

MINUTES of a MEETING of the CABINET held on 2 September 2025 at 5.15 pm

Present

Councillors

L Taylor, D Wulff, J M Downes,
G Duchesne, M Fletcher, S Keable, J Lock
and J Wright

Apology

Councillor

N Bradshaw (online)

Also Present

Councillor(s)

S Robinson

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leiburne (Director of Legal, People & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), Paul Deal (Head of Finance, Property & Climate Resilience), Simon Newcombe (Head of Housing & Health), Lisa Lewis (Head of Digital Transformation & Customer Engagement), Christie McCombe (Area Planning Officer) and Laura Woon (Democratic Services Manager)

Councillors

Online

J Buczkowski, J Cairney, G Czapiewski, M Farrell and
L G J Kennedy

35. APOLOGIES

Apologies were received from Councillor N Bradshaw; she was in attendance online.

36. PUBLIC QUESTION TIME

Barry Warren

Question 1:

Due to time constraints placed upon me I have forwarded to you, prior to this meeting, three documents which are self-explanatory and relevant to the amended Policy you are considering. I hope they provide background in order that you can understand the motivation for my questions.

Do Cabinet consider that the revised policy before you sufficiently puts in place policy and procedures which will prevent the delays and other issues which have been the

subject of criticism and comment by the Information Commissioner against this Council?

Question 2:

Under Clause 4 Legal obligations under the Acts in the third paragraph of page 45 of your papers it states: Compliance with this policy is compulsory for all staff employed by MDDC. A member of staff who fails to comply with the policy may be subject to disciplinary action under MDDC's disciplinary policy.

In the past 10 years how many staff have been disciplined for failure to comply with the policy?

Question 3:

Under Clause 12 Complaints procedure, in the second paragraph of page 48 of your papers it states: A review is undertaken by the Senior Information Officer (SIO) or their nominated representative in consultation with other relevant Officers / departments as appropriate.

The response comes from Information Management, after information has been obtained from relevant departments or officers, then it appears that this policy is permitting the same officers to carry out the review.

Is this good practice and does it prevent unnecessary delay, which has been the subject of adverse comment on more than one occasion by the Information Commissioner?

Question 4:

Under Clause 15 Training and awareness in the second paragraph it states: The Senior Information Officer will ensure that there is a training plan to raise awareness of FOI and EIR across MDDC.

Has the Training Plan been produced and if so where and when is it Scrutinised by elected members?

Question 5:

Last Friday, I received the reply to an FOI request, which did not answer the questions asked. This type of reply has been received in the past and has led to review requests and then the involvement of the ICO. A lot of time could be saved by the right answer being provided in the first place.

How is this policy going to prevent repetitions of these experiences?

The Leader stated the reason that the Council ask for questions in advance of the meeting were so that the committees could consider the points that were raised at public question time. He acknowledged Mr Warren's claim that he had experienced delay in gathering information.

Paul Elstone

Question 1:

Paragraph 1.3 of the report states that this Council is one of a number that have been targeted for real term funding cuts for year 2026/27 and beyond. This as part of the Fairer Funding Reforms.

Exactly what reasons have been given to this Council as to why they are being targeted?

Question 2:

Which other Councils in Devon have been similarly targeted?

Question 3:

I have made Freedom of Information requests in respect of the social housing developments of four (4) different councils.

The requests required the minimum of research.

Two Councils responded to my request within two working days providing complete and detailed answers.

One other Council responded to me within 7 days even apologising for the delay and with their Senior Housing Development Officer phoning me this to ensure they were providing me with the full information I requested.

MDDC were the fourth Council contacted.

I requested a copy of the Shapland Place overheating assessment (a document that is freely posted on other Councils planning websites, as part of the planning application submission, since it is a document that should be signed off before and not after the modules are built).

15 days later I received a response from this Councils FOI Team, which said amongst other things, and I quote *"The Council cannot therefore provide a response to this request"*.

I requested a review and received a response after 20 working days stating that MDDC "did not hold a copy of the document requested" a response that seriously conflicts with the written answer given to a public question which said, and I quote *"That the report had been provided to the Council"*.

