



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 13 DECEMBER 2022**, at 6.00 pm, at which you are hereby summoned to attend.

This meeting is open to the public and those addressing the Council under the public speaking provisions in agenda item 3, but any members of the public wishing to attend the meeting should contact the Democratic Services Team committee.services@exeter.gov.uk in advance. Priority will be given to those addressing the Council under the public speaking provisions.

The meeting will be live streamed on YouTube.

[Democratic Meetings - YouTube](#)

If you have an enquiry regarding any items on this agenda, please contact John Street, Corporate Manager Democratic & Civic Support on 01392 265106.

The following business is proposed to be transacted:-

	Pages
1 Minutes	
To approve and sign the minutes of the meeting held on 18 October 2022	7 - 24
2 Official Communications	
3 Public Questions	
Details of questions should be notified to the Corporate Manager Democratic and Civic Support at least three working days prior to the meeting - by 10am on Thursday 8 December 2022. Further information and a copy of the procedure are available from Democratic Services (Committees) (Tel: 01392 265115) with details about speaking at Council to be found here: Public Speaking at Meetings .	

To receive minutes of the following Committees and to determine thereon:-

4 Planning Committee - 10 October 2022	25 - 44
5 Licensing Committee - 24 November 2022	45 - 46
6 Audit and Governance Committee - 30 November 2022	47 - 54
7 Strategic Scrutiny Committee - 17 November 2022	55 - 62
8 Customer Focus Scrutiny Committee - 1 December 2022	63 - 74
9 Exeter Harbour Board - 26 October 2022	75 - 80
10 Executive - 1 November 2022	81 - 88
11 Executive - 29 November 2022	89 - 108

12 Notice of Motion by Councillor Pearce under Standing Order No. 6

Armed Forces Act 2021

This Council:

- Stands firmly behind our UK Armed Forces and fully supports the aims of the Armed Forces Covenant.
- Welcomes the new Armed Forces Act but sees the legislation as a missed opportunity to improve the lives of veterans in Exeter.
- Notes with disappointment that the Act which makes Exeter City Council and local public bodies legally bound to have “due regard” to the Covenant when providing support to Forces communities but exempts central government from any such duty, creating a two-tier Covenant for veterans.
- Notes with further disappointment that Labour led proposals backed by service charities and ex-Service chiefs to enshrine the Covenant fully into law but Conservative MPs voted down these plans to improve Armed Forces accommodation, employment support and pensions and to end the scandal of visa fees for the families of Commonwealth and Gurkha personnel.
- Resolves to continue the campaign with Forces charities to see the Government strengthen the Covenant and improve vital services to veterans.

13 Notice of Motion by Councillor Wood under Standing Order No. 6

Plant-Based Food

1. This Council recognises the importance of accessing a whole-food plant-based diet [1, 2] and the effect dietary choices can have on individual carbon footprints.

2. This Council recognises the importance of a balanced diet as well as individual choice and catering for all dietary requirements. Increasing awareness of dietary choices and resulting impact to individual carbon footprint can allow individuals to make more informed choices.

3. The special report on climate change and land by the Intergovernmental Panel on Climate Change (IPCC) describes plant-based diets as a major opportunity for mitigating and adapting to climate change - and includes a policy recommendation to reduce meat consumption. [3]

4. The National Food Strategy recommended cutting meat consumption by 30% in a decade. [4]

5. When we talk about emissions, we usually think of carbon dioxide (CO₂). But livestock's emissions also include methane, which is up to 34 times more damaging to the environment over 100 years than CO₂, according to the UN. [5]

6. Beef produces the most greenhouse gas emissions, which include methane. A global average of 110lb (50kg) of greenhouse gases is released per 3.5oz of protein. Lamb has the next highest environmental footprint but these emissions are 50% less than beef. Cattle produce more methane than poultry, which rely more on imported feed than cows, generating a carbon footprint offshore, says Professor Margaret Gill. [6]

7. The plant-based food market is booming. With one-third of UK consumers choosing to actively reduce their meat consumption, the demand for plant-based innovation is growing at a rapid pace. [7]

8. Plant-based food contributes to Exeter City Council corporate priorities, including our Net Zero 2030 target through to personal wellbeing.

Council asks Executive to:

1. Ensure that by the Exeter City Council Annual Council in May 2023, food provided at all internal Council catered events and meetings, including those hosted by the Mayoralty, be plant-based.

2. Ensure that all Council run external sites including Leisure Centres, cafes and restaurants have plant-based options available as part of their regular catering offer and advertised clearly on their menu.

3. Set up a cross-party Task and Finish Working Group, chaired by the Portfolio Holder for Climate Change, of officers, elected Members including other relevant Portfolio Holders and invited experts to promote and embed these principles in Exeter City Council's food provision where practicable.

References

[1] The term "whole" in whole foods plant based diet describes foods that are minimally processed. This includes whole grains, fruits, vegetables, and legumes.

[2] The term "plant-based" refers to vegetables, grains, pulses, or other foods derived from plants, rather than animal products.

[3] IPCC Special Report on Climate Change and Land. Accessed on 24th November 2022: <https://www.ipcc.ch/srccl/> [4] National Food Strategy: An Independent Review for Government. Accessed on 24th November 2022: <https://www.nationalfoodstrategy.org/the-report/>

[5] United Nations Economic Commission for Europe. Methane Management: The Challenge. Accessed on 24th November 2022: <https://unece.org/challenge>

[6] BBC Climate change: Do I need to stop eating meat? Accessed on 24th November 2022: <https://www.bbc.co.uk/news/explainers-59232599>

[7] Vegan Society. A third of shoppers report they are cutting down on meat or ditching it completely in a response to the cost-of-living crisis. Accessed on 24th November 2022: <https://www.vegansociety.com/news/news/third-shoppers-report-reducing-or-ditching-meat>

14 Notice of Motion by Councillor Atkinson under Standing Order No. 6

State Pension Inequality

Council notes that:

- In the 1995 Pensions Act, the Government increased State Pension age for women from 60 to 65, with a further increase to 66 in the 2011 Pensions Act.
- The change was not properly communicated to 3.8m women born in the 1950s until 2012, giving some only one year's notice of a six year increase in their anticipated retirement age. Nearly 6,000 of the affected women are in our own authority area.

- The Parliamentary and Health Service Ombudsman (PHSO) has found that the Department for Work and Pensions was guilty of maladministration in its handling of the State Pension Age increase for women born in the 1950s.
- The All Party Parliamentary Group on State Pension Inequality for Women has concluded that “the impact of DWP maladministration on 1950s-born women has been as devastating as it is widespread. The APPG believes that the case for category 6 injustice is overwhelming and clear. Women have had their emotional, physical, and mental circumstances totally obliterated by a lack of reasonable notice.”
- Research commissioned by campaign group WASPI has found that by the end of 2022, more than 220,000 1950s born women will have died waiting for justice since the WASPI campaign began in 2015.
- WASPI’s figures show that over the course of the two year COVID pandemic, 1 in 10 women who died was affected by these uncommunicated changes and lost both their state pension income and the opportunity to make alternative retirement plans.
- Despite the Ombudsman’s findings and the rapid death rate of those affected, the government is choosing to wait for further reports before taking any action.

Council believes this injustice has not only had a profound effect on the individuals involved but on the wider community in Exeter and on local government, not least because:

- Women who would have looked after older relatives or partners are unable to afford to do so, with a knock-on impact on local social care.
- Women who would have retired and engaged in caring responsibilities for grandchildren are having to continue working, increasing the childcare burden on the state locally.
- Women who have been left in poverty are struggling to meet their housing costs, with a knock-on impact on local housing stock.
- There is a broader impact on voluntary services of all kinds locally, which are missing out on able, active volunteers who would otherwise have been able to retire from full-time work as planned.
- Our local economy is negatively affected by the reduced spending power and disposable income the uncommunicated State Pension Age changes has brought about among women born in the 1950’s.

Council supports:

- The conclusion of the All Party Parliamentary Group on State Pension Inequality that women born in the 1950s have suffered a gross injustice, affecting their emotional, physical and mental circumstances in addition to causing financial hardship.
- A swift resolution to this ongoing injustice before more and more women die waiting for compensation.
- The WASPI campaign for an immediate one-off compensation payment of between £11,666 and £20,000 to those affected, with the most going to women who were given the shortest notice of the longest increase in their state pension age.

Council asks:

- The Leader of the Council to write to local Members of Parliament, and to the Secretary of State for Work and Pensions to outline the effects of the injustice to 1950s women on the community in Exeter and to seek their support for an immediate compensation package.

15 Questions from Members of the Council under Standing Order No. 8

A plan of seating in the Guildhall is attached as an annexe.

Date: Monday 5 December 2022

Karime Hassan MBE
Chief Executive & Growth Director

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COUNCIL

Tuesday 18 October 2022

Present:-

The Right Worshipful the Lord Mayor Councillor Mrs Yolonda Henson (Chair)
Councillors Allcock, Asvachin, Atkinson, Bennett, Bialyk, Branston, Denning, Ellis-Jones, Ghusain, Hannaford, Harvey, Holland, Jobson, Knott, Leadbetter, Lights, Mitchell, K, Mitchell, M, Moore, D, Moore, J, Morse, Newby, Packham, Parkhouse, Pearce, Read, Rees, Snow, Sparling, Sutton, Vizard, Wardle, Warwick, Williams and Wood

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APOLOGIES

Apologies for absence were received from Councillors Foale, Oliver and Wright.

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OFFICIAL COMMUNICATIONS

The Lord Mayor and Leader paid their tributes to Her Late Majesty, reflecting on her long service to the country and to her relationship with the city and County of Devon.

The Lord Mayor reported that the city had been honoured to have the opportunity to pay its respects to Her Late Majesty on a number of occasions throughout the official mourning period as well as hosting a book of condolence at the Guildhall. Despite the city's obvious sorrow, she thanked all of those Members and staff involved in the very necessary protocols that had to be adhered to following the death of a sovereign. She had visited a number of care homes to allow residents to record their thoughts and pay their respects which had been warmly received.

The Lord Mayor passed on her condolences, and those of Council Members, to the family and friends of former City Councillor George Clark who had passed away in September. He had been a former Mayor and Honorary Alderman and had served the former Wonford ward for 15 years.

The Lord Mayor passed on her condolences, and those of Council Members, to the family and friends of former City Councillor Diana Bess who had recently passed away. She had been a former Mayor and Honorary Alderman and had served the former Barton and Countess Wear wards for 17 years.

The Council stood and observed a minutes' silence in memory of Her Majesty the Queen and Alderman Clark and Alderman Mrs Bess.

The Lord Mayor and Leader paid their tributes to Alderman Clark and Alderman Mrs Bess. They had both known the Aldermen for many years having served with them on the Council for similar periods and spoke of them with great affection and respect for their work in their respective wards and the city as a whole.

The Lord Mayor advised that she had attended the following:-

- a celebration of the 150th anniversary of the Exeter Chiefs with an exhibition at RAMM on 27 July 2022;

- the Cranbrook education campus on 9 August 2022 to take part in a football fun factory;
- the Ukrainian Independence Day celebrations at Poltimore House on 24 August 2022;
- a reception at the Guildhall on 6 September 2022 in honour of the Exeter Chiefs Women's Team Allianz Cup victory over Harlequins on 23 April 2022; and
- the Exeter Dementia Action Alliance Memory Baton Relay on 16 October 2022, in which the City Council's own John Street had participated. The Lord Mayor's coffee morning continued to be held every month raising funds and awareness for the Alliance.

The Lord Mayor announced that Chief Constable Shaun Sawyer had retired after 10 years at the head of the Devon and Cornwall Constabulary and 36 years overall in the police service. The Lord Mayor welcomed his successor, Will Kerr, and looked forward to working with him in the future.

The Lord Mayor reported that St. Sidwell's Point Leisure Centre would be hosting the international Passivhaus Conference on 25 and 26 October 2022 when it would receive its Passivhaus certification. In addition to the Construction Manager of St. Sidwell's Point winning the Chartered Institute of Building Construction Manager of the year Award, the Centre had been shortlisted for the following awards:-

- the Royal Institute for Chartered Surveyors Awards for the most inspirational initiatives and developments in the land;
- the Constructing Excellence National Awards 2022 which were taking place on 18 November 2022; and
- the Royal Town Planning Institute (RTPI) Awards Excellence in the Planning for Health and Wellbeing category. The winner to be announced at the awards ceremony on 30 November 2022.

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MINUTES

The minutes of the meeting of the Council held on 19 July 2022 were moved by the Leader, Councillor Bialyk and seconded by Councillor Morse taken as read, approved and signed as correct.

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PUBLIC QUESTIONS

The Lord Mayor reported that no questions had been received from members of the public.

45

PLANNING COMMITTEE - 25 JULY 2022

The minutes of the Planning Committee of 25 July 2022 were presented by the Chair, Councillor Morse, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 25 July 2022 be received.

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PLANNING COMMITTEE - 5 SEPTEMBER 2022

The minutes of the Planning Committee of 5 September 2022 were presented by the Chair, Councillor Morse, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 5 September 2022 be received.

STRATEGIC SCRUTINY COMMITTEE - 29 SEPTEMBER 2022

The minutes of the Strategic Scrutiny Committee of 29 September 2022 were presented by the Chair, Councillor Hannaford, and taken as read.

In respect of **Minute No. 14 (Minutes)**, the Chair, in response to a Member's question, advised that it had been necessary to move the meeting of the Governance Review Board to a new date of 7 November 2022. The Board would be asked to consider the most appropriate mechanism for the Council to scrutinise the serious challenges presented by Climate Change and the Council's goal of achieving Net Zero 2030. Both he and the chair of the Customer Focus Scrutiny Committee were committed to ensuring a robust and transparent scrutiny process on the Council's response to the Climate Change crisis.

In respect of **Minute No. 17 (Questions from Members of the Council Under Standing Order No. 20)**, the Leader, undertook to ensure, in liaison with the Director City Development, that a response had been made to a Member's request for clarification on planning performance agreements and the proportion of any costs of such agreements being funded by developers.

In respect of **Minute No. 19 (Working towards Net Zero – Exeter City Council's Corporate Carbon Footprint Report and Carbon Reduction Action Plan)**, the Portfolio Holder for Climate Change, responded as follows to Members' questions:-

- whilst Devon County Council and other Councils had set targets of achieving Net Zero by 2050, the City Council had set a much more ambitious target of Net Zero 2030. Referencing a number of initiatives being progressed by the Net Zero team as part of the work to achieve Net Zero, he emphasised that, whilst every effort would be made to achieve this goal, Members should not underestimate the scale of the challenge; and
- Council retrofit initiatives would seek to adhere to the guidelines defined within the Skills Strategy, which was key to encouraging the development of green technology skills across all industries. It was noted that there was ongoing engagement with the Exeter College skills programme.

RESOLVED that the minutes of the Strategic Scrutiny Committee held on 29 September 2022 be received.

CUSTOMER FOCUS SCRUTINY COMMITTEE - 6 OCTOBER 2022

The minutes of the Customer Focus Scrutiny Committee of 6 October 2022 were presented by the Chair, Councillor Vizard and, subject to an amendment to be made at the next Customer Focus Scrutiny Committee to replace the word "anaerobic" with "organic", taken as read.

In respect of **Minute No. 22 (Update from the Portfolio Holder for Recycling, Waste Management and Waterways – Councillor Williams)**, the Portfolio Holder responded as follows to Members' questions:-

- the third phase of the rollout of food waste collection had commenced on 17 October 2002 and that, as 47% of the current waste in the city's black bins was organic, once the full rollout of food waste collection had been completed, the Council's recycling rate would increase significantly;

- the Council had performed better than other Devon Districts in respect of the amount of waste collected per annum per person; and
- the Devon Authorities Strategic Waste Committee met quarterly, comparing methods and sharing best practice.

RESOLVED that the minutes of the Customer Focus Scrutiny Committee held on 6 October 2022 be received.

49 **COMBINED STRATEGIC SCRUTINY AND CUSTOMER FOCUS SCRUTINY COMMITTEE - 28 JULY 2022**

The minutes of the Combined Strategic Scrutiny and Customer Focus Scrutiny Committee of 28 July 2022 were presented by the Chair for the meeting, Councillor Vizard, and taken as read.

In respect of **Minute No. 26 (Exeter Development Fund)**, the Chair, in response to a Member's question, advised that the Chief Executive & Growth Director would inform the Task and Finish Group and all Members whether a Development Corporation would be established, should the Development Fund be progressed.

RESOLVED that the minutes of the Combined Strategic Scrutiny and Customer Focus Scrutiny Committee held on 28 July 2022 be received.

50 **AUDIT AND GOVERNANCE COMMITTEE - 27 JULY 2022**

The minutes of the Audit and Governance Committee of 27 July 2022 were presented by the Chair, Councillor Wardle, and taken as read.

In respect of **Minute No. 14 (Review and Update of Whistleblowing Policy)**, the Chair moved and Councillor D. Moore seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 15 (Annual Governance Statement 2021/22)**, the Chair moved and Councillor D. Moore seconded the recommendation and following a vote, the recommendation was carried unanimously.

RESOLVED that the minutes of the Audit and Governance Committee held on 27 July 2022 be received and, where appropriate, adopted.

51 **AUDIT AND GOVERNANCE COMMITTEE - 28 SEPTEMBER 2022**

The minutes of the Audit and Governance Committee of 28 September 2022 were presented by the Chair, Councillor Wardle, and taken as read.

RESOLVED that the minutes of the Audit and Governance Committee held on 28 September 2022 be received.

52 **STRATA JOINT SCRUTINY COMMITTEE - 6 SEPTEMBER 2022**

The minutes of the Strata Joint Scrutiny Committee of 6 September 2022 were presented by Councillor Knott, and taken as read.

RESOLVED that the minutes of the Strata Joint Scrutiny Committee held on 6 September 2022 be received.

The minutes of the Executive of 6 September 2022 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 85 (Proposed Adoption of Community Asset Transfer Policy)**, the Leader, in response to a Member's reference to the question she had raised at Executive regarding the inclusion of Community Benefit Societies within the policy, advised that he would consult with the Portfolio Holder for Communities and Homelessness with a view to its inclusion in the policy.

The Leader moved and Councillor Morse seconded the recommendation and following a vote, the recommendation was carried.

In respect of **Minute No. 86 (Food Law and Health and Safety Enforcement Service Plan 2022-2023)**, the Leader moved and Councillor Morse seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 87 (Air Quality Annual Status Report)**, Councillor D. Moore moved and Councillor K. Mitchell seconded an amendment to the recommendation, to request that the City Council ask Devon County Council what measures they were taking to improve air quality in Exeter. The amendment was accepted by the Leader and became the substantive motion.

During the discussion, the following points were made:-

- there had been an increase in deaths attributable to particulate air pollution in Exeter since the publication of previous data but it was not the sole responsibility of the County Council. There was a need to do more to protect Exeter residents where high levels of pollution had been recorded;
- the figures showed that, apart from one area of the city, which had failed to meet the target, overall, there had been a decline in the pollution figures; and
- to achieve a pollution free city it would be necessary to radically reduce the reliance on cars and the type of fuel used, both of which were beyond the control of the Council.

