed Overheating standards” Why is this stated if the Council does not have the proof of compliance in its possession?

The Chair thanked Mr Elstone for his questions and stated that he would receive a response within ten working days.

8 **MINUTES OF THE PREVIOUS MEETING (0:33:11)**

The minutes of the last meeting held on Monday 14 April 2025 were approved as a correct record and **SIGNED** by the Chair.

9 **FREEDOM OF INFORMATION DASHBOARD FOR 2024/25 QUARTER 4 (0:33:49)**

The Committee received and **NOTED** the Freedom of Information (FOI) Dashboard* for 2024/25 Quarter 4.

The Head of Digital Transformation and Customer Engagement presented the Freedom of Information Dashboard for 2024/25 Quarter 4.

The following was highlighted:

- The Information Commissioner had closed two cases in the quarter, one was not upheld and the other was partially upheld and the relevant disclosures made.

Discussion took place regarding:

- The format for the disclosure logs to provide responses had now been agreed, it was currently in testing and would be available by the end of June 2025.
- An alert would be sent using social media, general communications and the Council’s website, letting members of the public know that the format of the disclosure logs had been amended.
- The work to update the publication scheme to allow the public to more easily locate information already publicly available was work in progress but should be available in late September 2025.

Note: * Dashboard previously circulated.

10 **FREEDOM OF INFORMATION ANNUAL REPORT FOR 2024-25 (0:38:20)**

The Committee received and **NOTED** the Freedom of Information Annual Report* for 2024-25.

Discussion took place regarding:

- The 22 Freedom of Information (FOI) requests that had been received and not responded to were all for Devon County Council (DCC) and were passed on to DCC.
- There was a Service Level Agreement (SLA) for the Council which stated the Council had to respond to requests within 20 days.

- The Lessons Learned Log was not available to Councillors or members of the public.
- The link on the Council website to FOI logs, referred to the number of clear working days (final column) that it took the Council to respond to the request. If a figure was marked zero it meant that the Council had responded the same day.
- The distinction between Environmental Information Requests (EIR) and FOI Requests and whether it was possible to separate the two types of request on the dashboard.
- A request to Benchmark FOI and EIR requests against other comparable Councils in Devon.
- FOI and EIR were two legislative frameworks with different origins that aimed to serve a similar purpose. FOI being of UK origin and EIR being of European Union origin. FOI covered the vast majority of information that was held and processed by the Council. EIR was designed to cover information that fell into environmental elements. In general terms; information that related to land, water, flora, fauna, air or air quality. The definition was quite broad and could cover information that was vicariously linked. For example the financial details of a business that affected the environment could if requested fall under EIR or FOI.

Note: * Report previously circulated.

11 **VALUE FOR MONEY AND BEST PRACTICE IN MID DEVON HOUSING MODULAR SOCIAL HOUSING AND DELIVERY REPORT (0:52:32)**

The Committee had before it a report * from the Head of Housing & Health providing it with the strategic and policy context supporting the delivery of modular (modern methods of construction, MMC) social housing in Mid Devon.

The following was highlighted within the report:

- The report had been considered at Homes Policy Development Group on 3 June 2025.
- The report provided strategic and policy context supporting the delivery of modular, modern methods of construction, (MMC), Social Housing in mid Devon. It provided further information in respect of value for money relative benchmarking with traditional and other types of schemes. It also set out the wider context in terms of the benefits of the programme with regard to regeneration, zero carbon, added or social value and sustainment of the Council's tenancies.
- Benchmarking was very difficult for construction projects; no two schemes were the same.
- This fair benchmarking exercise included external information supported by independent and authoritative sources such as Homes England, Other information came from publicly available sources, for example planning documents.
- Typically the Council's Zed Pod schemes were around 6 units in size, vying for brown field sites. Therefore, the wider schemes that had been used to benchmark had been selected to be as similar as possible in that context with regard to scale and the type of location.