I submit this as one of many examples as to why this Council's FOI system lacks openness, transparency and even integrity.

Will this Cabinet request that Scrutiny implement a full review into how the Freedom of Information system is really functioning this especially as Members of this Council are now having their integrity and reputation challenged when their responses to public questions are found to be incorrect?

The Leader stated that rural Councils in particular were targeted under the settlement in relation to item 5 on the agenda. He acknowledged the speed of responses from other Councils on Freedom of Information requests as this Council works closely with them. This Council received a lot of Freedom of Information requests and the response time was within the appropriate timeframes.

The Leader thanked Mr Warren and Mr Elstone and said that they would receive a written response to their questions. The Leader noted that the Cabinet had received and read the email from Mr Warren in regards to the Freedom of Information and Environmental Information Regulation Policy item on the agenda.

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

All Cabinet Members referred to item 6, Freedom of Information (FOI) and Environmental Information Regulations (EIR) Policy and declared that they had received correspondence from a member of the public in relation to this item.

38. **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 5 August 2025 were **APPROVED** as a correct record and **SIGNED** by the Leader.

39. **MEDIUM TERM FINANCIAL PLAN (MTFP)**

The Cabinet had before it a report * from the Deputy Chief Executive (S151) Officer and the Head of Finance, Property and Climate Resilience on the Medium Term Financial Plan (MTFP).

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

- The Medium Term Financial Plan (MTFP) for the General Fund and Housing Revenue Account. The report was a little different to that provided in previous years, due to the raft of changes expected from 2026/27 and the longer term restrictions placed upon this Council by Local Government Reorganisation (LGR).
- The report did not give a forecast shortfall to be addressed. Instead it highlighted the unprecedented level of uncertainty faced by all councils in respect of funding from 2026/27 onwards and estimated a range that the shortfall could fall within.
- It was extremely unlikely that this position would gain any clarity until the late autumn, starting with headline information within the Chancellor's Autumn Statement (expected late October 2025), culminating in indicative funding allocations at an authority level within the financial settlement (expected earlier than normal in November 2025).
- There was so much uncertainty until later in the autumn, the focus remained on the delivery of high quality services and was continuing with the budget process and savings options and that would be considered by the next round of Policy Development Groups (PDGs) meetings in anticipation of the funding announcements.
- When further information was received an update would be provided on the position and the approach to setting the budget in February 2026.

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

- Due to this Council's reasonably high levels of business rate growth over the last decade and levels of reserves, the Council would be targeted for more significant funding reductions moving forward.
- The Government were planning changes to all councils' major funding streams, it was planning revisions to Council Tax collection methods and major changes to Business Rates.
- There were also significant changes to the funding of refuse and recycling and there were relatively smaller changes to other areas of the Council.
- A detailed response had been provided to the Government consultation on the funding changes and the impact they would have on this Council.
- This Council would continue to deliver high quality business and usual services over the coming years as the move towards Local Government Reorganisation (LGR) continued.

Discussion took place with regard to:

- Clarification around the weekly food collection scheme and the funding in the future, as this Council was already delivering this scheme, they were not eligible, had the position changed to provide all councils with funding? It was confirmed that there would be a financial contribution to all councils to the running costs, but further details are not yet known.
- The Leader would write to the three local MP's over the funding settlement and the detrimental negative impact on the financial position.

RESOLVED that:

1. The updated MTFPs for the General Fund covering the years 2026/27 to 2028/29 be **NOTED**;
2. The principles set out in Section 4 be applied where possible and the approach to balancing the General Fund Revenue Budget outlined in paragraph 7.2 be **APPROVED**.
3. Recommendations from the Policy Development Groups on the Budget Proposals identified by senior managers and their views be garnered on where savings should be sought and to what level.

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

Reason for Decision:

By undertaking regular reviews of the MTFP the Council could ensure that its Corporate Plan priorities were affordable. Many areas required greater clarity, particularly around national funding and possible changes to Government policy.