The Leader moved and Councillor Morse seconded the recommendation, as amended for Devon County Council to be asked to advise what measures it was taking to improve air quality in Exeter, and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 88 (Northbrook Wild Arboretum Project Initiation and Funding)**, a Member welcomed the proposal for enhancing the green space at Northbrook close to a busy arterial route into the city, referring also to the balanced approach on the Clifton Hill site where green space was also to be protected allied to the provision of housing

The Leader moved and Councillor Morse seconded the recommendation and following a vote, the recommendation was carried unanimously.

RESOLVED that the minutes of the Executive held on 6 September 2022 be received and, where appropriate, adopted.

The minutes of the Executive of 4 October 2022 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 98 (Corporate Plan 2022-2026)**, and during the discussion the following points were made:-

- welcomed the opportunity given by the Leader to provide feedback on the Corporate Plan;
- welcomed the on-going commitment of increasing the energy efficiency of the Council's housing stock and the Council moving towards making its assets Net Zero;
- welcomed the commitment to build 500 houses in the next 10 years to Passivhaus standards which would help reduce the cost of living;
- there was a wish to see a more extensive retrofit programme as well as a commitment to providing additional affordable homes by means other than through those set out in the Plan in order to combat the high cost of renting and buying in the city;
- the Plan did not sufficiently acknowledge the Council's commitment to its two emergency motions in respect of nature - the Climate Emergency and the Ecological Emergency;
- Climate Change was recognised as a huge challenge and the Carbon Reduction Plan and the Net Zero 2030 goal were welcome;
- assurance was sought on whether Liveable Exeter housing developments would be carbon neutral in construction; and
- welcomed the rollout of food waste collection across the city and asked when the rollout would be completed?

The Leader, in response, made the following points:-

- the Corporate Plan was a vision of how the Council wished to see the city moving forward;
- it had not been possible to hold the intended Members' briefing on the Corporate Plan because of the passing of Her Majesty the Queen, but other briefings would be arranged, as appropriate;
- the Council remained committed to undertake whatever was possible in order to meet its stated goal of Net Zero 2030, but Members needed to appreciate that this was against the background of the original savings of £2.3 million identified for 2023/24 but as a result of additional costs, including the impact of energy increases, a further £2 million in savings was required; and
- detailed responses in respect of affordable housing and the retrofitting programme would be provided under Min. No. 57 below.

The Leader moved and Councillor Morse seconded the recommendations.

In respect of **Minute No. 99 (Catering Provision at Edwards Court)**, and during the discussion the following points were made:-

- given the rising food and staffing costs which were impacting on the ability of firms to tender for contracts, it was vital for the City Council to provide the catering; and
- the service would contribute to residents' wellbeing and ensure they benefitted from hot meals.

Members were invited to visit Edwards Court.

The Leader moved and Councillor Morse seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 101 (Amendments to the Scheme of Delegation)** the Leader moved and Councillor Morse seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 102 (Minor Amendment of Parliamentary Polling Districts and Polling Places for Exeter and East Devon Constituencies)** a Member expressed his opposition to the proposal to combine two polling districts into a single polling district in the St Thomas Ward, with the intention being to no longer use the West Exe Children's Centre but to utilise the St Thomas Church Community Centre instead. He referred to long queues out to the car park that occurred at the former during peak periods and that this situation would be exacerbated when the Community Centre catered for the increased numbers. He also referred to access difficulties at the polling station located in the Bowhill Primary School.

The Corporate Manager Democratic & Civic Support, in his role as Returning Officer, advised that the Council was being asked to combine the two polling districts being served by the West Exe Children's Centre and the St Thomas Church Community Centre into one building. Providing two stations at the Church Community Centre would be consistent with double stations provided in other polling districts in the city. Alternative methods of catering for elections were always being considered and, in respect of access to polling stations in school grounds, it was for the schools themselves to determine access and egress arrangements and whether the school should remain open.

The Leader moved and Councillor Morse seconded the recommendation and following a vote, the recommendation was carried.

In respect of **Minute No.103 (Overview of General Fund Revenue Budget 2022/23 – Quarter 1)**, the Leader moved and Councillor Morse seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 104 (2022/23 General Fund Capital Monitoring Statement – Quarter 1)** the Leader moved and Councillor Morse seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 105 (HRA Budget Monitoring Report – Quarter 1)**, the Leader moved and Councillor Morse seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 106 (A Public Arts Strategy for Exeter)**, the Leader, in response to a Member's question, advised that the responsible Portfolio Holder for the Strategy would be the Deputy Leader and Portfolio Holder for Arts and Culture and Corporate Services and confirmed that the Strategy would be added to the Council website.

The Leader moved and Councillor Morse seconded the recommendation and following a vote, the recommendation was carried unanimously.

RESOLVED that the minutes of the Executive held on 4 October 2022 be received and, where appropriate, adopted.

The meeting adjourned at 7.25 pm and re-convened at 7.35 pm.

55 **NOTICE OF MOTION BY COUNCILLOR BENNETT UNDER STANDING ORDER
NO. 6**

Councillor Bennett, seconded by Councillor M. Mitchell, moved a Notice of Motion in the following terms:-

“Making Votes Count with Proportional Representation

Council notes:

- Within Europe, only the United Kingdom and authoritarian Belarus still use the archaic First Past the Post (FPTP) system for General and Local Elections. Whilst internationally, Proportional Representation (PR) is used to elect parliaments in more than 80 countries.
- The UK’s FPTP voting system curtails voter choice, making millions of votes ineffective, and leaving millions feeling unrepresented and unheard.
- MPs and other elected representatives would better reflect their communities, leading to improved decision-making, wider participation and increased levels of ownership of decisions taken.
- PR is already used to elect the parliaments and assemblies of Scotland, Wales and Northern Ireland.

Council believes that:

- The FPTP system has contributed to dangerous levels of distrust and disillusionment with our democratic processes and politicians.
- It is essential that faith is restored in our democratic system and that the public see Parliament as fairly reflecting their views.
- Our FPTP voting system is a significant barrier to restoring this faith and all but guarantees that the balance of opinion among the electorate is not reflected in Parliament.
- A system of PR in which seats match votes and all votes count equally would help to rebuild public trust by ensuring that all political views are represented in Parliament in proportion to their level of public support.

Council therefore resolves:

- 1 To write to His Majesty’s Government calling for a change in our outdated electoral laws to enable PR to be used for general and local authority elections.
- 2 To call upon Exeter’s two MP’s to push for a change to electoral law to permit PR and to promote the matter for debate within Parliament.

Councillor Pearce moved and Councillor Parkhouse seconded the following amendment:-

“The removal of the words “and local authority” in the proposed resolution 1”

Councillor Pearce, in presenting the amendment, stated that he was doing so with reluctance as, although he had been a long standing advocate of PR, in supporting the entire motion without the removal of the suggested wording, he would be going against the policy of the Constituency Labour Party who supported electoral reform and PR for General Elections but not for Local Elections. He stated that he was pleased that so many people from different parties supported electoral reform.

During the debate on the amendment, a Member also welcomed the growing support from so many for PR across a number of political parties and stated that it did not matter what level of government an election related to, voters deserved the opportunity for their votes to matter. Referring to the May 2022 elections in Exeter, she suggested that the results reflected the unfairness of the existing system. She stated that she could not support the amendment, as introducing PR for one level of government and not another was inequitable.

In accordance with Standing Order 27, a named vote on the amendment, was recorded, as follows:-

Voting for:-

Councillors Allcock, Asvachin, Atkinson, Bialyk, Branston, Denning, Ellis-Jones, Ghusain, Hannaford, Knott, Lights, Morse, Packham, Parkhouse, Pearce, Snow, Sutton, Vizard, Wardle, Warwick, Williams, and Wood.

(22 Members)

Voting against:-

Councillors Bennett, Harvey, K. Mitchell, M. Mitchell, D. Moore, J. Moore, Reed, Rees and Sparling

(9 Members)

Abstain:-

The Lord Mayor
Councillors Holland, Jobson, Leadbetter and Newby

(5 Members)

Absent:-

Councillors Foale, Oliver and Wright

(3 Members)

The amendment was CARRIED and became the Substantive Motion:-

During the debate on the substantive motion, Councillor Jobson, as the leader of an opposition group, referred to both the 2011 referendum on electoral reform when the public had rejected PR and to the referendum on Scottish Independence in 2016, when it had been agreed that it would be a once in a generation event. She suggested that the 2011 referendum should also be treated as a once in a lifetime event. She did not feel that the Government should commit time and money on a re-run of the 2011 referendum and therefore would not be supporting the Motion.

A Member made the following comments:-

- everybody's vote should count and be equal to everyone else's. The only votes that counted were the ones for the person at the top of the poll;
- no Party since 1935 had won a General Election with over 50% of the votes cast and that was a national coalition. In two General Elections, the party that came second and lost the election got more votes nationally than the party that won the most seats;
- the present First Past the Post (FPTP) system discouraged greater public participation and low turnout numbers undermined local democracy and, as parties focussed on marginal seats, safe seats could be neglected at election time;
- opponents of Proportional Representation (PR) refer to postal vote provisions and longer voting hours but, if people felt that their vote did not count, they still would not vote;
- convincing people that their votes count was preferable to a compulsory system;
- PR could result in coalitions but many local authorities function on this basis and it would be inappropriate to exclude PR for local government elections;
- in spite of objections to PR systems, both Conservative and Labour governments introduced differing forms of PR over the years, such as in Scotland, Wales and Northern Ireland;
- in England, elections for directly elected mayors and Police and Crime Commissioners have just reverted to the FPTP system;
- PR was centre stage at this year's Labour Party Conference;
- when people believe their vote counted they do vote, with an example being the 2016 Referendum on EU membership; and
- PR systems allowed people to vote for what they wanted, rather than tactical voting or lending their vote to stop a party they oppose.

The Notice of Motion, as amended, was put to the vote and CARRIED.

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**NOTICE OF MOTION BY COUNCILLOR PEARCE UNDER STANDING ORDER
NO. 6**

Councillor Pearce, seconded by Councillor Morse, moved a Notice of Motion in the following terms:-

“Cost of Living Emergency Declaration

This Council declares we are in a Cost of Living Emergency and calls on the Government to introduce an Emergency Budget, to take urgent action to protect the people of Exeter from further harm.

Council notes that:

- Energy costs have more than doubled since October 2021, from a unit cap of £1,277 to £2,500 currently for average households. Before this hike there were more than 6,000 households in fuel poverty in Exeter.
- Food prices are soaring, some basic staples by as much as 20%.
- Inflation has soared above 10%, its highest level in 40 years.
- Personal Taxation is now at its highest level in 70 years, yet public services continue to face a funding crisis.
- The real value of pay is falling at its fastest rate since records began.

- Universal Credit has been slashed and there appears to be no prospect of an appropriate uprating of welfare payments for those most in need. Current proposals will see families, and others, plunged further in to hardship as they fail to keep pace with rising costs.
- In 2020/21 more than 4,000 children in Exeter lived in poverty.
- Meanwhile, £11.8 billion of public money has been lost to fraud through the Government's Covid support schemes.

Council therefore resolves to write to the Prime Minister, copying in our Exeter MP's, urging her to:

- Introduce an immediate Emergency Budget to protect children, families, and pensioners from the worst fall in living standards in generations.
- Cut business rates for small businesses.
- Cut the VAT rate on energy bills.
- Increase the support available to all claimants through the welfare and benefits system.
- Deliver on the calls made by UNISON, the National Education Union (NEU) and other education unions to expand the free school meals programme to all families receiving Universal Credit or an equivalent benefit.

The Council believes that the Emergency Budget must include real help for residents and local businesses in Exeter."

Councillor D. Moore moved and Councillor K. Mitchell seconded the following amendments:-

- Restore the £20 uplift to Universal Credit and double this uplift to £40 per week.
- At the end of the sentence "Increase the support available to all claimants through the welfare and benefits system", add "in line with inflation".
- Continue to support families and businesses after 23 April 2023 in regard to any increased energy costs.

Councillors Pearce and Morse accepted the amendment, subject to the addition of the words "at least" between "to" and "£40" in the first bullet point above and the insertion of the word "price" before "inflation" at the end of the second bullet point.

Councillor D. Moore accepted the addition of these words. The motion, as amended, became the substantive motion as follows:-

- Introduce an immediate Emergency Budget to protect children, families, and pensioners from the worst fall in living standards in generations.
- Cut business rates for small businesses.
- Cut the VAT rate on energy bills.
- Increase the support available to all claimants through the welfare and benefits system in line with price inflation.
- Deliver on the calls made by UNISON, the National Education Union (NEU) and other education unions to expand the free school meals programme to all families receiving universal credit or an equivalent benefit.
- Restore the £20 uplift to Universal Credit and double this uplift to at least £40 per week.
- Continue to support families and businesses after 23 April 2023 in regard to any increased energy costs.

Members made the following comments:-

- the work of the Exeter Food Bank reflected the seriousness of the cost of living crisis, the demand having increased by 130% over the last month and a number of harrowing personal testimonies had been received underlining the hardships many were facing; and
- the Government had failed to respond to a United Nations report in 2018 which had highlighted that the UK was failing in its Human Rights obligations and which recommended a number of measures to address poverty in the UK.

Councillor Jobson, as the leader of an opposition group, made the following comments, stating that she would not be supporting the Motion:-

- the current Government stance to combat the rise in inflation should be welcomed, particularly in light of the recent impact of the Covid Pandemic and the war in Ukraine. The control of inflation is necessary as continuing increases will impact adversely on children, families and pensioners and lead to increased interest rates;
- although it was necessary to borrow during the Pandemic, the cost of borrowing has to be paid for;
- a previous Government ultimately recognised that it was not possible to combat a recession and increase employment by increasing taxes and spending; and
- an uplift in Universal Credit in line with inflation would be welcome and it is hoped the Chancellor would include this in his statement on the Medium Term Fiscal Plan at the end of the month.

Members made the following comments:-

- a previous Government had responded to the economic downturn caused by sub prime mortgages in the United States by investing in schools, hospitals and public services. In contrast, the current Government seeks to continue with the previous 12 years of austerity which has undermined and ravaged public services. More austerity is not the answer, and further cuts will impact elsewhere in the economy such as the health sector;
- trickle-down economics does not work, whereas a mixed economy with increased investment in public services will ultimately also benefit the private sector;
- the recent mini Budget sought unfunded tax cuts with a disastrous impact on household mortgages and business costs;
- would advocate all children in primary and secondary schools receiving free school meals, as in Scotland and Wales;
- rather than wait a further two years, a General Election should be called;
- the Government has imposed suffering on the country - on householders, pensioners and those on benefits and on businesses with the rise in energy costs;
- the system has broken down when 40% of those on universal benefit are in full time employment;
- the Motion puts forward reasonable suggestions and solutions but it will only be a start; and
- the city and the Council can help those affected by encouraging a circular economy and further progress its energy saving measures through its retrofit and Passivhaus programmes.

Councillor Morse, in seconding the Motion, made the following comments:-

- the Institute for Government confirms that the poor will feel the greatest impact of the cost of living crisis forcing difficult choices between heating or adequately feeding their families, whilst the World Health Organisation points to increased deaths during cold winters as a result of increased energy costs;
- there will be a knock on effect on the already overstretched Health Service and the impact of outside factors such as the increased cost of bulk foods from overseas can not be ignored;
- other factors include 15 tax increases by a current, low cost Government, benefit freezes reducing income, a mini Budget causing increased mortgage and business costs and increased wholesale food prices following Brexit.

Councillor Pearce, in concluding, made the following points:-

- the motion was an emergency declaration following on from two previous motions on the Climate and Ecological emergencies, but those reflected global problems, whereas the cost of living crisis had been caused by the UK Government;
- the measures proposed at the mini Budget, such as the lifting of caps on bankers' bonuses and reducing income tax had all been unfunded;
- a demand led intervention is recommended as the way forward and has been the Council policy for a number of years and the greatest saving for individuals is to protect households from increased costs, such as energy, which has doubled in the last 12 months;
- increased mortgage costs have resulted in the loss of homes as re-mortgaging cannot be afforded and those landlords with mortgages pass on their costs by increasing rental levels;
- the impact in Exeter is exacerbated by its low incomes and higher housing costs; and
- the current Secretary of State's stated aspiration was that GP's should be seen within two weeks, whereas a previous Secretary of State's aspirations had been two days.

Councillor Pearce commended the Motion, as amended, to Council.

The Notice of Motion, as amended, was put to the vote and CARRIED.

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QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER NO. 8

In accordance with Standing Order No. 8, the following question was put by Councillor Read to the Leader

Following the revelation at the recent planning inspectorate that in 2021 Exeter City Council only built 6 affordable homes, will the Leader launch an inquiry into why that figure was so low? And can the Leader let us know how many have been built in 2022 so far, and how many anticipated by the end of 2022?

Response

No, there will not be an inquiry. In its role as local planning authority the Council determines planning applications for housing development and implements the policies in the existing Core Strategy. The relevant policy regarding affordable housing is CP7. This sets out that for sites of three homes or more, developments

should provide 35% of the dwellings as affordable housing. This policy is implemented consistently, but can be subject to considerations of viability which can sometimes reduce the number of affordable homes secured. Developments, and therefore affordable homes, are generally built out by the private sector. The number of affordable houses provided in any given year is therefore a direct result of developer activity.

The figure of six affordable homes provided in 2020/2021 was quoted by the applicant at the recent Spruce Close appeal. This is a net figure after taking account of Right to Buy sales which took affordable housing out of the housing stock. This is a process which takes place outside of the planning system. The actual number of affordable homes delivered was 40. This in itself was a lower figure than delivered in previous years, however this is likely to have been significantly affected by the Covid-19 pandemic which had considerable impacts on the development industry. To illustrate this point, the figures below show the number of affordable homes which have been provided on an annual basis in the previous ten years. Average affordable housing provision across this ten year period was 96. This equates to 23% of all housing completions over that period. The total number provided in 2011/12 were 170 with 40 provided in 2020/21. The full figures are set out below:-

Year	Total
2020/2021	40
2019/2020	81
2018/2019	160
2017/2018	97
2016/2017	83
2015/2016	130
2014/2015	75
2013/2014	100
2012/2013	26
2011/2012	170
Total	962

Looking forward, it is challenging to specifically determine how many affordable homes have been/will be built in the remainder of 2022 because affordable housing is primarily brought forward by the private sector and because the monitoring data for the year is not yet available. In addition, in its role as the local planning authority, the Council does not directly deliver homes. However, the positive implementation of policy CP7 in the Core Strategy will continue - as already stated, this requires 35% of homes delivered to be affordable. Looking more widely, the housing team at the Council has an aim of delivering 500 homes over ten years at social and affordable rent to add to our social housing stock.

Councillor Read, asked a supplementary question as to whether it was the Council aim to provide 500 social and affordable housing in the next 10 years, that is, roughly 50 a year.

The Leader confirmed that it was the aim, if possible, to provide 500 affordable and social housing in the next 10 years within the Housing Revenue Account, built to Passivhaus standard. In addition, through Exeter City Living, the City Council's private development company would bring forward privately rented properties to disrupt that part of the housing market in order to make housing more affordable.