- When it came to external grant requirements, external grant funding requirements with Homes England and the wider Ministry of Housing were very robust and independent.
- Section 5 of the report (Benchmarking) was a summary of one of the annexes which set out the data in more detail. The report tried to be as transparent as possible, and showed gross costs for the schemes as well as net costs after introductions for grants that had been awarded, for example, under the full homes programme. It was the cost to the Council that mattered, so the net cost was the most valid benchmark.
- The reduced cost to the Council was achieved by bringing forward the types of schemes the Council did, at the specification they were producing in relation to the Zed Pod modular schemes or similar, that way the Council were able to draw down that extra grant funding to bring down the net cost to the Council.
- Table 1 within the report showed how the schemes benchmarked in relative terms; almost all of the schemes were either in the top five or top seven of those two comparators.
- With regard to the Kingsland scheme in Bristol, whichever figure that was used in terms of metres squared for development, that scheme still fell within the bottom end of value for money in the table.

Consideration was given to:

- Homes England did not release the benchmarking data they used. The qualitative feedback from Homes England had been that the schemes this Council put forward were at the higher end of the value for money assessment.
- Some of the funding that the Council were very successful in securing was tailored towards specifically problematic sites, like the Brown Field Land Release Fund. That was there because the Government knew that those sites were viability challenged, they knew that they were problem sites and they knew that unless they intervened in them to support and give funding then, they would not come forwards because the viability did not work.
- The value for money element had three aspects: the cost net; the value to add to Mid Devon and the value add to UK Plc. Developing the building industry locally was one of the big benefits. Decreased carbon emissions, nationally improved household insulation, national adherence to building regulations.
- When MMCs, were discussed it would be useful to mention the category: complete build, partial build etc.
- Concerns with regard to the overheating of modular properties. The Council had only had one poor experience in the schemes that had been brought forward so far. Two factors had been identified; one there was an issue between two different people in the house adjusting the temperature, one person wanting it very high the other person wanting it a bit lower, the Council had also identified a potential fault with one item, which meant the heating was on a little bit too much and engineers were due to visit to remedy the fault
- A lot of the concern went back to one report in respect of one of the early Bristol schemes that Zed Pods put together and it was down to misinformation, in that one particular tenant misunderstood how the heating should be used. There was a lesson there for Bristol Council and for Zed Pods around how Council's on board new tenants, because the heating systems were a little different. As a result of that, a completely new tenant pack had been designed.

- Had any mid Devon building companies been approached to tender for the construction of those types of buildings? Unfortunately, at the moment with the approved procurement frameworks that the Council had to access for those type of projects, none of the companies on those frameworks were local companies. However, the Council had received approaches from a couple of companies which were starting up locally and were showing an interest in modular or forms of MMC building whereby the Council had supported them and, the Council had guided them in terms of how the procurement process worked, the quality control mechanisms that had to be in place to be awarded on a framework. Alternatively the Council would encourage working with some of the broader national manufacturers to see a manufacturing base in the southwest if that was possible.

RECOMMENDED to the Cabinet that:

- a) The report be **NOTED**.
- b) Cabinet continues to adopt an HRA development programme with a focus on delivering MMC, modular net-zero social housing where possible and viable as part of the Council's future Housing Strategy.

(Proposed by the Chair)

Note: (i) * Report previously circulated.

(ii) Cllr Broom was unable to vote to as he had left the meeting room during the discussion of the item.

12 **WORK PROGRAMME (1:20:54)**

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

Members were requested to put any items for the Scrutiny Committee Work Plan on a Scrutiny Committee work proposal form and submit it to the Clerk.

Suggestions made for the Work Plan were:

- Rural Transport for Colleges and Places of Education.
- Local Government Reorganisation (to confirm this was a standing item – confirmed on the next July meeting).
- Cullompton and Wellington Train stations.

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

(The meeting ended at 6.24 pm)

CHAIR