Note: *Report previously circulated

40. **FREEDOM OF INFORMATION (FOI) & ENVIRONMENTAL INFORMATION REGULATIONS (EIR) POLICY**

The Cabinet had before it a report * from the Head of Digital Transformation and Customer Engagement to review the Freedom of Information (FOI) and

Environmental Information Regulations (EIR) Policy to ensure compliance with legislation and regulations.

The Cabinet Member for Quality of Living, Equalities and Public Health outlined the contents of the report with particular reference to the following:

- This Council's commitment to both the FOI Act and the EIR Regulations, it provided clear guidance for officers and Members on how the Council met compliance obligations.
- The scope of the policy covered all recorded information held by this Council, or held on their behalf.
- The existing policy was based on best practice. There had been no legislative or guidance amendments identified as being necessary since the review of the policy in 2022. There had been a small number of additions or amendments to the policy that provided further clarification around related legislation, the review panel practices, and the requirements around open Government Licensing under the Re-Use of Public Sector Regulations. These changes were highlighted in yellow on the policy draft.
- They reflected three areas of change: Section 3 – Relevant Legislation, brought all references fully up to date. Section 12 – Complaints Procedure, which outlined the Senior Information Officer review process. Whilst FOI reviews were not a statutory requirement it was the Council's policy position to undertake a review within 20 working days. (EIR reviews must be completed with 40 days.) Section 14 – set out in detail how the handling of enforcement, disclosure, refusals would be handled, and the costs regime under the Re-Use of Public Sector Regulations.
- It was important to note that disclosure was the default position. Information was only withheld where a legal exemption or exception applied, and in those cases written justification must always be provided. Requests were logged, performance was reported quarterly, and datasets were published in line with the Transparency Code to allow public monitoring.
- The Scrutiny Committee were now receiving more regular updates on the Council's performance, and their engagement had led to some improvements that were made to the webpages to provide improved visibility of requests and responses in June this year. Those could be found by searching the website for disclosure logs.
- The policy also made it clear that FOI would not give access to an individual's own personal data that was handled separately under data protection law.
- There had been ongoing public comments about the Council's handling of information requests. FOI and EIR regulations were designed to facilitate access, but did not grant unrestricted access to all information. Interpretations about exemptions could vary, and it was the role of the Information Commissioner's Office (ICO) to assess each case individually. That process could sometimes be complex and, importantly, the time taken to resolve disputes was determined by the ICO's own capacity, not by this Council.
- Finally, the policy would be reviewed at least every three years with the next review due by August 2028.

RESOLVED that:

1. The revised Freedom of Information and Environmental Information Regulations Policy be **APPROVED**.

2. Delegation of the FOI/EIR Policy to the Head of Digital Transformation & Customer Engagement, in consultation with the IT & Information Governance (ITIG) board to ensure that the policy remained current and reflected any changes in legislative or regulatory guidance be **APPROVED**.

(Proposed by Cllr D Wulff and Seconded by Cllr M Fletcher)

Reason for Decision:

Not complying with Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) would expose MDDC to the potential for Enforcement action by the Information Commissioners Office (ICO).

Note:* Report previously circulated.

41. **DATA PROTECTION POLICY**

The Cabinet had before it a report * from the Head of Digital Transformation and Customer Engagement to review the existing policy to ensure compliance with the Data Protection Act (DPA) 2018, the General Data Protection Regulations and the impact of the new Data Use and Access Act 2025 (DUAA) which gained Royal Assent in June 2025.

The Cabinet Member for Quality of Living, Equalities and Public Health outlined the contents of the report with particular reference to the following:

- The DUAA introduced phased changes between now and June 2026, designed to promote innovation and economic growth which would make things easier for organisations.
- Not all provisions were yet in force, but the policy had been updated in anticipation. From August 2025, the ICO's would also be reconstituted as the Information Commission, with expanded enforcement powers.
- There were a few immediate changes that affected this Council directly: Data Subject Access Requests must now be handled on the basis of reasonable and proportionate searches, and this applied retrospectively to requests since January 2024. A new "stop-the-clock" mechanism would also apply where clarification was needed. Since August 2025, the ICO had stronger powers, including interview notices, compulsory document requests, and penalties for non-cooperation.
- Looking ahead, the Council must also implement a clear complaints system for data subjects, acknowledging receipt within 30 days and responding appropriately. Officer and Member training would be updated this autumn to ensure awareness of the new obligations.