In accordance with Standing Order No. 8, the following question was put by Councillor Rees to the Leader

Following the Leader setting out an ambition for a programme of retrofitting all homes across the city, at our last Council meeting:

- a. When will Councillors see a program detailing which houses will be insulated and when?**
- b. When will the Council be in a position to share this program with the residents of Exeter?"**

Response

The Leader responded in respect of the Housing Revenue Account and from the Private Sector Housing point of view:

Housing Revenue Account

In 2020, the Housing Service developed an approach to meet the City Council's corporate objective to achieve Net Zero by 2030. The Service's strategy was to develop and deliver a retrofit programme of energy efficiency work to the existing housing stock. This focus was to alleviate fuel costs for those residents who lived in our stock with the worse energy performance.

The retrofit programme has recently completed the installation of energy improvement measures to 420 properties. These works were part funded by the Council through the Housing Revenue Account and part funded by a Government grant of £1.6million. The primary results from the programme of works, have seen;

- 56% of the properties achieve an energy rating of Band A
- 39% of the properties achieve an energy rating of Band B

The Housing Service is continuing the retrofit programme across the remainder of our properties. The performance results from the 420 completed properties continue to be analysed to ensure that the optimum retrofit model and works specification is deployed for future work streams. There is clearly a balance to be struck between maximising the energy performance of properties and the associated energy rating with the affordability of the works programme for all Council properties in the shortest timescale possible.

The Members' Scrutiny Bulletin on progress to date is currently being prepared for circulation and the revised Housing Asset Management Plan, due to be published early in 2023, will set the future delivery strategy, including programme locations and timescales

Private Sector Housing

There are a few funding streams open at the moment, all of which are detailed on the City Council website. We do not have a rolling programme, we rely on applications from private owners, or our officers referring people who they come into contact with for other reasons. Any Exeter resident meeting the eligibility criteria (generally a household income of less than £30,000 and low Energy Performance Certificate rating) can apply.

The majority of private sector retrofit is undertaken with partners, mainly Exeter Community Energy (<https://www.ecoe.org.uk/>)

In partnership with Exeter Community Energy, we retrofit around 250 private sector homes per year – this is in addition to any regulatory action taken against private sector landlords.

Details of the funding and how to apply are here:

<https://exeter.gov.uk/housing/energy-efficiency/green-homes-grant-local-authority-delivery/>

<https://exeter.gov.uk/housing/energy-efficiency/energy-efficiency-help-and-advice/>

Councillor Rees, made a supplementary comment that it should be the ambition, over time, for all houses to be retrofitted to help eliminate poverty.

The Leader responded that he understood this ambition.

In accordance with Standing Order No. 8, the following question was put by Councillor Sparling to the Leader

Please can the Leader confirm, following the deadline of 14 October 2022 for submitting Expressions of Interest regarding Investment Zones, if the City Council requested to be included within the Devon County Council's submission? If so, please can the Leader summarise the response here, including any areas or sites proposed for inclusion as well as whether the City Council confirmed in principle to using a new streamlined planning system and also please commit to publishing the full detail of the submission?

The Leader stated that he had requested that the City Point site in the city centre be included in the Devon County Council Expression of Interest (EOI) for an Investment Zone. As site freeholder, the City Council would be able to safeguard the site and ensure developments meet City Council quality standards.

The Leader further explained that he had requested the inclusion of the site in the Devon EOI as it presented a potential opportunity to bring forward its development. City Point would provide a new city centre quarter with a focus on high density urban living, office and employment space including the relocation of the Civic Centre and an information hub delivered by the University of Exeter. It was recognised that development could only be achieved through collaboration with partners such as the University, the County Council and Crown Estates.

As with the St Sidwell's Point development, any proposal finally agreed would take time to bring forward. He emphasised that it would be one of a number of proposals the County Council would be putting forward with a significant number coming from other areas of the UK. The Leader stated that it had been made clear that the Council would control the governance process and he also assured Members that it was not the intention to accommodate a de-regulation of planning powers and that there was a right to opt out if the conditions were not acceptable.

(The meeting commenced at 6.00 pm and closed at 9.00 pm)

Chair

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PLANNING COMMITTEE

Monday 10 October 2022

Present:-

Councillor Morse (Chair)

Councillors Sutton, Asvachin, Bennett, Bialyk, Hannaford, Jobson, Lights, Mitchell, M, Moore, D, Newby and Snow

Apologies

Councillor Branston

Also Present

Director of City Development, Principal Project Manager (Development) (MD), Planning Solicitor and Democratic Services Officer (HB)

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MINUTES

The minutes of the meeting held on 5 September 2022 were taken as read, approved and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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PLANNING APPLICATION NO. 21/1564/OUT - FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, EXETER

The Director of City Development reported that on 5 September 2022 Members resolved that the above application be deferred and that he had been asked to report back to this Planning Committee with full technical reasons for refusal for the areas set out below:

- height, massing, design, siting and landscaping of the development having an adverse impact on the surrounding buildings and the street scene of the Heavitree Road approach into the City Centre;
- insufficient usable external amenity space for both the Co-living and Purpose Built Student Accommodation (PBSA) accommodation blocks, allied to a failure to adequately acknowledge the wider impact on amenity space in the surrounding residential areas and also the substandard quality and amenity space offered as part of the living accommodation within the Co-Living block itself; and
- loss of trees and biodiversity.

Accordingly, the following technical reasons for refusal were recommended:-

1. The proposed development would harm the character of the area, including the streetscenes along Heavitree Road and Gladstone Road, and the setting of the locally listed St Luke's College buildings, by virtue of the height and massing of the two buildings, which would be of a far greater scale than the majority of

buildings in the area, and their siting in close proximity to the pavement and not in keeping with the sub-urban street scene. The proposed development is therefore contrary to Policy CP17 of the Core Strategy, which requires all proposals for development to complement or enhance Exeter's character and local identity, saved Policies H5 and DG1 of the Exeter Local Plan First Review 1995-2011, and paragraphs 130 and 197c) of the NPPF (2021).

2. The proposed development would harm the amenity, privacy and outlook of the adjacent residential properties, particularly in Higher Summerlands, due to the height, scale and massing of the proposed buildings and their siting in close proximity to the properties taking into account their designs. The proposed development is therefore contrary to saved Policies H5(a) and DG4(b) of the Exeter Local Plan First Review 1995-2011, and paragraph 130f) of the NPPF (2021).
3. The proposed development would have a limited amount of external amenity space for use by the high number of residents of the two buildings and the external amenity space proposed in the form of the internal courtyards would be poor quality due to the overbearing design of the proposed buildings. In addition, the small size of the studios within the Co-Living block combined with the amount of internal, shared communal space within the building would provide a poor living environment for residents that would have a negative impact on their health and well-being. The proposed development is therefore contrary to saved Policy DG4(b) of the Exeter Local Plan First Review 1995-2011 and paragraph 130e) and f) of the NPPF (2021).
4. Notwithstanding the applicant's agreement to pay £472,995 for the maintenance and upgrade of off-site public open spaces serving the development (to be spent on upgrades to Exeter City Council parks) and £121,095 for the maintenance and upgrade of off-site play areas serving the development (to be spent on the installation of outdoor adult fitness equipment) in accordance with the consultation response from the Public and Green Spaces team of Exeter City Council to mitigate the impact of additional demand on off-site Exeter City Council public spaces, the proposed development would have a negative impact on public spaces in the locality of the site, in particular Belmont Park approximately 400 metres north of the site, due to the additional use and demand of these spaces by residents of the proposed development and limited amount of on-site external amenity space provision. The proposed development is therefore contrary to Policy CP10 of the Core Strategy, which protects facilities that meet Exeter's community, social, health, leisure and recreational needs, and saved Policy DG4(a) of the Exeter Local Plan First Review 1995-2011 stating that residential development should be at the maximum feasible density taking into account site constraints and impact on the local area.
5. The proposed development would result in the loss of all trees on the site including several category A and B trees which contribute to the amenity of the locality and biodiversity of the site. Without a detailed landscaping scheme as part of the application, there is a lack of certainty that the loss of these trees will be adequately and appropriately compensated for to maintain or enhance the amenity and biodiversity value of the site. The indicative information submitted

with the application in this regard does not demonstrate that this can be satisfactorily achieved. Therefore the proposed development is contrary to Policy CP17 of the Core Strategy, saved Policies H5(a), LS4 and DG1(c)(h) of the Exeter Local Plan First Review 1995-2011, and paragraphs 130 and 131 of the NPPF (2021).

The Director City Development advised that the following reason for refusal should be added:

6. In the absence of a Section 106 legal agreement to secure the following:

- 20% of the Co-Living units (i.e. 72) will be affordable private rented (5% of which will be wheelchair accessible) and priority will be given to essential local workers.
- Habitats Mitigation = £370,612.34 (in relation to the co-living development only)
- NHS Devon ICB contribution = £264,960.00 (£173,312 for PBSA and £91,648 for co-living)
- Public open space contribution = £472,995.00 (£309,389 for PBSA and £163,606 for co-living)
- Play (outdoor adult fitness equipment) contribution = £121,095.00 (£79,209 for PBSA and £41,886 for co-living)
- Student Management Plan for PBSA block
- Co-living Management Plan/Monitoring for Co-living block

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, 8 and 10, and policies CP7, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L4, LS2, LS3 and DG4, Exeter City Council Affordable Housing Supplementary Planning Document 2014 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

The Director City Development also reported that the applicants had contacted officers requesting a further deferral of the application in order to revise the proposals accounting for the issues raised by this Committee on 5 September 2022. Subject to an appropriate extension of time being agreed, the Director of City Development recommended that this time be granted so that Members could consider a revised set of proposals that better reflect Members' aspirations for the site and to ensure that any proposals considered at any appeal are the most appropriate for the area.

The Director City Development stated that the consideration of revised proposals would not preclude the above reasons for refusal. The proposed revisions would be put to a Design Review Panel. He advised that it was considered that changes could be made that would address the matters of concern raised at the 5 September 2002 meeting including those of scale, massing, design and setting.

Responding to Members' queries regarding the opportunity to either refuse or defer, the Director City Development advised that the recommendation to defer was predicated on providing the applicant a suitable time period to consider the reasons for refusal, the applicant having already provided an undertaking to agree an extension of time and not seek a non-determination decision. He also advised that like earlier iterations of a scheme for this site, further revised plans would be subject to public consultation. A decision to defer did not preclude the Committee from subsequently refusing the application for the detailed reasons set out in the

report.

A copy of the original 5 September Planning Committee report was attached to the report.

Councillor Vizard, having given notice under Standing Order No. 44, spoke on the item. He was concerned that the decision reached at the previous meeting and any subsequent decision to now defer may result in public confusion. He stated that any revised application would need to fully address all the suggested technical reasons for refusal set out in the report and if this could not be achieved there may be a fundamental reason why these could not be fully addressed. There was also a need to balance the final outcome of the application if Members remained minded to refuse in relation to any considerations at appeal. A proper further public consultation should also be carried out.

Mr Howells, speaking in support of the application, raised the following points:-

- My name is Neil Howells, Head of Development at Student Roost, the joint applicants with Devon and Cornwall Police and Nixon Property on this application;
- Student Roost, is an international operator of PBSA, providing a premium offer to key university towns and cities across the UK. The company is not yet represented in Exeter and is keen to invest the £90 million in developing this site to create one of the highest quality residential schemes in the city. The proposals will meet an identified need for key worker accommodation, graduates as well as students. The proposals are also consistent with the emerging Exeter Local Plan, which seeks to build 12,000 new homes on brownfield sites in the city over the next 20 years;
- the principle of development was not questioned on 5 September, it was the details associated with the proposals which raised concerns. Height, massing, design, siting, landscaping, amenity impacts on surrounding properties, internal and external amenity concerns for future users, and tree loss, were all cited;
- these are all matters which can be addressed and the company is committed to making significant changes to the proposals;
- because of time constraints it is imperative that these changes are made to the current application not through a new submission;
- the company is committed to taking the proposals to a Design Review Panel later this month and to engage with the Council to make amendments;
- the company was confident that, in consultation with officers, amendments could be made to develop a scheme which meets the identified needs in a form which addresses the concerns raised by Members to redevelop this key gateway site.

He responded as follows to Members' queries:-

- it was anticipated that the revisions to the application would be put to a Design Review panel by the end of October for the revisions to be completed within two months and for a report to the December meeting of this Committee; and
- in the event of a refusal of the revisions to the application the applicant would consider their position

Members expressed the following views:-

- there had been a number of occasions when the Committee had deferred applications for revisions to be made to planning applications;

- because of the complexity of planning law, it was understandable that there had been public confusion over the decision to defer at the 5 September 2022 meeting. The reasons for refusal given at the time had been made without the knowledge that the applicant would be asking for a deferral;
- it was a brown field site, close to the city centre and it was inevitable that it would eventually be developed. It was preferable to build on a brown field site rather than on green fields;
- there is a desire to consider the best possible alternative and the undertaking to go back to the Design Review Panel is welcome;
- the application will provide sustainable homes and offer an acceptable housing opportunity for those unable to afford alternative, more costly homes enabling them to get on to the housing ladder and also avoid commuting into the city for work;
- welcome the intention for a full community consultation and it is hoped that the concerns will be properly addressed, including the need for sufficient amenity space;
- the earlier application was unsuitable but it is correct to defer and for the public to have their say in the revisions to be brought forward;
- it is a balanced decision but it is difficult to see how necessary improvements can be provided on a limited space without a significant reduction in the number of units and a substantially different design; and
- it is hoped that the applicant will now have taken on Members' concerns. If the changes are not acceptable the application can still be refused.

The recommendation to **DEFER** the outline planning application with all matters considered in detail except landscaping, for the demolition of the existing buildings and construction of mixed-use development comprising Purpose-Built Student Accommodation (Sui Generis) and Co-Living (Sui Generis) with associated infrastructure. (Revised plans were received) was moved and seconded, voted upon and carried.

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PLANNING APPLICATION NO. 22/0236/FUL AND 22/0237/LBC - THE ROYAL CLARENCE HOTEL, CATHEDRAL YARD, EXETER

The Assistant Service Lead Development Management (Major Projects), presented the planning application and listed building consent for the reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create commercial food and beverage units at ground floor and residential units from first to fifth floor.

The Assistant Service Lead Development Management (Major Projects), described the location of the site through photos of the site showing the proposed new development and perspective views from the surroundings including other parts of Cathedral Yard. He set out the timeline since the fire and explained the relationship of the site to its immediate neighbouring properties and to their listed designation, and also to the wider area being located within Central Conservation Area and the Area of Archaeological Importance. In regard to the listed buildings, he explained through photos of the fire damage that the works proposed were justified as having special regard to the desirability of preserving remaining building fabric on the site including that of Martin's Lane and the substantial public benefits of the proposed development.

The report also setting out the following key elements:-

- the principle of development;
- design and density;

- impact on heritage assets;
- access and parking;
- residential amenity of proposed apartments and impact on amenity of surroundings;
- affordable housing/viability;
- planning technical issues; and
- development plan, material considerations and presumption in favour of sustainable development.

The Assistant Service Lead Development Management (Major Projects), explained that the site comprised Cathedral Yard (formerly The Well House Tavern) to the north of Cathedral Green. The complex of buildings that formed the hotel and adjoining public house had suffered a significant fire in 2016 resulting in the loss of the majority of the building fabric on site. The remaining building structures on site had been made safe and salvage/recording operations associated with the necessary partial demolition of unsafe remains carried out under listed building consent. His report set out the planning history following the fire and the various planning applications received to date.

The Assistant Service Lead Development Management (Major Projects), advised that the proposal was to reconstruct and extend the building, including the partial demolition and repair of the remaining building fabric, to provide commercial food and beverage units (Class E(b)) on the ground floor/basement level and residential units (Class C3) on the floors above. 23 apartments (including 3 duplex apartments) will be provided in total, comprising: 15 no. 2-beds and 8 no. 3-beds. The residential units were proposed as 100% market housing. The residential units would be provided over five floors, three of which plus a first floor mezzanine would sit behind the reconstructed Cathedral Yard and Martin's Lane elevations of the former building, and with a modern, aluminium-clad mansard above, which would be setback from the front elevation. The mansard would contain the fourth and fifth floors, the fifth being much smaller, only containing the living accommodation of a duplex apartment and setback into the northwest corner of the site. In addition, a shared roof terrace would be provided in the northeast corner overlooking Martin's Lane. The majority of the apartments would not have private, external amenity space, except for the three apartments on the fourth floor at the front of the building, which would have private terraces overlooking Cathedral Green, and the duplex apartment on the fourth/fifth floor, which would also have a private terrace at fifth floor level, albeit significantly setback from the front elevation.

The Assistant Service Lead Development Management (Major Projects), provided the following concluding points in support of the recommendation which was for approval, subject to a Section 106 Agreement and the conditions as set out in the report.

- the proposal was considered to be a sustainable development when balancing the development plan policies, National Planning Policy Framework 2021 (NPPF) policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site;
- a Section 106 legal agreement and conditions were necessary to secure affordable housing, infrastructure contributions and other aspects of the development to make it acceptable in planning terms;
- the presumption in Favour of Sustainable Development applies;
- the uses are acceptable and would enhance the vitality of the City Centre and the Cathedral Precinct; and

- substantial public benefits outweigh the harm of the partial demolition works and 5th floor roof extension on the historic setting.

The following responses were given to Members' queries:-

- both Historic England and the Society for the Protection of Ancient Buildings had been consulted and were supportive of the proposal and supported the submission of pre-commencement details. As such, condition 4 required that no work would take place until full details of the structural work had been submitted; and
- waste removal would be covered by the waste audit condition to Devon County Council standard covering both the construction and operational phases.

Mr Gigg speaking against the application, raised the following points:-

- am representing the owner of 18 Cathedral Yard and am not objecting to the principle of the development of this site but to three specific elements of the design that have an impact on the adjacent property that has been rebuilt following the Royal Clarence fire;
- issue of overlooking and leap of flame between the two properties is of concern to the owners who have rebuilt their building;
- of the three proposed windows, two were adjacent to an existing window in 18 Cathedral Yard creating overlooking and one in close proximity. The proposed drawings indicate the windows to be within 2 metres of the existing window and, in one location, within 300mm (this being a concern for leap of flame). The greatest concern is the loss of privacy from the existing bedroom to that of the proposed apartments;
- the drawings appear to allow access on to Lamb Alley that divides the two properties at ground level though, as this alley is in the ownership of 18 Cathedral Yard, no right of way exists on to this alley, and therefore this would not be able to be implemented for the operation of the building;
- the top floor proposed balcony has no privacy screen provided to the side elevation and will be elevated creating overlooking. A simple fixed screen at 1.8m height for the length of the balcony side would be sufficient to overcome this issue; and
- the proposals as designed will negatively impact the amenity of the existing apartments, and due to the proximity of one of the bedroom windows create an unacceptable fire risk. The bedroom window proposed under building regulations will need to be fixed shut with fire retardant glass making this window impossible to open, and the room reliant on mechanical ventilation only. Access to Lamb Alley is not permitted and therefore this would need to be taken in to account in the design for escape from the proposed building. The top floor balcony needs a simple privacy screen to remove overlooking.

The following responses were given to the issues raised:-

- a condition would be included to ensure that the two windows referred to were obscure glazed;
- a condition would require a privacy screen on the terrace of the 5th floor;
- fire legislation requirements were determined at building regulation stage; and
- Lamb Alley was not in the red line of the planning application, indicating that it would not be used for access purposes or for fire egress.