Discussion took place with regard to:

- The use of Artificial Intelligence (AI) and protecting data, would that be covered by these policies?
- Would Members be receiving more information on the R.A.C.I model? It was confirmed that this would be circulated to Members.

RESOLVED that:

1. The revised Data Protection Policy be **APPROVED**.
2. Delegation of the Data Protection Policy to the Head of Digital Transformation & Customer Engagement, in consultation with the IT & Information Governance (ITIG) board and Legal Services to ensure that the policy remained current and reflected any legislative changes or regulatory guidance be **APPROVED**.

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

Reason for Decision:

Not complying with the Data Protection Act 2018 and GDPR would expose MDDC to enforcement action by the Information Commissioner's Office (ICO).

Note:* Report previously circulated

42. AWARD OF CONTRACT FOR THE AIR SOURCE HEAT PUMP (ASHP) UPGRADES 2025/28

Cabinet had before it a report * from the Head of Housing and Health on the tendering of the Upgrading of Air Source Heat Pump (ASHP) Systems Contract 2025 - 2028 for Housing Revenue Account (HRA) properties to confirm the award of the contract.

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

- The report was to advise Cabinet on the outcome of the procurement process to award a contract to maintain and upgrade air source heat pumps systems within the Councils housing stock.
- This Council was an early adopter of ASHP systems with a number installed across stock as a part of a rolling commitment to replace end of life existing traditional heating systems and to reduce the Council's carbon footprint.
- Some of these systems had been installed for over 10 years and in common with all heating systems, required regular maintenance and updating.
- The proposed contract was for two and a half years with a possible one year extension to be delivered by specialist provider PH Jones Limited.
- The contract had been secured through a direct framework award under the approved Public Sector Housing Purchasing Consortium (PFH).
- As such, PH Jones Limited were publicly named on the framework. Any commercially sensitive information and tender evaluation data was held by PFH. There was no requirement for a Part 2 element to this report and it could name the proposed framework contractor at this stage.

Discussion took place with regard to:

- Could this service be provided in-house with suitable training for council staff or was this more specialist work? It was confirmed it was a specialist role.

- Were records kept for information on the efficiency of ASHP over time and also the possible increase in maintenance compared with conventional systems and were there any statistics of such care?
- Was PH Jones a privately owned company or a national group? It was confirmed it was a large national company and could provide more details.
- Could this Council access the same grant as individuals to install one of these pumps which quite commonly came with a 15 year warranty? The Council work closely with Exeter Community Energy and other providers, many grants were not available for Social Housing landlords.

RESOLVED that:

1. The Upgrading of Air Source Heat Pump Systems Contract 2025 - 2028 with the option to extend to 2029, be awarded to PH Jones Ltd.
2. Delegated authority to the S151 Officer (in consultation with the Cabinet Member for Housing, Assets and Property) to complete the associated Upgrading Air Source Heat Pump Systems Contract 2025 – 2028 for HRA properties with the option to extend to 2029 be **APPROVED**.

(Proposed by Cllr J Lock and seconded by Cllr J Downes)

Reason for Decision:

The Housing Revenue Accounts (HRA) budget for the works was £300,000.00 per annum. Each upgrade and relevant works would be surveyed and fully costed prior to a works order being issued.

Note:* Report previously circulated.

43. **TIVERTON EUE. AREA B MASTERPLAN**

Cabinet had before it and **NOTED** a report * from the Director of Place and Economy on the Tiverton EUE Area B Masterplan.

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

- This report sought to note the Tiverton draft Area B Master Plan, Officers were not advising that it was to be adopted. Adopted Local Plan Policy required a public master planning exercise on Area B.
- Since the November 2024 public consultation there had been considerable Member involvement with consideration through an all Member briefing on 27 March 2025 and through the Planning Policy Advisory Group (PPAG), whose role was to consider and a debate detail for officers to then prepare Cabinet reports.
- The Area B Masterplan was in appendix 1 and was attached to the report. Area B was the final part of the Tiverton Eastern Urban Extension (EUE) that needed master planning.
- Consultation on Area B had been extensive, including through the adoption of the Tiverton EUE Master Plan, SPD, the Tiverton EUE Design Guide and Stage One and two public consultations specifically on Area B back in 2020.

- During 2023 a developer got involved in Area B and started to proactively work with land owners and this Council.
- In collaboration with this Council, a Stage one public consultation was undertaken between November of last year and January 2025 on the Master Plan for Area B. The results of that consultation were reported to Cabinet on 17 June 2025 who considered the comments received.
- Any developments on Area B would still be bound to the adopted Tiverton EUE Master Plan SPD has weight in planning decisions and by the policies of the Local Plan Review which were the starting point of any planning application or decision.
- The draft Area B Master Plan was presented to PPAG on 19 August 2025 where after detailed consideration it was recommended to this Cabinet.
- The main points that arose out of that PPAG meeting were as follows:
 - Affordable housing - there was a discussion around policy TIV 1 and the amount of affordable housing that was delivered at detailed planning application stage. Officers gave advice on the viability.
 - Post Hill- point of access, Members of PPAG were pleased that the comments received through the public consultation had been acknowledged and that the new junction into Area B from Post Hill was being redesigned.
 - Allotments- there was a question around there appearing to be a net loss of allotments across the EUE and how the allotments proposed on Area B might be managed.
 - Nursing home- there was a question around alternative uses for the site identified for a nursing home on Area B, should there be an over delivery of nursing homes when one was proposed on Area A and others elsewhere within the town.
 - Vehicular access from Mayfair into Area B- there was a detailed debate around Mayfair being used as a public point of access to a restricted number of dwellings on Area B.
- The overall design of the Master Plan was based around a series of design principles that were to seek to create a new garden neighbourhood with a character and appearance inspired by the defining characteristics of Tiverton and the immediate surroundings and that were reminiscent of a Garden City environment these included.
 - Planning for modern requirements and standards, including making efficient use of land, land for the provision of new homes and took account of sustainability objectives.
 - Establishing a firm foundation for a place that was green and leafy, with generous private gardens, making the most of sunlight and natural daylight and creating opportunities for community recycling and food production.
 - The Area Master Plan considered a range of nearby settlements, in order to understand the typical settlement structure across Mid Devon. The settlement studies included Bradninch, Thorverton and Silverton.

Discussion took place with regard to:

- Clarification and reassurance that the Council and the Director of Place and Economy would consider any changes happening in Parliament, as MP's were pursuing that all new housing development needs were to include solar panel or other renewable energy installation.

- That Devon County Council highways team were aware of the concerns around the roads and junctions that were discussed at PPAG.
- The requirement for fire suppressant to be installed in all new builds would that be looked into with this Council? It was confirmed that this may be a building control and building regulation matter.

RESOLVED that:

1. The Draft Masterplan (Appendix 1) be **NOTED**.
2. The Masterplan for Area B of the Tiverton Eastern Urban Extension be **NOTED**;
3. Delegated authority to the Director of Place & Economy in consultation with the Cabinet Member for Planning and Economic Regeneration prior to publication to make any typographical, grammatical and formatting changes to the Masterplan for Area B of the Tiverton Eastern urban Extension be **APPROVED**.

(Proposed by Cllr S Keable and Seconded by Cllr J Wright)

Reason for Decision:

The process for preparing the Draft Masterplan would be in compliance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement. Planning policy required the completion of a master planning exercise.

Note:* Report previously circulated.

44. **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 Destination Management Plan had moved from October to the meeting in December 2025.
- The Economic Strategy 2024/2029 had moved from October to the meeting in December 2025.
- Asset Management Plan had moved from October to the meeting in January 2026.

Note: * Key Decisions Report previously circulated.

(The meeting ended at 18.16)

LEADER