Mr Brent, speaking in support of the application made the following points:-

- it is an important scheme for the city as The Royal Clarence building has an emotional resonance with residents and visitors alike;
- on the purchase of the site, viability tests were run on the consented hotel scheme approved in 2017 which proved that the scheme was completely unviable, which was prior to the effects of Covid and the new Indigo 5* Hotel;
- a host of other options were considered with different uses, scale and composition, with the balance of scale and retention of historic fabric being critical considerations. The mix proposed brings the ground floor back into commercial use and provides much-needed housing in the city centre following other residential developments in Cathedral Yard, building on the Council's strategy of increasing city centre living;
- the Royal Clarence is a very challenging building to regenerate. The fire damaged much of the fabric and structure and, having been exposed to the elements for several years prior to purchase, the building has suffered further irreparable decay, meaning that certain areas cannot feasibly be retained;
- the scheme is respectful of the building's setting and it remains subservient to the Cathedral and surrounding listed buildings, whilst also being commercially deliverable;
- there has been close work with Historic England and Exeter City Council to optimise the scheme;
- the proposed restaurant and bar units on the ground floor will allow public access to a much-loved asset and showcase previously unseen historic fabric, whilst the homes above will increase the vibrancy of the city centre;
- the scheme will regenerate a key city centre site and will revamp the Cathedral Yard setting; and
- the neighbours raising objections are the same folk from whose building the fire that devastated Cathedral Yard originated.

He responded as follows to Members' queries:-

- the fire exit shown on the drawings was via 43 and 44 High Street; and
- it was the intention to progress the scheme as quickly as possible. Detailed design work would take approximately four months and then a viability assessment undertaken following which contracts would be let. The total time anticipated was 70 months.

The Director City Development provided the following concluding points:-

- the principle of a mixed use development was supported to provide much need housing and an active use providing vitality to the city centre after a long period when the site had been derelict following the fire;
- the impact on an important heritage asset was a key consideration but the structure was now dangerous and unstable with a very damaged group of historical listed buildings being an eyesore in a beautiful part of the city;
- there was professional consensus that substantial harm had been caused to the buildings and, whilst the loss of historical features was regrettable, the need to demolish buildings, including 6 Martins Lane, outweighed the loss of the historical features; and
- the design was largely sympathetic to the surrounding area and would give an iconic building a new lease of life.

Responding to a Member's query, the proposal for a deferred contribution mechanism was included as construction costs and property values could not be calculated with regard to current market conditions and, as they were likely to

increase over time, the precise figures would be assessed closer to the completion stage. The Council would receive up to the total contribution in the report or potentially none depending on the reappraisal of the viability when the scheme is being constructed.

Members expressed the following views:-

- welcome the significant affordable housing contribution for other areas of the city as the development would not be providing Purpose Build Student Accommodation or Co-Living units;
- restaurant provision at ground floor level will provide a very attractive façade and the view entering Cathedral Yard from South Street will be improved;
- it is unfortunate that the site could not be restored to its original use as an hotel, given that the Royal Clarence had been one of the oldest hotels in the UK and has been missed by many as an iconic building in the city centre;
- the regeneration of an area which is currently a blot on the landscape is to be welcomed and will provide additional residential accommodation for the centre, complementing existing residential apartments in Cathedral Yard. The properties will be luxury, high end apartments and will retain their value;
- the 4th and 5th floor levels and mansard apartments will sit well within the differing heights in Cathedral Yard. The overall appearance was therefore comparable to the view of the differing heights of the Princesshay development;
- in respect of a petition suggesting a heritage centre, the Devon and Exeter Institute at 7 Cathedral Yard already provides this function;
- welcome the affordable housing element and the applicant having taken on board earlier comments of Members and hope that the development can be brought forward quickly; and
- the proposal has been long awaited following the fire six years ago almost to the day.

The recommendation was for approval of both the full and Listed Building applications, subject to a Section 106 Legal Agreement and the conditions as set out in the report.

The recommendation was moved and seconded and carried unanimously.

RESOLVED that, subject to a Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) to secure the following:-

Subject to a Deferred Contributions Mechanism:

- £85,152 towards new secondary school provision at South West Exeter;
- £13,425 towards patient space at local GP surgeries;
- £22,661 to provide additional healthcare services at Royal Devon University Healthcare NHS Foundation Trust; and
- £2,173,238.07 affordable housing financial contribution.

All Section 106 contributions to be index-linked from the date of resolution

the Director City Development be authorised to **GRANT** planning permission for the reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create commercial food and beverage units at ground floor and residential units from first to fifth floor,

subject also to the other conditions:-.

1. Standard Time Limit – Full Planning Permission

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the approved plans listed below, unless modified by the other conditions of this permission:

Received 16.02.2022

- Location Plan (RC-KT-XX-XX-DR-A-2063-L01.01-P3)
- Proposed Site Plan (RC-KT-XX-XX-DR-A-2063-L01.03-P4)
- Proposed First Floor Mezzanine Plan (RC-KT-XX-01-DR-A-2063-L02.40-P10)
- Proposed Front Elevation (Cathedral Green) (RC-KT-XX-ZZ-DR-A-2063-L04.01-P6)
- Proposed Side Elevation (Lamb Alley) (RC-KT-XX-ZZ-DR-A-2063-L04.02-P4)
- Proposed Rear Elevation (High Street) (RC-KT-XX-ZZ-DR-A-2063-L04.03-P4)
- Section, Elevation, Plan-Details 2 (RC-KT-XX-XX-DR-A-2063-L04.101-P3)
- Section, Elevation, Plan-Details 3 (RC-KT-XX-XX-DR-A-2063-L04.102-P3)
- Section, Elevation, Plan-Details 4 (RC-KT-XX-XX-DR-A-2063-L04.103-P3)
- Section, Elevation, Plan-Details 5 (RC-KT-XX-XX-DR-A-2063-L04.104-P3)
- Demolition Basement Plan (RC-KT-XX-B1-DR-A-2063-L06.10-P6)
- Demolition Ground Floor Plan (RC-KT-XX-GF-DR-A-2063-L06.20-P6)
- Demolition First Floor Mezzanine Plan (RC-KT-XX-01-DR-A-2063-L06.40-P6)
- Demolition Third Floor Plan (RC-KT-XX-03-DR-A-2063-L06.60-P6)
- Demolition Roof Plan (RC-KT-XX-R-DR-A-2063-L06.70-P4)
- Demolition Sections 2 of 4 (RC-KT-XX-ZZ-DR-A-2063-L06.81-P5)
- Demolition Sections 4 of 4 (RC-KT-XX-ZZ-DR-A-2063-L06.83-P3)
- Demo Front Elevation (Cathedral Green) (RC-KT-XX-ZZ-DR-A-2063-L06.90-P5)
- Demo Rear Elevation (High Street) (RC-KT-XX-ZZ-DR-A-2063-L06.92-P3)
- Demo Side Elevation (Martins Lane) (RC-KT-XX-ZZ-DR-A-2063-L06.93-P4)
- Proposed Drainage Strategy (20.458/050 A)

Received 15.06.2022

- Proposed Basement Plan (RC-KT-XX-B1-DR-A-2063-L02.10-P10)
- Proposed Ground Floor Plan (RC-KT-XX-GF-DR-A-2063-L02.20-P13)
- Proposed First Floor Plan (RC-KT-XX-01-DR-A-2063-L02.30-P11)
- Proposed Second Floor Plan (RC-KT-XX-02-DR-A-2063-L02.50-P12)
- Proposed Third Floor Plan (RC-KT-XX-03-DR-A-2063-L02.60-P11)

- Proposed Fourth Floor Plan (RC-KT-XX-04-DR-A-2063-L02.70-P11)
- Proposed Fifth Floor Plan (RC-KT-XX-05-DR-A-2063-L02.80-P10)
- Proposed Roof Plan (RC-KT-XX-R-DR-A-2063-L02.90-P7)
- Proposed Sections 1 of 4 (RC-KT-XX-ZZ-DR-A-2063-L03.01-P7)
- Proposed Sections 2 of 4 (RC-KT-XX-ZZ-DR-A-2063-L03.02-P7)
- Proposed Sections 3 of 4 (RC-KT-XX-ZZ-DR-A-2063-L03.03-P5)
- Proposed Sections 4 of 4 (RC-KT-XX-ZZ-DR-A-2063-L03.04-P5)
- Proposed Side Elevation (Martins Lane) (RC-KT-XX-ZZ-DR-A-2063-L04.04-P7)
- Section, Elevation, Plan-Details 1 (RC-KT-XX-XX-DR-A-2063-L04.100-P4)
- Demolition First Floor Plan (RC-KT-XX-01-DR-A-2063-L06.30-P7)
- Demolition Second Floor Plan (RC-KT-XX-02-DR-A-2063-L06.50-P7)
- Demolition Sections 1 of 4 (RC-KT-XX-ZZ-DR-A-2063-L06.80-P6)
- Demolition Sections 3 of 4 (RC-KT-XX-ZZ-DR-A-2063-L06.82-P4)
- Demo Side Elevation (Lamb Alley) (RC-KT-XX-ZZ-DR-A-2063-L06.91-P5)

Reason: To ensure the development is constructed in accordance with the approved plans, unless modified by the other conditions of this permission.

Pre-commencement Details

3. Demolition Method Statement

No development related works shall take place within the site until a Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include detailed drawings and information on the measures that will be taken to ensure the protection of the heritage assets to be retained on the site and the protection of heritage assets around the site during the demolition works, and in the case of the former any temporary works to ensure their stability and protection while the construction works are carried out. The approved Statement shall be implemented in full.

Reason: To protect and preserve the listed building fabric to be retained on the site and the listed buildings around the site. These details are required pre-commencement as specified to ensure that due consideration has been given to the protection of heritage assets on and around the site before demolition works begin and that an appropriate plan/strategy is in place to carry out these works.

4. Structural Works

No development related works shall take place within the site until full details of the structural works (including foundations) for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include detailed drawings of the location and design of any new supporting structure (including sections of not less than 1:50 scale), the method(s) of fixing to the existing building fabric (at 1:20 scale) and installation methodology. The structural works shall be carried out strictly in accordance with the approved details unless modifications are agreed in writing with the Local Planning Authority prior to being carried out.

Reason: To protect and preserve the listed building fabric to be retained on the site. These details are required pre-commencement as specified to ensure that the structural works are designed and carried out to minimise the impact on the significance of the listed building fabric to be retained on the site.

5. Programme of Archaeological Work

No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

6. Programme of Historic Building Recording

No development related works shall take place until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation previously submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure that an appropriate record is made of the historic building fabric that may be affected by the development. This information is required before development commences to ensure that an appropriate programme of recording and analysis is secured and implemented before the historic fabric is affected by the development.

7. Construction Method Statement

No development works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to the site (for construction workers and deliveries/waste collection);
- c) Traffic management requirements;
- d) A plan showing the construction site layout, including: security hoarding, alternative routes for pedestrians/vehicles where the site includes part of the highway, temporary cabins/toilets, areas for loading/unloading and storage of materials and equipment;
- e) Details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- h) Measures to control the emission of dust and dirt during construction;
- i) Measures to minimise noise nuisance from plant and machinery;
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays;
- k) No burning on site during construction or site preparation works.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason: To ensure that the construction works are carried out in an appropriate

manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

8. Waste Audit Statement

Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that waste generated during demolition and construction is managed sustainably.

9. Updated Noise Assessment

Prior to the commencement of the development hereby permitted, an Updated Noise Assessment shall be submitted to and approved in writing by the Local Planning Authority, including an assessment of noise impact on the apartments from the Ship Inn and commercial uses under construction within the former House of Fraser building to the northeast of the site. The sound insulation and other measures recommended in the approved report shall be implemented, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity of the apartments. These details are required pre-commencement as specified to ensure that the building is constructed with suitable sound insulation.

Pre-Specific Works

10. Energy Performance (Policies CP14 and CP15)

Before commencement of construction of the superstructure of the building hereby permitted, a SAP calculation for the building shall be submitted to and approved in writing by the Local Planning Authority which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved, or if the building is constructed to the 2022 Building Regulations that a 10% reduction in CO2 emissions above the levels set out in Part L of the 2022 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented and within 3 months of practical completion of the building the developer shall submit a report to the Local Planning Authority from a suitably qualified consultant to demonstrate compliance with this condition.

Reason: In the interests of sustainable development and to ensure that the development accords with Policies CP14 and CP15 of the Core Strategy. These details are required pre-commencement as specified to ensure that the requirements of Policies CP14 and CP15 are met and the measures are included in the construction of the building.

11. Air Source Heat Pumps

Air Source Heat Pumps shall not be installed on the site unless the number,

location and technical details have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that they do not harm the significance of heritage assets either on or around the site.

12. PV Panels

Photovoltaic panels shall not be installed on the site unless the number, location and technical details have previously been submitted to and approved in writing by the Local Planning Authority together with an accompanying heritage statement.

Reason: To ensure that they do not harm the significance of heritage assets either on or around the site.

13. Materials

Prior to the construction of the building (except for the structural works approved under condition 4), product specification sheets and samples, including confirmation of colour, of the external facing materials and roof materials (including rainwater goods) of the building shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

Reason: In the interests of good design and the preservation of heritage assets (on and around the site), including their settings, in accordance with Policy CP17 of the Core Strategy, saved Policies C1, C2, C4 and DG1 of the Exeter Local Plan First Review, and paragraphs 130 and 197 of the NPPF (2021).

14. Biodiversity Enhancement Plan

Prior to the construction of the building (except for the structural works approved under condition 4), a Biodiversity Enhancement Plan, including details of the provision for nesting birds in the built fabric of the building, shall be submitted to and approved in writing by the Local Planning Authority. The approved enhancement measures shall be implemented in full as part of the development and retained thereafter.

Reason: To enhance biodiversity on the site in accordance with paragraph 9.28 and Appendix 2 of the Residential Design Guide SPD, and paragraph 180 of the NPPF (2021).

15. Fenestration Details

Prior to the installation of any new fenestration (windows/doors) large scale details, including sections to a scale of not less than 1:20, of the proposed windows/doors, along with confirmation of materials and finishes, shall be submitted to and be approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason: In the interests of good design and the preservation of heritage assets (on and around the site), including their settings, in accordance with Policy CP17 of the Core Strategy, saved Policies C1, C2, C4 and DG1 of the Exeter Local Plan First Review, and paragraphs 130 and 197 of the NPPF (2021).

16. Obscured Glazing

The two upper floor windows shown on drawing number RC-KT-XX-ZZ-DR-A-2063-L04.02-P4 ('Proposed Side Elevation (Lamb Alley)') shall be obscured glazed. Prior to the installation of the windows details of the obscured glazing, including level of obscurity, shall be submitted to and approved in writing by the

Local Planning Authority. The glazing shall be maintained as approved thereafter.
Reason: To protect the privacy of the occupiers of the apartment and neighbouring residents in accordance with saved Policy DG4 of the Exeter Local Plan First Review.

17. Privacy Screen

The glazed balustrade shown on drawing number RC-KT-XX-ZZ-DR-A-2063-L04.02-P4 ('Proposed Side Elevation (Lamb Alley)') shall be obscured glazed. Prior to the installation of the balustrade details of the obscured glazing, including level of obscurity, shall be submitted to and approved in writing by the Local Planning Authority. The glazing shall be maintained as approved thereafter.

Reason: To protect the privacy of the occupiers of the apartment and neighbouring residents in accordance with saved Policy DG4 of the Exeter Local Plan First Review.

18. External Lighting

No external lighting shall be installed on the site unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary), and how it will either preserve or enhance the significance of heritage assets on or around the site. The lighting shall be installed and maintained in accordance with the approved details.

Reason: In the interests of local amenity, wildlife and the significance of heritage assets.

Advice: <https://historicengland.org.uk/advice/technical-advice/building-services-engineering/external-lighting-of-historic-buildings/>

Pre-occupation

19. Security

Prior to the first occupation or use of the development hereby approved, a statement shall be submitted to and approved in writing by the Local Planning Authority setting out how the development will achieve the physical protection measures recommended by the Designing Out Crime Officer in their consultation response dated 16.03.2022. The approved measures shall be implemented before the first occupation or use of the development and maintained thereafter.

Reason: In the interests of crime prevention and safety in accordance with saved Policy CP7 of the Exeter Local Plan First Review.

20. Highways 2 – Cycle Parking

Prior to the first occupation of any of the apartments in the development hereby approved, the bike store shown on drawing number RC-KT-XX-GF-DR-A-2063-L02.20-P13 ('Proposed Ground Floor Plan') shall be made available for use with cycle parking provision in accordance with details (type and number) previously submitted to and approved in writing by the Local Planning Authority. The store and cycle parking within it shall be maintained at all times thereafter.

Reason: To encourage sustainable travel in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

21. Updated Ventilation and Extraction Statement

Prior to the first use of the commercial units hereby approved, an Updated Ventilation and Extraction Statement shall be submitted to and approved in writing by the Local Planning Authority, including details of the equipment that will be installed to control smoke, odour and grease. The ventilation and extraction system within the approved Statement shall be implemented before the commercial units are brought into use and maintained thereafter.

Reason: In the interests of the amenity of the area.

Post Occupancy

22. Highways 1

All external doors and gates on the site adjoining public footways shall be inward opening or hung to not overhang the public footway when opening.

Reason: In the interests of the safety of pedestrians using adjoining public footways in accordance with paragraph 112 of the NPPF (2021).

23. Waste and Recycling Bins

No waste or recycling bins or containers shall be stored outside the integral bin stores of the building hereby approved except upon the day(s) of collection.

Reason: In the interests of the amenity of the neighbourhood and convenience of highway users.

24. Noise

The total noise from the development shall not exceed a rating noise level (measured in accordance with BS4142:2014) of 34 dB (07:00 to 23:00) and 24 dB (23:00 to 07:00) at any noise sensitive receptor, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the amenity of the locality.

and further **RESOLVED** that:-

The Director City Development be authorised to refuse planning permission for the reasons set out below if the Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 10 April 2023 or such extended times as agreed in writing by the City Development Manager.

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters:-

Subject to a Deferred Contributions Mechanism:

- £85,152 towards new secondary school provision at South West Exeter;
- £13,425 towards patient space at local GP surgeries;
- £22,661 to provide additional healthcare services at Royal Devon University Healthcare NHS Foundation Trust; and

- £2,173,238.07 affordable housing financial contribution.

All Section 106 contributions should be index linked from the date of resolution

22/0237/LBC

RESOLVED that the Director City Development be authorised to **GRANT** listed building consent for the reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create commercial food and beverage units at ground floor and residential units from first to fifth floor, subject also to the following conditions:-

1. Standard Time Limit – Listed Building

The works to which this listed building consent relate must be begun not later than the expiration of three years beginning with the date on which this consent is granted.

Reason: To comply with Section 18 of the Planning Listed Building and Conservation Areas Act 1990 as amended.

2. Approved Plans

The works hereby permitted shall be carried out in complete accordance with the approved plans listed below, unless modified by the other conditions of this consent:

Received 16.02.2022

- Location Plan (RC-KT-XX-XX-DR-A-2063-L01.01-P3)
- Proposed Site Plan (RC-KT-XX-XX-DR-A-2063-L01.03-P4)
- Proposed First Floor Mezzanine Plan (RC-KT-XX-01-DR-A-2063-L02.40-P10)
- Proposed Front Elevation (Cathedral Green) (RC-KT-XX-ZZ-DR-A-2063-L04.01-P6)
- Proposed Side Elevation (Lamb Alley) (RC-KT-XX-ZZ-DR-A-2063-L04.02-P4)
- Proposed Rear Elevation (High Street) (RC-KT-XX-ZZ-DR-A-2063-L04.03-P4)
- Section, Elevation, Plan-Details 2 (RC-KT-XX-XX-DR-A-2063-L04.101-P3)
- Section, Elevation, Plan-Details 3 (RC-KT-XX-XX-DR-A-2063-L04.102-P3)
- Section, Elevation, Plan-Details 4 (RC-KT-XX-XX-DR-A-2063-L04.103-P3)
- Section, Elevation, Plan-Details 5 (RC-KT-XX-XX-DR-A-2063-L04.104-P3)
- Demolition Basement Plan (RC-KT-XX-B1-DR-A-2063-L06.10-P6)
- Demolition Ground Floor Plan (RC-KT-XX-GF-DR-A-2063-L06.20-P6)
- Demolition First Floor Mezzanine Plan (RC-KT-XX-01-DR-A-2063-L06.40-P6)
- Demolition Third Floor Plan (RC-KT-XX-03-DR-A-2063-L06.60-P6)
- Demolition Roof Plan (RC-KT-XX-R-DR-A-2063-L06.70-P4)
- Demolition Sections 2 of 4 (RC-KT-XX-ZZ-DR-A-2063-L06.81-P5)
- Demolition Sections 4 of 4 (RC-KT-XX-ZZ-DR-A-2063-L06.83-P3)
- Demo Front Elevation (Cathedral Green) (RC-KT-XX-ZZ-DR-A-2063-L06.90-P5)
- Demo Rear Elevation (High Street) (RC-KT-XX-ZZ-DR-A-2063-L06.92-P3)

- Demo Side Elevation (Martins Lane) (RC-KT-XX-ZZ-DR-A-2063-L06.93-P4)

Received 15.06.2022

- Proposed Basement Plan (RC-KT-XX-B1-DR-A-2063-L02.10-P10)
- Proposed Ground Floor Plan (RC-KT-XX-GF-DR-A-2063-L02.20-P13)
- Proposed First Floor Plan (RC-KT-XX-01-DR-A-2063-L02.30-P11)
- Proposed Second Floor Plan (RC-KT-XX-02-DR-A-2063-L02.50-P12)
- Proposed Third Floor Plan (RC-KT-XX-03-DR-A-2063-L02.60-P11)
- Proposed Fourth Floor Plan (RC-KT-XX-04-DR-A-2063-L02.70-P11)
- Proposed Fifth Floor Plan (RC-KT-XX-05-DR-A-2063-L02.80-P10)
- Proposed Roof Plan (RC-KT-XX-R-DR-A-2063-L02.90-P7)
- Proposed Sections 1 of 4 (RC-KT-XX-ZZ-DR-A-2063-L03.01-P7)
- Proposed Sections 2 of 4 (RC-KT-XX-ZZ-DR-A-2063-L03.02-P7)
- Proposed Sections 3 of 4 (RC-KT-XX-ZZ-DR-A-2063-L03.03-P5)
- Proposed Sections 4 of 4 (RC-KT-XX-ZZ-DR-A-2063-L03.04-P5)
- Proposed Side Elevation (Martins Lane) (RC-KT-XX-ZZ-DR-A-2063-L04.04-P7)
- Section, Elevation, Plan-Details 1 (RC-KT-XX-XX-DR-A-2063-L04.100-P4)
- Demolition First Floor Plan (RC-KT-XX-01-DR-A-2063-L06.30-P7)
- Demolition Second Floor Plan (RC-KT-XX-02-DR-A-2063-L06.50-P7)
- Demolition Sections 1 of 4 (RC-KT-XX-ZZ-DR-A-2063-L06.80-P6)
- Demolition Sections 3 of 4 (RC-KT-XX-ZZ-DR-A-2063-L06.82-P4)
- Demo Side Elevation (Lamb Alley) (RC-KT-XX-ZZ-DR-A-2063-L06.91-P5)

Reason: To ensure the works are carried out in accordance with the approved plans, unless modified by the other conditions of this consent.

3. Contract for Redevelopment Works

Unless otherwise agreed in writing by the Local Planning Authority, the works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To comply with Section 17(3) of the Planning Listed Building and Conservation Areas Act 1990 as amended in the interests of the significance of heritage assets on and around the site.

4. Demolition Method Statement

No listed building works shall take place within the site until a Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include detailed drawings and information on the measures that will be taken to ensure the protection of the listed building fabric to be retained on the site during the demolition works, and any temporary works to ensure their stability and protection while the construction and repair works are carried out. The approved Statement shall be implemented in full.

Reason: To protect and preserve the listed building fabric to be retained on the site.

5. Structural Works

No listed building works shall take place within the site until full details of the

structural works (including foundations) for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include detailed drawings of the location and design of any new supporting structure (including sections of not less than 1:50 scale), the method(s) of fixing to the existing building fabric (at 1:20 scale) and installation methodology. The structural works shall be carried out strictly in accordance with the approved details unless modifications are agreed in writing with the Local Planning Authority prior to being carried out.

Reason: To protect and preserve the listed building fabric to be retained on the site.

6. Programme of Historic Building Recording

No listed building works shall take place until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation previously submitted to and approved in writing by the Local Planning Authority. The works shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure that an appropriate record is made of the historic building fabric that may be affected by the works.

7. Materials

Prior to the commencement of the works (except for the structural works approved under condition 5), product specification sheets and/or samples, including confirmation of colour, of the internal and external materials of the building shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

Reason: To preserve the historic character of the listed buildings on the site.

8. Fenestration Details

Prior to the installation of any new fenestration (windows/doors) large scale details, including sections to a scale of not less than 1:20, of the proposed windows/doors, along with confirmation of materials and finishes, shall be submitted to and be approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason: To preserve the historic character of the listed buildings on the site.

9. External Lighting

No external lighting shall be installed on the site unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to either preserve or enhance the significance of the listed buildings. The lighting shall be installed and maintained in accordance with the approved details.

Reason: To preserve or enhance the significance of the listed buildings on the site. Advice: <https://historicengland.org.uk/advice/technical-advice/building-services-engineering/external-lighting-of-historic-buildings/>

-

The report of the Director City Development was submitted.

RESOLVED that the report be noted.

42

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

43

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 1 November 2022 at 9.30 a.m. The Councillors attending will be Councillors Morse and Snow and one other.

(The meeting commenced at 5.30 pm and closed at 6.57 pm)

Chair

LICENSING COMMITTEE

24 October 2022

Present:

Councillor Bob Foale (Chair)

Councillors Warwick, Asvachin, Ellis-Jones, Holland, Mitchell, K, Parkhouse, Rees, Snow and Wood

Apologies:

Councillors Newby, Oliver, Vizard and Wright

Also present:

Legal Advisor, Principal Licensing Officer and Democratic Services Officer (SLS)

5 **Minutes**

The minutes of the meeting held on 1 February 2022 were taken as read, approved and signed by the Chair as correct.

6 **Declarations of Interest**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

7 **Request for a variation of Hackney Carriage Fares**

The Licensing Committee received the report on the request for an increase to the Hackney Carriage Fare Tariff. Setting taxi fares was an Executive function and the report had been presented at the Executive Committee on 4 October 2022. The Executive approved the commencement of a four week public consultation and in line with best practice, the Executive report had been brought to the Licensing Committee for information.

Particular reference was made to the proposal being presented to and welcomed by representatives of the Hackney Carriage Associations at the Taxi Forum meeting on 2 August 2022. The Associations were asked to consult their members on the proposal. Following their Annual General Meeting (AGM) a response was received which indicated that 100% of the 59 respondents' were in favour of the proposed tariff.

Members noted that there had not been an increase in Hackney Carriage taxi fares since 2013, and that the proposal put forward was based on the Guildford model which had stood up to legal challenges in the courts and was based on local information to consider the cost of living in the city. Following consultation, a report would be taken to Executive on 29 November and Council on 13 December for approval. If the fare increase was approved by Council, it would put Exeter at the top of the Devon Tariff charts and 54th in the national list.

The Principal Licensing Officer invited Members to comment before the matter was due to be brought back to the Executive for determination. The Taxi Forum were also due to meet in November and would have the opportunity for further discussion. A

small number of responses had been received with comments ranging from concern over fare increases and the challenges to the cost of living, but also comments supporting a rise in the salary of Exeter's Hackney Carriage drivers. The Taxi Association were still to make their views known.

The Chair welcomed the opportunity to review the Hackney Carriage Fare tariff and gave a commitment to ensure that there would be further discussion and liaison between the trade and the Licensing team through regular meetings of the Taxi Forum. The Principal Licensing Officer stated that the Trade were supportive of the proposals and following the end of the consultation period, all of the responses would be collated and included in the report to the Executive. It was hoped that following determination by the Executive, that a new taxi tariff could be in place by the end of the year.

In response to questions by Members, the Principal Licensing Officer explained:-

- that the number of hackney carriage saloon vehicles plates would be static until the policy of ensuring 50% of the vehicles were wheelchair accessible were met.
- there were currently 85 hackney carriage plates.
- an increase in the annual salary of Hackney Carriage drivers might prove more of an incentive to join or re-join the trade. There had been an increase in the level of applications from drivers, which might help to improve taxi availability.
- a number of drivers had left the trade particularly during the Covid pandemic as demand for taxis had changed, to work as delivery drivers, but they were beginning to return with an exponential increase in applications seen across the country.
- that trade had not been affected at the John Lewis rank on Sidwell Street.
- he would contact the Chair of the Exeter St David's Hackney Carriage Association to discuss a percentage figure quoted recently.

Members welcomed the report.

RESOLVED that the report be noted.

The meeting commenced at 5.30 pm and closed at 5.45 pm

Chair

AUDIT AND GOVERNANCE COMMITTEE

Wednesday 30 November 2022

Present:-

Councillor Wardle (Chair)
Councillors Moore, D, Allcock, Branston, Ellis-Jones, Mitchell, M, Packham, Rees, Snow and Warwick

Apologies

Councillors Leadbetter and Sutton

Also Present

Director Finance, Corporate Manager – Executive Support and Democratic Services Officer (SLS)

Julie Masci, Director Audit, External Auditors (Grant Thornton)

24

MINUTES

The minutes of the meeting held 28 September 2022 were taken as read, approved and signed by the Chair as correct.

25

DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interests were made.

26

EXTERNAL AUDIT PROGRESS REPORT

The Director, External Audit, Grant Thornton presented a verbal update and advised Members of the progress in respect of the Audit of the Financial Statement of Accounts. The Audit Manager had provided an update at the last meeting. The audit had commenced slightly later than planned in the middle of October due to the team's commitment to a prior audit and a delay in transitioning to the Exeter audit. However the audit was now underway and progressing well and they acknowledged the increased demands on the Director Finance and his team. There was good cooperation with no specific issue or concerns raised so far and the intention was to bring forward the report to the next meeting.

Members noted the report.

27

EXTERNAL AUDITOR'S ANNUAL AUDIT REPORT ON EXETER CITY COUNCIL 2020/21

The Director External Audit (Grant Thornton) referred to the new approach to the value for money assessment which changed in 2021 introduced by the National Audit Office to a much broader scope of work using the three pillars of

- Financial sustainability
- Governance
- Arrangements for improving economy, efficiency and effectiveness.

She advised that, rather than report by exception, they now had to offer a more detailed narrative statement giving positive assurances as well as those areas which require attention and scope for improvement. She also referred to the three classifications and recommendations that could arise from the work that they undertake as part of the assessment including:-

- Improvement - with more value added and improved recommendations to help improve and strengthening the Council's existing arrangements;
- Key recommendations - if a significant weakness in arrangements was found, a key recommendation was required to be issued, and to formally follow up any such recommendations as part of the following year's assessment and report on progress; and
- Statutory recommendation – this was limited to the most serious of weaknesses and requires Council to sit to receive the recommendation, debate and respond with a plan of action to address.

On that basis, she drew Members' attention to the Executive summary of the report and identified three possible areas with scope for further improvement of the existing arrangements. It was not uncommon in this first year of the new regime to have a baseline assessment where there are a number of recommendations and it is consistent from findings from many other local authorities. She referred to one area of significant weakness relating to the governance arrangements of Exeter City Living. The recommendation was set out which included along with the potential impact on the authority, the management response and action being taken to address that particular matter.

The Director Audit responded to the following Members' comments –

- in terms of a comparison, there was still some 2020/21 work to complete on the national picture. They were aware of a number of authorities where a key recommendation had been identified, with an escalation to a higher level of a statutory recommendation for a small number. The National Audit Office published all the Auditor's data on the reports.
- the audit had commenced with Exeter City Living in the context of it being the most significant entity in the Group Accounts, but the team also considered the arrangements for other group entities where the activity was significant in the context of the Council's operations. They also consider other entities in varying stages of formation, as risks can be more prevalent in the set up phase and it was important to identify risk and exposure as early as possible.
- in respect of dormant and new companies, External Audit also make a determination before a Value for Money (VFM) assessment is conducted. If they are aware of a significant group entity in the process of being established they will pick that up as part of that process through a review of papers, discussion with officers and engagement with the Audit and Governance Committee.
- a view on considering what is deemed to be commercially sensitive information should be given close legal consideration by the Council's Monitoring Officer. It was not appropriate for her, as External Auditor to comment on documents that were deemed commercially sensitive for the authority. They had noted the scope to improve the visibility of operation and performance of an external company to the authority to see how the performance was being reported in terms of holding the company to

account.

- establishing a shareholder board was a mechanism that could be used to manage governance of the Councils' external companies, but it was important to consider the most appropriate model of governance for the individual authority
- company directors had a specific legal duty to act in the best interest of that company, and there may be an issue for officers in that position who may be expected to hold and challenge the company to account. She had no concerns over Member representation. The Director Finance contributed to this discussion and confirmed that he along with the Corporate Director were no longer Directors of one of the Council's companies, Exeter City Living.

The Director Finance confirmed that the review of the governance of external companies was underway and he would enquire on the timeframe for the process from the Leader and the Chief Executive & Growth Director. Following some discussion, a proposal to ensure the Chartered Institute Public Finance and Accountancy (CIPFA) Guidance was taken into consideration in the review of governance arrangements for Exeter City Council was made. It was anticipated that the report on the outcome of the review would be made to the Executive and then Council before coming back to the Audit and Governance Committee.

The Director External Audit stated that their report had included a factual interpretation of the current regulations relating to what should be included in the Minimum Revenue Provision (MRP) calculation, which has an element of interpretation by some authorities. The proposed consultation should make this clearer. Capital loans to third parties should be in the spirit of what they were intended, and incorporated as part of the MRP calculation. The Director Finance had met with the Government's Capital Financing team and discussed this issue. He understood the challenge that the Government has in relation to ensuring all Councils were properly addressing this issue and protecting future taxpayers.

The Director External Audit stated that when delivering value for the tax payer it was important to focus on the important risk areas, identifying the lowest level of tolerance. The starting point was an authority's Risk Register and reviewing the significance of the risk to the organisation of the high value areas which often support the Council's strategic objectives. She invited Members to make a case for any areas of key risk for future focus of their value for money assessment.

The Audit and Governance Committee noted the report and added two further recommendations:

- (1) to ensure the options as set out in the Chartered Institute Public Finance and Accountancy (CIPFA) Guidance are taken into consideration in the review of governance arrangements for Exeter City Council companies; and
- (2) Audit and Governance Committee to receive a report on the approved Governance arrangements once adopted by Council.

The Director Finance explained that the Audit Manager had unexpectedly been unable to attend the meeting. He presented the report on the internal audit work carried out during the period 1st July to 30th September 2022, to advise on overall

progress against the Audit Plan and to report any emerging issues requiring consideration. It was important to note that there were no significant weaknesses identified but there were weaknesses that had been identified in the Debtors system which was being addressed. He provided an update on the terms of reference of the Greater Exeter Building Partnership and that recommendation had been addressed and would be taken off future reports and two high risk issues identified would continue to be reported until the appropriate action has been taken to address them.

In response to Members' questions, the Director Finance advised the following:-

- Internal Audit were satisfied that the terms of reference for the Greater Exeter Building Partnership have been updated, but that did not mean they had been signed off on behalf of the Council, Audit had advised that the weakness identified had now been addressed. He would update the Member in terms of the sign off status.
- in respect of the raising of purchase orders and invoicing, a new system has just been introduced so that the majority of invoices will require a purchase order to be raised, so there is a much stronger process and management tool in place. This area would continue to be checked by audit as part of their creditor and debtors work carried out every year and be reported to the Audit and Governance Committee. Should Audit identify an issue with a particular service, the finance team would work with that service to ensure that the Council are operating efficiently. Some work had already been identified to be carried out on the income side. Audit have also just completed a piece of work on sundry debtors.

The Audit and Governance Committee noted the second quarter of the year 2022/23.

29

COUNTER FRAUD STRATEGY

The Director Finance presented an update of the Council's Counter Fraud Strategy and the requirement for a Counter Fraud Strategy to be considered by the Audit and Governance Committee and adopted every two years. At the last review there had been no changes to the policy, but the External Auditors, Grant Thornton recommended that the Audit and Governance Committee should review the document and recommend adoption to Council in line with the policy.

The Audit and Governance Committee approved the updated Counter Fraud Strategy which was circulated with the report as an Appendix.

30

LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW OF COMPLAINTS 2021-22

The Corporate Manager (Executive Support) presented the report, and explained the role of the Local Government Ombudsman (LGO) in investigating and resolving complaints about councils. There was a legal duty to communicate the LGO's annual review and details of complaints to Members. He explained the two stage complaints process operating in the Council which, if the complainant was not satisfied and all other avenues were exhausted then the complainant can refer their complaints to the LGO seeking an independent investigation. This report set out the details of the complaints received by Exeter City Council and the decisions made by the LGO for the year ending 31 March 2022 which were set out in Annex A of the report presented to the Committee.

In paragraph 8.3 of the report, the complaints and decisions made by the LGO numbered 12 cases in that period, which included seven cases completed after initial enquiries, two being not upheld, with advice given to the complainant in two and one, referred back to the Council for resolution. Significantly, the LGO did not propose a remedy or recommend service improvements for any of the 12 cases. He added that this period covered the Covid pandemic when many of the Council's services were under significant pressure and for no decisions to be upheld was a positive outcome.

The Corporate Manager (Executive Support) responded to the following Members' comments:-

- in relation to including historic and comparative data in future reports, the reports for all councils are published by the LGO and future reports to Audit and Governance would include comparative figures for other Devon councils, councils in Exeter's 'family group' and historic data to see any trends.
- although this report focused on non-housing, formal complaints, he would pass the Member's comments to the Housing team about the definition of complaints for housing repairs and the point at which they become formal complaints. The Member also suggested the Council Housing and Development Advisory Board may find this matter of interest.

The Audit and Governance Committee noted the report for the Local Government Ombudsman's Annual Review of Complaints 2021/22.

31

REVIEW OF CORPORATE RISK REGISTER

The Director Finance presented the report, which advised the Audit and Governance Committee of the Council's risk management process and presented the updated Corporate Risk Register, which the Committee was responsible for the monitoring and reviewing of the council's risks.

It was noted that the Strategic Management Board (SMB) were currently working with Zurich Municipal to refresh the Risk Register and look at the wider landscape and ensure all of the risks that are potentially impacting on the Council were included. It was anticipated that the updated Risk Register format would be presented to the next Audit and Governance meeting in March. He did not expect any of the current risks to be removed, but it was about identifying any other matters that should be on the agenda going forward. The first meeting had taken place with further work anticipated over the next few months with a revised Risk Register being available to consider at the next Audit and Governance meeting in March.

The Director Finance would report back the following comments to SMB and Zurich Municipal:—

- whether to request the Executive to reconsider the achievability of the challenge of the delivery of achieving the carbon neutral aspirations by 2030 for the Exeter area. The reliance, interrelationship and cooperation of other bodies such as Devon County Council was needed and they have set a different timetable. The Member found the separate register for the Council's own aspirations to be acceptable as that target can hopefully be reached.

- there should be more specific detail of the targets being set and the narrative in relation to the mitigation controls offered, as there was no detail on the measures and targets, or whether any controls or mitigations were on target or effective.
- that an assessment of progress including over what period of time with a reference to the carbon budget included.
- although the Risk Register was not the Roadmap or the Net Zero Plan for implementation, the risks that might be encountered in implementation should still be noted. Measurable outputs and indicators were needed for the Net Zero Plan with reports back to the Scrutiny Committee. The Risk Register set out the potential barriers that could impact the delivery and the mitigation column could be refined to include those barriers, rather than set out the actual roadmap objectives.

The Director Finance responded to a Member's comment on Risk 6 – in relation to the Brownfield Release Fund, One Public Estate and the Department for Levelling Up, Housing and Communities (DLUHC) which will have time limits on their availability, but which may be negotiable. He explained the funding process, and stated it was important to mitigate any risk of how the funds used would be repaid. He would raise a point with the risk owner relating to the Exeter Development Fund, where an inability to offer funding for the infrastructure had not been identified as a risk.

The Director Finance also provided, as an invitation to the Strategic Management Board to provide further information on individual risks under their area of responsibility. He explained the financial risks associated with Risk 4, *maintaining the financial sustainability of the Council* and Risk 5, *increased costs of all capital building projects*, in more detail.

In respect of Risk 4 there were factors mainly outside of the Council's control that could have a significant impact on the funding available to deliver Council services. Most funding was set by Central Government, which limited the Council's ability to increase income streams and manage service levels. Mitigation included a professionally qualified finance team to guide and support Members as the decision makers. External Audit also had a role in providing assurance and monitoring the financial position of the Council.

Reference was also made to the Medium Term Financial Plan (MTFP), Capital Programme and borrowing requirement, and the Council's spending pressures of inflation and in particular energy costs. An independent assessment from the Local Government Association has been made of the Council's MTFP as the impact was likely to be so great and the feedback reflected as an adjustment. He further explained the financial position for the coming year and referred to the One Exeter Programme which had identified changes to a number of work streams for consideration to help balance the Council's budget.

He responded to the following Members' questions:-

- a number of local authorities have significant financial challenges.
- there has been a pause in a review of the funding formula being undertaken, but they await any opportunity to feed back the comments made by a Member over the unfairness of inadequate restitution from Government in respect of council tax exemptions.

- a review of commercialisation opportunities for the Council will be undertaken. Some of the elements in the initial Commercial Strategy have either not been successful or were not progressing for a variety of reasons. Opportunities to deliver additional income to the Council were still being explored and some will come forward as proposals for balancing the budget and future ideas through a different mechanism. The Commercial Strategy did need a refresh in the light of some of the recent challenges, and he assured Members that work was ongoing to identify income opportunities which were now more often at a service level.

In respect of Risk 5 which relates to the Capital Programme. It was acknowledged that much of the risk lay outside of the Council's control and following the end of Covid and the current volatility of the economy particularly, has resulted in a shortage of materials and labour in the country to deliver construction projects. Mitigation was limited due to the global economic conditions and labour challenges, but the Council's Capital Programme will be reprioritised to make it more affordable. The approach to borrowing had changed with the Council's own internal resources used where appropriate over the next two to three years until the interest rates reduce to a reasonable level.

The Council's current borrowing was all for a long term period of 25 and 50 years, with no short term refinancing needed. There was, however, also a tranche of borrowing with the assets financed through using the Council's own internal cash resources, which remained manageable.

The following responses were given to Members' questions:-

- the condition survey was being reviewed and prioritised. The Member's suggestion for an internal company to carry out the Capital Programme works was not needed, as the Council could legitimately maintain a work force but finding the necessary labour remained a challenge. A number of sectors, particularly property and engineering, were facing challenges in recruitment.
- a pipeline of sales of assets was in place with the sales receipts financing shorter dated assets, such as vehicles, and borrowing against longer term assets was more appropriate to offer the best financial outcome for the council tax payer.

The Audit and Governance Committee reviewed and noted the updated Corporate Risk Register and presentation by the Director of Finance.

(The meeting commenced at 5.30 pm and closed at 7.50 pm)

Chair

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STRATEGIC SCRUTINY COMMITTEE

17 November 2022

Present:

Councillor Rob Hannaford (Chair)

Councillors Allcock, Asvachin, Atkinson, Harvey, Jobson, Knott, Mitchell, K, Moore, J, Oliver, Read and Vizard

Apologies:

Councillors Leadbetter and Branston

Also present:

Director of Culture, Leisure and Tourism, Service Lead - Net Zero, Commercialisation, Skills, Business and City Centre and Democratic Services Officer (SLS)

In attendance:

Councillor Philip Bialyk	- Leader
Councillor Laura Wright	- Portfolio Holder Arts, Culture & Corporate Services
Councillor Josie Parkhouse	- Portfolio Holder Leisure & Physical Activity
Councillor Duncan Wood	- Portfolio Holder Climate Change

23 Minutes

The minutes of the meeting held on 29 September 2022 were taken as read, approved and signed by the Chair as correct.

24 Declaration of Interest

No declarations of interest were made by Members.

25 Questions from the Public Under Standing Order No.19

No questions from Members of the public were received.

26 Questions from Members of the Council Under Standing Order No.20

No questions from Members were received.

27 Portfolio Holder Report

Councillor Wright reported on the Arts, Culture and Corporate Services areas of her Portfolio and detailed the issues relating to achieving the Council's published priorities, major ongoing programmes of work, issues impacting delivery, financial performance, budget requirements and potential changes being considered.

The Portfolio Holder referred to the following areas:-

- the One Exeter Programme was contributing to the work on identifying the potential savings that were needed working with the Senior Management Board. A Briefing on the budget would be held for all Members in January;
- Arts Council funding had awarded five of the city's National Portfolio Organisations (NPO's) with another three years of funding;
- the Devon Housing Task force which included the Leaders and Members of the Devon authorities was working strategically on the housing crisis in the south west, and offered an opportunity to lobby Government for more investment in social housing. A copy of the letter written to Michael Gove MP, Secretary of State for Levelling Up, Housing and Communities would be circulated to members of the Scrutiny Committee for information;
- the investment in more staff in the city's CCTV Control Room along with the Safety Partnership with the University of Exeter and Devon and Cornwall Police. She had raised an issue about response times to the 999 and the non-emergency 111 line; and
- the approval of funding to help roll out the preparations for the photo ID, will be needed in the forthcoming May elections.

The Portfolio Holder responded to advance questions received from Councillor Read, with the responses in italics:-

Can the Portfolio Holder explain more about the in year cuts that are being made?

There were no in year cuts being made. As per the budget monitoring reports, the budget for this year remained balanced. There was a process ongoing in respect of the 2023/24 budget which was looking to address a shortfall caused principally by the pay award, increased energy costs and increased rates with borrowing costs. The budget for the year was balanced, with ongoing work to balance the budget for 2023/24.

How many posts remain unfilled or are being made redundant this year?

It was important to note that no posts had not been identified for redundancy at the moment, but a voluntary redundancy offer was available. Any specific information would relate to individual members of staff.

There were currently 170 vacancies on the establishment, (with some covered by agency workers in Cleansing, Parks and Open Spaces). Work was taking place with the One Exeter Programme to establish how many places were vacant, but filled by agency staff.

Will One Exeter result in specific services being stopped altogether and which ones?

This was part of the work of the One Exeter Programme and there may be some amalgamation or a change of the emphasis in the way some services were operating. The work was ongoing and Members would be informed at the informal Member's Briefing in January, before being considered by the Executive and Combined Scrutiny Committee meeting and then at Council in February.

The Devon Housing Task Force has been running for a year, what have been its significant outputs and how will these benefit Exeter?

The Devon Housing Commission has been collecting data evidence on properties used as holiday lets, to share with the Department for Levelling Up, Housing and Communities (DHLUC). As part of this, a member of the Devon Housing Task Force attended an oral evidence session at a House of Lords Select Committee on 8th November which considered evidence on the impact of short term holiday lettings on

the supply of new homes locally in Devon. The Built Environment Committee had requested evidence to look at a correlation in the growth in short term and a reduction in long term lettings. It has been estimated that 75% of new housing stock was being lost each year in Devon with a move from long term to short term lets, and taking properties out of the rental market. The Housing Task Force would be lobbying this matter as part of a bigger wider package of measures which may be explored.

Can the Portfolio Holder explain the delay to installing the CCTV camera near St Bartholomew's Cemetery?

The installation of 26 high resolution CCTV cameras and associated infrastructure, was complex and took time and permission was required for working on the public highway and e agreements for installing in third party assets before getting to the installation phase. Initial work had been focused on the complete replacement of the command and control systems in the CCTV control centre, and the upgrades were needed to install those systems. Those works were now complete and the camera installation work had been running for approximately four months. Following the permissions, surveys and tree work to remove obstructions, four of the new cameras have been installed. With most of the upfront work now complete, the remaining cameras were expected to be installed by February 2023, which was only the first phase. The second phase was approximately 30 new cameras and would be focussed on some of the main pedestrian routes in and out of the City. The second phase was expected to be operational by May/June 2023.

The installation of the camera near St Bartholomew's Cemetery had been slightly more complex, because of tree management works to reduce the amount of foliage, which had obscured the CCTV camera. This work was also expected to be completed by February 2023 and the Portfolio Holder undertook to contact Councillor Read if there were any further issues with this.

What is the estimated number of voter ID cards that will be required to be issued and will the service be able to guarantee they will have the capacity to do this and within the timeframe set by government of up to 24 hours for applications to be made before voting opens?

Estimates vary regarding the take up of Voter ID from between 2% and 6%, which equated to 1800 – 5400 potential applications. Every effort had been made to anticipate the demand by seeking additional funding from the Council to underwrite advance planning and we are looking to recruit to an additional temporary post soon. However, at the time of writing, the notification due to be received in October, from the Government, setting out the expected funding was yet to arrive. The legislation had set out the latest time for applications as being six working days before polling day (not 24hrs).

The modelling had been for the worst case scenario and financial liability that Exeter might be left with and the Corporate Manager Democratic Services oversaw funding approved at the last Council which should cover the cost of this with the assumption that the funding will be covered by the Government.

How will you ensure that young people won't lose their right to vote as the government guidance on ID is aimed at those held by people, who are 60 years plus regarding the acceptability of bus passes

The Electoral Commission would be undertaking nationwide publicity to engage with the electorate setting out the new requirements. In particular, this would make clear which types of photo ID would be acceptable. This would also be supplemented by local publicity and by information contained within the poll card.

The Communications team at the City Council will also undertake targeted communications using social media aimed at younger people and Members were encouraged to communicate this widely when they were in their wards. There was a list of the ID that would be acceptable but that did not include student photo cards. She understood that data would be gathered to find it who is that going to affect, and the City Council would do all it could to ensure that all those who wished to vote would be able to.

What has been the level of voter fraud in Exeter in the last 10 years?

There have been no reported instances of electoral fraud at polling stations. This may only prove that none have been detected. However, no records have been kept.

The Portfolio Holder also responded to Members' comments as follow:-

- ward grants were available and had been given for cultural activities. Devon County Council grants were available as well.
- each National Portfolio Organisations (NPO's) had its own conditions attached with any impact measureable. The impact for the City Council would only be if any of the NPO's could not meet the conditions and the MPO would lose the next segment of that funding and impact on us as a city.
- there had not been the opportunity to discuss with Theatre Alibi their future plans but would help to signpost and see if there was any possibility of cross collaborative working. Devon County Council had made grant funding for their work in schools.
- the creative arts industry was one of the biggest income generators for the city economy. Information shared by the Service Lead confirmed that Exeter was the third biggest city in the UK with a creative sector industry bringing in income to keep the economy viable. It was difficult to measure particularly as so many worked on a freelance basis.
- she would send a note to the researchers from the University of Exeter to ensure that data collection on empty homes element was covered, and of concerns raised about property rented as an Airbnb's on putting out their rubbish at various times, as this had impacted on the community.
- a request would be made for as far as possible for data from all tenures, including those occupied by students would be collected across Exeter and Devon. She noted the comment made for any opportunity to encourage people living in Exeter with spare accommodation to help with the shortage for single and young people and those seeking accommodation whilst working on a temporary contract rather than just focusing on people who want long term secured tenancy does not make up the whole picture.
- social housing was a part of the Forum's discussions, along with all of the issues raised such as homes for Ukraine, the rent a room scheme for single people along with the overall housing crisis were all being discussed in this Forum. A comment on those local councils that were not necessarily housing authorities to work collaboratively together to identify the barriers was noted.
- following a Member request and as a Panel member she would pick up the findings in the recent report on 111 and 999 response times and the Police Force's management of registered sexual and violent offenders at the forthcoming Devon and Cornwall Police Crime Panel meeting. She would offer an update following this meeting on these particular matters.
- a push button Help Point run as part of the Safer Streets in the city initiative in Plymouth was part of an external communications company provision and would require planning permission. In Exeter as well as the CCTV provision, there was a safe space open every Wednesday, Friday and Saturday night from 11.00pm until

4.00am in St Stephen's Church on the High Street. There was the opportunity to use or charge a phone, order a taxi, obtain support from the staff and volunteers and receive first aid treatment. They would be seeking further volunteers in the spring to cover shifts and it was hoped that the work could be extended with a roving presence around the city. Other initiatives such as signs with the number of the CCTV control room to request a directing of the camera was also being implemented. At the request of the Chair, she would provide further updates on this work as and when appropriate.

- an enquiry on the liaison between the University of Exeter and the Students Guild relating to publicity on the ID Vote campaigns would be made.

The Portfolio Holder report was noted.

28 Commercialisation

The Service Lead Net Zero and Business presented the report which offered an update on work undertaken within the Net Zero and Business Service under the umbrella of commercialisation for the City Council. An appendix also set out the wide range of projects the team were currently leading on with a projection of gross overall income that could be achieved. The intention was to provide an update on activity to the Scrutiny Committee every six months.

A number of factors had affected the progression of recent activity including a period of furlough during the Pandemic and an extended sickness period of the Commercial Manager, and an adjustment of the activity related to borrowing due primarily to the high level of interest rates. The Commercial Manager has been focusing on winning new contracts with an emphasis on waste and recycling; looking at the delivery of services differently and pursuing new and innovative ways to develop a new income stream for the City Council. He had spent some time negotiating with a number of local companies to win new contracts, but they were not forthcoming, in part due to other competitors in the local market. The report highlighted a number of projects being pursued with a significant emphasis on supporting and scoping new waste and recycling contracts using spare capacity to service the city. The gross values for the contracts were quoted, but following a Member's request, the net values for waste and recycling would be made available and would better reflect what value would be achieved for the Council.

A number of commercial projects were on hold due to officer sickness and the current economic conditions including higher interest rates, and increases in the cost of raw materials. Delivering commercial activity was very challenging, and going forward, meant a change of emphasis for the Commercial Manager on supporting existing services, though efficiencies or winning new contracts.

Members made the following comments, and the Service Lead Net Zero and Business gave the following responses to Members' queries:-

- that despite the Council's financially challenging position and the tendency to look inwards that commercialisation opportunities were not lost. *The current core of commercial activity continued to focus on working on waste and recycling, as the Council offered a good service with the businesses that the Council work with, due in part to being the Waste Authority and disposal of waste within Exeter contributed towards the Council's Net Zero ambitions in reducing carbon emissions. The inward internal focus remained, but working with the business community without borrowing or winning new contracts remained important.*

- identifying income as a target was not relevant as costs and allocated overheads might exceed income and not make a contribution to the revenue account. *A request would be made to the Service Lead for Waste and Recycling to provide net figures showing costs of contract delivery such as staff, fuel, hire of vehicles and maintenance taken into account.*
- were there any restrictions for any profit made on how it could be used in the Council. *It was anticipated that any surplus made would be used to reduce the bottom line to deliver a particular service and reduce the impact on the general Council's finances.*
- that Members could not adequately scrutinise the opportunities identified for commercialisation until there was an understanding of the availability of the spare human resources or property capital. *There was spare capacity, but whether that would change in the future would be a future discussion.*
- whether the suggestion of staff expanding their job roles would result in sufficient additional income stream. However, other opportunities such as deriving more income from car parking or the development of the Port Authority would be more than welcome, but whether more work on shared services would be undertaken. *Some services that are currently free, could be charged for, but more information was needed but Members should be invited to make suggestions and identify priorities. Although figures were not included as they were commercially sensitive, the potential projects were all areas that could be developed as appropriate and using any additional resources but doing things differently. Certainly, additional income could be derived from any further commercialisation of the waterways should the powers change. Shared services was being explored as part of the Exeter One Programme. The comments and suggestions about shared services made by Members would be discussed with colleagues. Car parking was now within her responsibility and a parking review was being undertaken to look at activity and potential savings to be made from looking at how they might do things differently and around utilising any spare capacity in car parks. The Chair suggested that when the Combined Scrutiny Committee met to discuss the budget, there might be an opportunity to explore the commercially sensitive aspects of the Commercialisation project work again.*
- the pros and cons of the role of the Commercial Manager versus commissioning specialist support should be explored, particularly in areas such as waste and recycling to maximise opportunities, and an enquiry about the timescales for the Exeter City Services web site. *The current post holder was on a temporary contract, and some of the work was quite specialist with technical advice required so consideration of whether more generalisation or more specialism would be beneficial was being considered. The rollout of the web site had been delayed due to the Pandemic, and the need for it to be built by Strata Solutions Ltd, the Council's IT Service.*
- that along with the suggestion of exploring other areas for income whether green burials could be considered. The Member also enquired about the current status of the Exeter City Services web site and whether additional money had been spent on relaunching the web site, the consultation on any changes to the Port Authority and whether a commercial food waste collection would be pursued when the residential food collection had not been rolled out. *The web site was designed but had been put on hold due to the Pandemic, as Strata will be building the website, there would be no charge. The site would be separate to the main City Council web site, offering an opportunity for further engagement with the business community to identify income opportunities. It was confirmed that any changes to the current arrangements in relation to the river and canal would involve a period of consultation in line with the Council's Consultation Charter. In a further response to the Member, the necessary infrastructure would need to be in place before a commercial food waste collection to the business community was offered.*

- a concern that the food waste roll out had been slow and there may be an equity issue if a residential property collection was not be in place, before the city centres' commercial establishments. The Service Lead confirmed that this would not be the case. The Chair referred to the progress of the food waste collection which would continue to be reported to the Customer Focus Scrutiny Committee.

Members also discussed the city lottery suggestion and had varying views and whilst the promotion of gambling could not be supported, there was a difference between gambling which might lead to serious addiction and community lotteries to support the arts and local good causes. The Chair added that he was aware that other District Council's ran a community lottery and at least with that model some funding could come back into the local community. The Director, Culture, Leisure and Tourism stated that a report exploring the options of a city lottery was being presented to the Executive.

The Chair thanked the Service Lead Net Zero and Business for the report and anticipated that there would be further consideration as the projects were explored.

Strategic Scrutiny Committee noted and supported the following:-

- (1) work undertaken and planned within Commercialisation that supports the One Exeter Programme, as well as the City Council's Medium Term Financial Plan;
- (2) with activity to be adjusted to support services to increase income, rather than activity that requires borrowing – 'invest to save' – to deliver commercialisation; and
- (3) going forward, an update be presented to Strategic Scrutiny every six months, from November 2022 onwards.

29 **Forward Plan of Business**

Members noted the Forward Plan and Scrutiny Plan.

The meeting commenced at 5.30 pm and closed at 7.35 pm

Chair

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CUSTOMER FOCUS SCRUTINY COMMITTEE

1 December 2022

Present:

Councillor Matthew Vizard (Chair)
Councillors Mitchell, M, Bennett, Ellis-Jones, Holland, Newby, Oliver, Snow, Sparling,
Wardle and Warwick

Apologies:

Councillors Harvey, Sutton and Williams

Also present:

Director Net Zero Exeter & City Management, Interim Service Lead Public and Green
Space and Democratic Services Officer (HB)

In attendance:

Councillor Bialyk	Leader
Councillor Denning	Portfolio Holder Customer Services and Housing
Councillor Ghusain	Portfolio Holder City Management and Environmental Services
Councillor Pearce	Portfolio Holder Communities and Homelessness Prevention

28 **Minutes**

The minutes of the meeting of the Customer Focus Scrutiny Committee held on 6 October 2022 were taken as read, approved and signed by the Chair as correct.

29 **Portfolio Holder Reports**

In response to Councillor Sparling's enquiry regarding a request at the previous meeting of this Committee that, in addition to the selected Portfolio Holder reporting in detail to the respective Committee meeting, brief updates from the other three Portfolio Holders could also be provided at each meeting, the Chair advised that the Scrutiny Programme Board on 21 October 2022 had felt that the existing format of one Portfolio Holder updating Scrutiny Committees worked well and that the Board would be keep the matter under review. The suggestion was also under consideration as part of the Governance Review.

30 **Declarations of Interest**

No declarations of interest were made by Members.

31 **Questions from the Public under Standing Order No 19**

In accordance with Standing Order No.19, the following question had been submitted by a member of the public, Mr Spurr and was circulated in advance to Members of the Committee. Councillor Ghusain, Portfolio Holder for City Management and Environmental Services attended the meeting and gave the following response as set out in italics below:-

Question to the Portfolio Holder for City Management and Environmental Services - Councillor Ghusain from Mr Roger Spurr

Is glyphosate or any similar herbicide still being used on residential streets in Exeter? If so, why? Whereas usage of glyphosate for 2022 stood at 120 litres, this was an increase from the 2020 figure of 90 litres.

Response

Currently there is a residential weed control programme, commissioned by Devon County Council as the Highways Authority. This carries out two sprays per annum. The regime continues to take place because there remains no cost-effective alternatives to glyphosate based products on the market. Alternatives are either substantially more expensive at the procurement stage, or require significant additional labour at a cost that is financially unsustainable due to ongoing budget constraints. Therefore, operationally, the decision faced by the Highways Authority is continuing with the current regime, or no weed control at all within Exeter. This would leave wide spread footpath weed growth and its associated impacts.

To date, treatment has already been reduced from three and half sprays a year down to two. In the last two years residents have also been offered the opportunity to opt out of the spray to further reduce glyphosate use, with a limited uptake. The City Council also contributes to ensuring that weed control across Public Highway remains an integrated approach. This is in line with the Pesticide Action Network advice, BASIS professional standards as the independent standards advisory charity for agriculture and the amenity sector, and through amenity sector best practice. The public and green spaces team operate deep clean teams to achieve this. Their primary duty is to remove both the growth material that builds in curb lines, and the weeds themselves. Despite recruitment constraints, this service continues to augment the reduced Highways treatment schedule, ensuring that weed control across the residential road network comply with industry and independent best practice. The service also continues to investigate alternatives and will advise colleagues in Devon County if a cost-effective alternative arrives on the market. Until such time, the public and green spaces team, and its sub-contractors, only use amenity licensed plant protection products of which glyphosate is a constituent part. glyphosate remains licenced for use within the UK until 2025.

Supplementary question and answer.

What plans does the City Council have to engage the public more directly by explaining the alternatives to the use of glyphosate for keeping the streets clean and removing the weeds themselves?

Answer

Over the last three years the public have been encouraged to look after their own streets or parts of streets with over 20 streets taking up this offer. Although the Government has not placed restrictions on the use of glyphosate at least until 2025, the City Council has examined potential different products and different ways of spraying. If this Devon County Highways Authority function is to continue consideration will be given to a more intensive campaign to encourage the public to look after their own streets.

32 **Questions from Members of the Council under Standing Order No. 20**

In accordance with Standing Order No. 20, the following questions had been submitted by Councillors Vizard and D. Moore and had been circulated in advance to Members of the Committee. The responses of the Portfolio Holders are set out in italics.

Question to the Portfolio Holder for Recycling, Waste Management and Waterways – Councillor Williams

Councillor D. Moore

Please can the Portfolio Holder provide a briefing on the work to prepare for the roll out of food waste collection in the city centre wards in general, and flats (including purpose built student accommodation) in particular?

Response from the Director Net Zero Exeter and City Management on behalf of the Portfolio Holder.

Work is ongoing across the whole of the city as we continue to roll out food waste to ensure that the roll out is successful and secondary issues are minimised. This includes officer's conducting site visits where needed, to look at the practicalities involved in certain areas. Those areas where there are transient populations will present additional challenges, not least with the resource required to ensure ongoing compliance. Each of these areas are being carefully looked at prior to roll out being conducted in these areas. With regard to purpose built accommodation, the service will be seeking to work with accommodation providers in the same way that the service works with them on residual and recycling collections at present.

Supplementary question and answer.

Can a guarantee be given that food waste collection will be rolled out to all areas of the city centre and what will be the timetable?

Answer

A guaranteed timescale cannot be given because some areas of the city, including the city centre, have properties such which have complex arrangements for waste collection and storage. These may need a bespoke solution and will need prior examination by the cleansing staff to plan the collection regime. A further complication is the current limited food waste storage capacity at the Exton Road depot. New facilities are planned but will require planning approval and consent from the Environment Agency. The design and procurement of this work is underway. A update report on food waste collection will be made to the next meeting of this Committee on 2 February 2023.

A further supplementary question raised by Councillor Sparling on behalf of Councillor Bennett and answer.

With a number of glass recycling igloos overflowing across the city what measures are being taken to maintain a regular collection and is there a contingency plan when the collection vehicle is out of action and/or under repair.

Answer

The Director Net Zero Exeter and City Management, responding on behalf of the Portfolio Holder, advised that, as some residents left a large number of bottles in boxes outside the igloos, other residents would erroneously conclude that the igloos were full, leading to the further accumulation of bottles. The collection system was working well, but with the ingoing difficulty in recruiting and retaining drivers it was sometimes necessary to redeploy the glass collecting drivers to prioritise residual waste and recycling collection. Once the Government provides guidance on glass collection, a review of the city's glass collection system would be undertaken.

Questions to the Portfolio Holder for City Management and Environmental Services - Councillor Ghusain

Councillor D. Moore

1. With the upgrade of the CCTV facility, is there any agreement with the Police that they will respond more quickly/as a priority to live incidents that are identified?

Response

The Police are responsible for their own response and will prioritise their available resources based on an assessment of the threat, risk and harm posed by the incident. It would be inappropriate of us to ask for our calls to be prioritised above those received by all the other channels they have which may carry greater threats of risk or harm to the public.

Supplementary question and answer.

Can an explanation of what the City Council expects of the Police in responding to incidents be produced?

Answer

It is not for the City Council to determine for the Police how they prioritise their response to incidents.

2. With two recent incidents in the city centre where buses have collided with pedestrians, one fatally, what measures will the Portfolio Holder be pursuing to improve road safety in the city centre?

Response

It is not appropriate for us to comment on these incidents which are the subject of Police and Coroners' investigations. However, as I'm sure you are aware the City Council is neither the Transport Authority nor the Highway Authority. The responsibility for road safety falls within the remit of the highway authority which is Devon County Council.

Supplementary question and answer.

With a significant number of recent incidents of collisions involving cyclists, including one fatality, what measures can be taken to take forward road safety matters including consideration to be given to removing cars from the High Street?

Answer

Although Highway matters are not the City Council responsibility there is on-going dialogue with County Council colleagues. The matter is one that should be raised with the Exeter Highways and Traffic Orders Committee.

3. Has the Portfolio Holder received a response yet from Devon County Council on the Air Quality Status report, and if so please can an update be provided?

Response

The County Council response was received on 29 November 2022 and circulated to all Councillors.

Supplementary question and answer.

With recent figures showing that traffic is increasing again in the city, what measures are being taken to address associated air quality problems in the city?

Answer

A written answer will be provided.

Questions to the Portfolio Holder for Communities and Homelessness Prevention - Councillor Pearce

Councillor Sparling

Can the Portfolio Holder please confirm what progress has been made on the General Buller Statue Review recommendations resolved by Council on 23rd February 2021 to a) create a working group to establish a Council Anti-Racism Strategy led by the Portfolio Holder for Culture and Communities and b) develop a training and awareness raising programme for staff and councillors on equality impact assessments and their role in the Council's decision making process through the Corporate Equality and Diversity Group?

Response

Following the change in Portfolio Holder responsibilities the question is one to be addressed by both the Portfolio Holder for Communities and Homelessness and the Portfolio Holder for Arts and Culture and Corporate Services. The latter will respond in writing to the second part of the question.

The anti-racism working group has met on a number of occasions which led to the drafting of an anti-racism strategy and the group will continue to pick up the issues raised by the initial Spotlight Review. This will include a training programme for Members, the details of which are still to be determined. An Information Board explaining matters associated with this issue has been erected in Northernhay Gardens.

Questions to the Portfolio Holder for Customer Services and Council Housing - Councillor Denning

Councillor Vizard

1. In the light of the tragic death of Aawab Ishak in Rochdale after exposure to mould in his family's housing association property and the changes proposed in the Social Housing Regulation Bill, would the Portfolio Holder for Customer Services and Council Housing please provide the Scrutiny Committee with a brief summary of Exeter City Council's tenant complaints policy, and of what work is being undertaken to meet the Regulator of Social Housing's call for evidence to demonstrate that systems are in place to deal with issues with damp and mould that may arise.

Response

Point 1 - Tenants can make complaints in writing by letter, email, or via our Housing complaints form. People can also call us, visit us in person or arrange a visit to their home.

Stage One - Investigation of the complaint: acknowledgement within five working days, followed by an investigation by a Department Lead-response within 10 working days. Normally, responses are provided within 48 hours.

Stage Two – Independent review of the complaint: if they remain dissatisfied they can request an escalation where a new senior officer will conduct an independent review. This will be completed within 20 working days and a final response will be sent.

If the complaint remains unresolved, tenants have the following options available:

- *Use the Housing Ombudsman's Early Resolution Service. This is an alternative process to formal investigation where they will work with the tenant and us to resolve the dispute as fairly and quickly as possible;*
- *Refer the complaint to the Housing Ombudsman to be formally investigated.*

The Housing Ombudsman

The Housing Ombudsman Service is available to our tenants and leaseholders. They provide a free, independent and impartial dispute resolution service.

Point 2 - Well over 12 months ago, the Council's Housing Service adopted new response protocols to ensure the best possible service for all our tenants including the following specific actions:-

- *Re-visiting every home that has reported damp and mould after six months of initial works.*
- *Running reports on all existing reported cases of condensation, damp and mould and assessment of what additional interventions can be made to address and resolve the issues.*
- *Increased investment in humidity and ventilation monitoring devices, to enable early identification of problems.*
- *Referring cases to specialist surveyors if there is a repeat, or complicated, instance of damp and mould.*
- *Enhanced training for all colleagues and new reporting systems.*

- *Using our 'Report for Action' tool on the Surveyors mobile devices to ensure that condensation damp and mould are reported immediately along with other serious issues if identified in a property.*
- *Offering up damp and mould experts at our tenant events, such as coffee mornings and repairs drop in surgeries, to offer support and guidance.*

In addition, we are also continuing to provide our residents with support and advice on how to combat the early sign of damp and mould in their property, whilst being clear that ultimate responsibility for addressing serious issues lies with us as the landlord. All the actions mentioned will be included in the reply to the Regulator of Social Housing's call for evidence by the 19 December 2022 submission date and a briefing note has been sent to all Councillors providing a full update on how the Council's Housing Service is dealing with damp and mould cases.

2. The work being undertaken to retrofit Council properties in Exeter is exemplary and being a responsible landlord is at the heart of what we do. How are these standards and best practice shared with other social housing providers in Exeter and through the Devon Home Choice system?

Response

The Council's Housing Service promotes its retrofit work through a variety of routes.

- *There has been publicity via media channels - TV and social media;*
- *Contributions have been made to a number of conferences – most recently I (the Portfolio Holder) made a presentation to a conference via video, and last week the Assistant Director of Housing sat on a Discussion Group at the Homes UK 2022 conference at the Excel in London.*
- *A Members' briefing has been prepared and will be distributed as a Scrutiny Bulletin in January 2023.*
- *The Council's Housing Service is a member of a Devon-wide housing procurement framework consortium and briefings have been provided to all consortium members by the Council's Housing Service Officers.*
- *Devon Home Choice primarily ensures there is a consistency and fairness in the allocation of properties to those in housing need. It is not a forum where housing management or maintenance matters are discussed in detail. However, policies in relation to the priority awarded for those seeking alternative accommodation due to poor health such as respiratory issues form part of the policy which is regularly reviewed to ensure a uniform approach across all landlords and local authorities.*

3. Does the Portfolio Holder think the Government is doing enough to help social housing providers to modernise housing stock, build more homes for social rent, and meet the standards for energy efficient, warm, safe homes that should be the norm? If not, what would she like to see change?

Response

No - more can always be done as, at present, there are many competing priorities for the funding that is available.

- *The modernisation of the housing stock needs clearer direction in Policy terms – the revised Decent Homes Standard that the Government intends to implement has been delayed which makes setting long-term programmes of work and agreeing budgets very challenging.*

- *In terms of more social rented homes, grant rates from Homes England need to rise to reflect current market pressures and the increasing costs of construction – the Council is in dialogue with Homes England officers to make this representation.*
- *Ensuring that energy efficient, warm, safe homes become the norm needs greater policy direction – such as the revised Decent Homes Standard. Also, access to grant funding (such as Social Housing Decarbonisation Funding) needs to be less complex and funding programmes need to be longer term to allow continuity.*
- *with the loss of approximately 40 properties a year through Right To Buy, occupiers of those properties are no longer covered by the support the Council can give to its own residents in this matter*

Supplementary question and answer.

With the City Council in discussion with Homes England on the problem, are similar conversations being held with the Department for Levelling Up, Housing and Communities with a view to sharing City Council best practice?

Answer

Yes this has occurred and was also raised at a recent Webinar with Homes UK.

A Member moved that the City's MP's and Bishop Robert Atwell, Bishop of Exeter, a Member of the House of Lords, be appraised of the concerns raised and requested to raise the issue with the Secretary of State.

The motion was moved, seconded and carried.

RECOMMENDED that the City's MP's and Bishop Robert Atwell, Bishop of Exeter, a Member of the House of Lords, be appraised of the concerns raised and requested to raise the issue with the Secretary of State for Levelling Up, Housing and Communities.

33 Update from the Portfolio Holder for Communities and Homelessness Prevention - Councillor Pearce

Councillor Pearce reported on the Communities and Homelessness Prevention areas of his Portfolio, detailing the issues relating to achieving the Council's published priorities, major ongoing programmes of work, issues impacting delivery, financial performance and budget requirements and potential changes being considered.

The following responses were given to Members' queries:-

- the severe weather protocol encompasses all conditions including heat waves as with the recent summer and wet and windy periods as well as cold winter spells. Eighteen beds are available to accommodate rough sleepers this winter and the two rough sleeping pods, following repair and insulation provision, are to be relocated from the King William Street Car Park to a location in St. David's;
- the Exeter Homelessness Prevention Strategy 2023-27 would be reported to Executive in February informed by the work of the Homelessness Task and Finish Working Group. The City Council had won Government funding for the Rough Sleepers Initiative and was securing additional units through the purchase of new properties, securing long term leases on others and buying back properties previously sold under Right To Buy. Fifteen units, primarily flats, were

now available and a further five would come on line. With an expanding University, Exeter suffered from higher than average house prices and lower than average wages;

- it was anticipated that the impact of budget cost savings on the housing service as well support given to those on Housing Benefit and the housing element of Universal Credit from the General Fund would be minimal;
- the Council and its partners including St. Petrock's, CoLab and Julian House through the Assertive Homeless Outreach Team and in liaison with the Police undertook constant engagement with rough sleepers and the street attached to monitor the position and ensure that the data base was up to date;
- 22 rough sleepers in Exeter had been recorded at the recent National Count compared with eight in 2021;
- informal discussions had been undertaken with partners and the voluntary sector on the introduction of the Exeter Community Lottery prior to report to Executive on 29 November 2022. The proposals would be considered at Council on 13 December 2022, after which it was anticipated that a formal consultation process would be undertaken;
- some 115 local authorities had introduced very successful lotteries, for example the Bedfordshire Lottery raised £200,000 a year. A conservative target for the Exeter Community Lottery of raising between £40,000-£80,000 was anticipated, based on 2.5% of the city's population contributing through this incentivised giving scheme;
- the Exeter Community Lottery would supplement and add value to the existing Exeter Grants Programme and was a sustainable way of supporting communities and enabling good causes to help themselves. It could benefit a number of smaller organisations which did not possess the resources to seek support from funding sources;
- faith groups who played an important part in community life but were opposed to the principle of lotteries could benefit from applying for support through the Exeter Grants programme which would be supplemented by the money raised through the lottery. Similarly, those hit hardest by the cost of living crisis, could also be supported and there were robust mechanisms embedded within the scheme;
- no additional cost would be involved other than the anticipated three hours a week by Council officers in helping the administration. The scheme would be run by an established lottery manager; and
- Exeter had a tradition of hosting asylum seekers such as those from Syria, Afghanistan and now Ukraine. The Government was meeting the accommodation costs for the latter, but a review of the system was needed to broaden support for all asylum seeking groups.

34 **Tackling the Ecological Emergency**

The Interim Service Lead Public and Green Space and the Director Net Zero Exeter and City Management presented the update report on the current position of Biodiversity practices in light of the Ecological Emergency declared by the Council in April 2021.

Particular reference was made to:-

- at the commencement of the partnership with the Devon Wildlife Trust, biodiversity development had operated with a focus on project development but this had come to an end when the post of an officer with the appropriate

experience to identify funding, plan, and deliver on projects ceased. However, the ethos and collaborative working with the Trust continued;

- the focus is now on delivering acceptable and sustainable programmes in frontline maintenance such as: wild flowers across Exeter, the meadow grass programme, and tailored planting programmes that look to use phytosensors (carbon absorbing shrubs). Such small scale operational changes should deliver benefits on aggregate;
- discussions on regeneration are likely to stem from the Exeter Local Plan and planning policy development, as will the new habitat map. There remains a place for large and impactful projects, such as the Northbrook arboretum, again through the partnership with Devon Wildlife Trust. However, this will be on a case-by-case basis as resources allows;
- with regard to Arboriculture, species diversity and planting diversity is standard practice to help create a resilient tree stock with planting targeted to areas of low canopy;
- ongoing investigations were continuing into reducing glyphosate use further. To date, there were no new systems on the market and the constraints to both cost and efficacy still apply for current alternatives. As a result, there have been no additional savings reductions this year, but the service continues to explore possibilities for further reductions each year; and
- biodiversity development and glyphosate reductions remain active priorities for the service.

The following responses were given to Members' queries:-

- the figure of 120 litres of glyphosate usage in 2022 was that of the City Council alone. Devon County Council would be requested to provide their figures. The increase in the level of glyphosate use reflected the spraying of hard surface areas across Council housing stock;
- in offering the public the opportunity to maintain their own streets or areas outside their properties, regard to operational requirements was necessary, for example, it would not be logical for one individual to maintain the whole of Topsham Road but it was also operationally unachievable for opt outs to only encompass the area in front of a property;
- the City and County Councils were unable to influence weed clearance practices within private housing developments;
- the city's valley parks were maintained ostensibly by the Devon Wildlife Trust under lease, although the City Council retains some duties as part of that lease. Hoopern Valley is not a Council site and it is owned and maintained by the University of Exeter;
- a baseline on biodiversity was not currently available within the Council, however national habitat and species registers were accessible online. It was hoped to create a new updated habitat map, but this would be subject to available resources within the planning policy team;
- it was hoped that further work could be undertaken in the future on tree cover in the city in line with the I-Tree Canopy Cover report;
- the cost of re-seeding areas of the city such as Northernhay Gardens following events such as the Food and Drink Festival was met by the organisers within an agreed timescale;
- public response to the grass cutting of verges and grassed areas varied, but it was clear that there was a much greater understanding of the rationale behind the meadow grass programme and its goal of sustainability; and
- the Devon Wildlife Trust were to shortly commence monitoring of the swift tower, It was noted that swifts took time to adopt a new home.

A Member moved that the Local Plan team be requested to lead on the production of a Biodiversity Status Report, a Nature Recovery Plan and a Tree Canopy Cover Action Plan for inclusion within the Local Plan, with specific and measurable targets for Exeter. Members noted the budgetary and resource implications this would entail.

The motion was moved, seconded and carried.

RECOMMENDED that:-

- (1) the report be noted; and
- (2) the Local Plan team be requested to lead on the production of a Biodiversity Status Report, a Nature Recovery Plan and a Tree Canopy Cover Action Plan for inclusion within the Local Plan, with specific and measurable targets for Exeter.

35 Homelessness Task and Finish Working Group

The Deputy Chair and Chair of the Homelessness Task and Finish Working Group updated Members on the work of the Group, further meetings having been held on 11 and 19 October and 10 November 2022. A further meeting would be held on 7 November 2022 to consider recommendations to this Committee, the report to include the evidence provided by a number of organisations who had attended the meetings.

The Committee noted the update.

36 Forward Plan of Business and Scrutiny Work Plan

Members noted the Forward Plan and the Scrutiny Work Plan.

The meeting commenced at 5.30 pm and closed at 7.18 pm

Chair

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EXETER HARBOUR BOARD

26 October 2022

Present:

Councillor Ruth Williams (Chair)

Councillors Ellis-Jones, Pearce, Read, and Messrs Adams, Garratt, Michaelson and Sitch

Apologies:

Councillors Leadbetter and Snow and Mr. Richard Eggleton

Also present:

Harbour Master Exeter Port Authority, Harbour Patroller (NS) and Democratic Services Officer (SLS)

17 **Minutes**

The minutes of the meeting held on 23 June 2022 be taken as read and signed by the Chair as a correct record, subject to an amendment in relation to Minute No.16, bullet point 1 to substitute the word 'Canal' for 'Canoeing' in relation to the reference to the Licensing Scheme.

18 **Declarations of Interest**

No declarations of discloseable pecuniary interest were made.

19 **Public Questions**

No public questions were received.

20 **Update from the Exeter Port Users Group**

The Chair of the Exeter Port Users Group, Rex Frost presented an update on the Group's recent activities and reported that:-

- the AGM had been held in late March which noted that the Council intended to explore pursuing a Harbour Revision Order (HRO) when possible.
- in mid-April, along with the Harbour Master, he had taken Ben Bradshaw, MP for a trip along the River Exe who had offered to continue to support, where possible, in communicating any local waterways issues at a Government level, although it was his intention to stand down at the next General Election.
- he had enjoyed the working relationship with the previous Chair of the Board and he looked forward to working with the new Chair.
- he welcomed the time spent on the water by members of the Board over the summer.
- the decision to realign the entrance channel of the river was welcomed as the new channel was deeper, providing vessels with greater access to the river and allowing additional time for safe navigation. The delay in replacing the Safe Water mark was regrettable, but illustrated the current problems of supply and procurement which were seen in other commercial enterprises at present.
- he was aware that the Harbour team had been busy, realigning buoyage in the river, due to shifting sandbanks, as well as the continuing problem of wreck removal. He noted plans to connect wreck disposal with other waste

disposal activities, but at present that was very local and costly. Though it was a major problem in other countries, other ways in which it can be tackled more efficiently needed to be addressed. There were the beginnings of national boat disposal schemes in some European countries, but there were no current plans from the British Marine Industry.

- the ancient timbers in Trews Weir had been exposed to the air over the summer months and had begun to deteriorate and the Group were concerned as it maintains the water level for the canal.

A Board Member suggested that Ben Bradshaw MP may still have a role to play in the future progression of waterways matters and there may be the opportunity to continue to lobby him for support. Mr Frost responded to Board Members' comments and confirmed that he had taken out Simon Jupp MP for a similar trip last year, but had not engaged with the M.P's covering the other side of the River Exe, Mel Stride MP (Central Devon) or Anne Marie Morris MP (Newton Abbot).

A Board Member commented on Trews Weir and the collapse of the St James Weir as well as the low water levels in the dry summer which had created a whirlpool effect affecting the foundations. The Harbour Master advised that Trews Weir had been inspected last year and the Engineering Lead at the Council was identifying funding before engaging engineers. He had also spoken to the Environment Agency to draw a scheme together.

Members noted the report.

21 **Harbour Revision Order Update**

The Chair advised that a report on understanding the legal obstacles to Port Marine Code Compliance would be presented to the meeting of the Council's Executive on 1 November 2022 and then to the Council meeting in December for formal approval. A copy of the published report was sent to Harbour Board Members for information.

The Harbour Master provided some background to the report and the premise of pursuing a Harbour Revision Order (HRO) as part of the progress towards Port Marine Safety Code compliance. He referred to the area of responsibility, which included the 5.5 miles of canal and 6 miles of river, both of which, were very important to the local economy and environment and took a considerable effort to manage. It was acknowledged that achieving a HRO could be an expensive and time consuming process and required some public consultation, but it would have a major and positive impact on the activities and future use of the waterways. It would also offer an oversight of control of the local waterways and help manage the level of liability.

The Chair reported that a number of Board Members had made comments on the Executive report, via email. She invited those Members to present their comments at the meeting and a summary of the key points would be shared with the Executive.

Board Members made the following comments:-

- Anthony Garratt referred to some frustration in the delay in this regard, given that the Harbour Board had been meeting for 18 months. He acknowledged the Council's challenging financial situation and did not anticipate that achieving a HRO would result in a profit making entity any time soon.
- Steve Sitch commented on the cost of the previous attempt to achieve a Harbour Revision Order and enquired if any of the work from the original

application could be used. His approach was from a commercial perspective, and he could not see how an equal income or expenditure position could be achieved. He suggested an income and expenditure report should be presented to the Harbour Board. He also referred to the Council's aspiration to achieve Net Zero and the opportunities to seek an income or revenue stream from that. *The Harbour Master responded to the comment on the previous application which had involved a very different process as it related to an application to become a Trust Port. He added that income was derived from offering storage for vessels over the winter period, and that was used to support the 52 navigation aids in the river with a regular maintenance and replacement programme.*

- Councillor Pearce considered that great progress had been made since the Harbour Board met for the Visioning event and working collectively together to see a report on Port Compliance proceeding through the Council's Executive with a view to seeking approval by the end of the year. A vision and framework had been established with a great deal of work taking place behind the scenes. He acknowledged the legitimate concern of the cost and differentials of the previous application, but that had included a public consultation, an extensive judicial review and public enquiry. It was not the intention to repeat that experience and the identified costs were potentially much lower than discussed. There was now the opportunity to move forward and regulate the waterways and ensure there were appropriate enforcement powers, as well as moving towards a financially sustainable port and the opportunity to collect harbour dues.
- Owen Michaelson raised a number of points in relation to the report and was supportive of pursuing a HRO, but considered it should be done for the right reasons. There were many good reasons to pursue a HRO, apart from concern over the potential for litigation despite adhering to the Port Marine Safety Code. There could be an increase in the Council's liability and he would like to see a future report exploring the areas to achieve including maintaining a safe place.

He suggested the Board should consider the following, ahead of an application for a HRO being submitted:-

- which parts of the Port Marine Safety Code should to be adopted, as there was recognition that all ports were different.
- to test a number of aspects relating to a HRO, particularly through engagement with the public.
- to consider the schedule of charges for adoption, acknowledging that it was a sensitive area.
- to encourage healthy living and active sport and not create a cost mechanism that discourages people from participating in active sport.

The Chair read out an email received from Board Member, Richard Eggleton, who also raised a number of points in relation to the current non-compliance of the Port Marine Safety Code and the inability to charge fees, harbour dues and licences as part of a user pays system. He also commented on the status of the Duty Holders.

Owen Michaelson referred to the Port Marine Safety Code in relation to the Duty Holders' responsibility, which set out the accountability for the organisation's compliance with the Code in ensuring safe marine operations. He sought some clarification of the position of Board Members. The Democratic Services Officer would revisit the terms of reference and seek advice as necessary to clarify the position.

The Chair welcomed the comments made which would be shared with the Executive.

Members noted the report.

22 **Harbour Master's Report**

The Harbour Master provided an update on the circulated report. He raised a number of matters of note which included:-

- the installation of another 52 metres of pontoon at Turf Lock for visiting boats this winter to limit the number of boats that were bound together to reduce damage during the winter weather along with another line of trot moorings.
- the biannual craning of boats out of the water with the first convoy of boats going from Turf Locks early next month to the winter storage. The team worked together putting in extra hours with two convoys and two lift out weekends offering a valued public service.
- the canal required a lot of maintenance particularly at the point where the M5 crossed over the canal on the east side. The canal bank was quite low and an overtopping of the canal could cause an environmental issue with a mix of fresh and salt water.
- the winter maintenance programme of moorings was about to commence.
- the Topsham ferry would pause after New Year's Day until Easter to allow the opportunity for maintenance.
- monitoring the sand banks in the River Exe which were constantly on the move was ongoing. They have been engaging with the Exe Estuary Management Partnership with regard to the proposed removal of the groins on Dawlish Warren, to try and find the best solution with the Environment Agency.

The Harbour Master responded to comments from Board Members about the costs associated with the disposal of boats on the waterways. He also advised that a new contract for boat storage had been put together and signed off by the Council's legal team. He had also met with a number of boat owners living on the canal to discuss a contract arrangement, as the Council has a no living on board policy, and there was currently no suitable infrastructure or shore side facilities. With regard to dealing with abandoned vessels, the waterways team always tried to establish ownership of a wreck as well as liaising with the Environment Agency. He would report back to the next meeting on an issue of recovery of debt relating to the management of a boat which was in a poor condition.

In response to a question, the Chair advised that the Heritage and Harbour Route map report had not been publicly released and was still under discussion.

The Chair extended the thanks and gratitude of the Harbour Board for the dedicated work carried out by the waterways team both in and out of the waterways.

Members noted the report.

23 **Update on Alternative Propulsion Power Trains - University of Exeter**

The Harbour Patroller (NS) offered a brief update and confirmed that following the Visioning Day event in January 2022, the team had approached the Council's Net Zero Project Officers to identify a baseline level for the operations and activities of the Waterways team, which included the buildings, boats, vehicles and any procurement to establish a base line of their carbon footprint. A review would be undertaken in 12 months' time to measure against that baseline. The difficulty was that the additional work and activity could result in more emissions.

Other areas of interest included research with Plymouth University around the feasibility of Remote Charging Platforms over the next few months. There would need to be a facility to charge electric motors by recreational users in the river as there was currently no land based facility and a remote platform would be useful. They were also working with Exeter University and the Centre of Future Clean Mobility team to provide some workspace to carry out work to develop a power train concept, (a propulsion method with zero emissions). The long term ambition would be to work with Exeter University and bring that kind of innovation to the port and a report would be made to the next meeting.

Members noted the report.

24 **Visioning Day Update on Actions**

The Harbour Master referred to the Visioning event held last year and sought the Board's views on holding a further event.

Board Members welcomed the opportunity to meet for a strategy event and suggested that a draft agenda of the items to be discussed, in advance to ensure a focused discussion on the day. It was good practice to meet on an annual basis and look at a timeline of how the Canal and Estuary was going to look like in five years' time. They also considered that the event should be for Board Members only, and that a separate consultation event would be useful in the future. In the meantime the Exeter Port Users Group was a conduit for residents and waterways users to raise any concerns.

The Harbour Master provided the following update on the last Visioning event:-

- it had not been possible to identify a Designated Person, as the role and task had posed a significant challenge. He was speaking with the Director City Management to seek an opportunity to formally advertise and fund the role which advises the Board independently and ensures compliance with the Code.
- the team had written a Safety Management system and Port Management Plan in house and were awaiting sign off from the Marine Compliance Agency (MCA) before sharing with the Board. A Port Passage Plan was also being compiled to tie in with the Risk assessments and the Method Statement documentation.
- the clarity of the Duty Holder would be established with the support of the Democratic Services Officer.

Members agreed that a date would be identified for the Visioning Day in January 2023

. The meeting commenced at 5.30 pm and closed at 7.00 pm

Chair

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EXECUTIVE

Tuesday 1 November 2022

Present:

Councillor Bialyk (Chair)

Councillors Wright, Denning, Ghusain, Morse, Parkhouse, Pearce, Williams and Wood

Also present:

Councillor Jobson (as an opposition group Leader)

Councillor D. Moore (as an opposition group Leader)

Apologies:

Councillor K. Mitchell (as an opposition group Leader)

Also present:

Chief Executive & Growth Director, Director Net Zero Exeter & City Management, Corporate Manager – Executive Support, Active & Healthy People Programme Lead, Harbour Master Exeter Port Authority and Democratic Services Team Leader

In attendance:

Emily Reed - Devon Climate Emergency Partnership (Devon County Council)

108

MINUTES

The minutes of the meeting held on 4 October 2022, were taken as read, approved and signed by the Chair as a correct record.

109

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

110

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

111

REVISIONS TO STREET NAMING AND NUMBERING POLICY

The Executive received the report which sought Member approval to make a number of minor revisions to the Council's Street Naming and Numbering Policy, which would clarify the Council's position on Street Naming and Numbering and would ensure effective implementation through the Council's IT support service – Strata.

Reference was made to the report which had been considered by the Customer Focus Scrutiny Committee on 6 October 2022 and led to some further amendments to the policy, which were outlined in the report.

RECOMMENDED that Council approve:-

- (1) the revisions to the Council's Street Naming and Numbering Policy, including the proposed amendments in paragraph 9 of the report, as identified at Customer Focus Scrutiny Committee on 6 October 2022; and

- (2) future revisions to the policy be delegated to the Director with responsibility for Planning and Development in consultation with the Chair of the Planning Committee.

112

THE DEVON CARBON PLAN

The Executive received the report of the recently released Devon Carbon Plan, which had been produced by the Devon Climate Emergency Partnership. The report outlined the work of the Devon Climate Emergency Partnership in researching and producing the Devon Carbon Plan. The report highlighted the two Net Zero target dates of 2030 for Exeter City Council and 2050 for Devon County Council and the impact on achieving the target. The report highlighted that transport was the third largest emitter of carbon emissions in the region and the importance of working with Devon County Council as the transport authority to align the work.

The Leader moved for the following additional recommendation to be included:-

- To request that Devon County Council identify Exeter as an early innovation zone or test bed for net zero initiatives.

It was explained that the reason for the additional recommendation was that the 2050 County target for Net Zero was a challenge. Exeter City Council had already been undertaking implementation work with a focus on practical actions and interventions which had highlighted the expertise available in the area on delivering the Net Zero target. If Devon County were to identify Exeter as an Innovation Zone for Net Zero, the expertise available in the City could assist the County 2050 target and also help advance the City Council 2030 target.

The Leader confirmed Exeter City Council would continue to work to the established target for Net Zero 2030 and highlighted that the Devon Carbon Plan was Devon County Councils' plan.

Emily Reed, (Climate Emergency Project Manager) from the Devon Climate Emergency Partnership was in attendance and provided a presentation on the Devon Carbon Plan. Particular points raised during the presentation included:-

- The Devon Climate Emergency Partnership was established in 2019, and included a broad range of partners, which included all local authorities in Devon, third sector and private organisations.
- The Partnership had committed to working to reduce carbon emissions to Net Zero by 2050 at the latest, despite some partners having earlier target dates. The Partnership was also working to improve the resilience of Devon's environment and prepare communities for living in a warmer world.
- The Net Zero task force was formed of 15 specialists and chaired by Patrick Devine-Wright from the University of Exeter to develop the Devon Carbon Plan, which was a strategic county wide plan.
- The Devon Carbon Plan was developed through an open call for evidence with 893 submissions received, a Youth Parliament meeting with 75 representatives from schools across Devon and thematic hearings to bring expertise to address the themes and create the Interim Devon Carbon Plan. Public consultations were also undertaken to form the final plan.

- There were eight objectives outlined in the Devon Carbon Plan, which included minimised energy consumption and phasing out fossil fuels.
- Key themes included changing behaviours and encouraging community engagement, sharing knowledge and skills, accessing finance and additional resources.
- Energy supply options included using less energy, moving to renewable energy and developing a means to capture unavoidable carbon emissions.
- Existing houses and commercial properties would be retrofitted with energy efficiency measures and low-carbon heating technologies. New buildings would need to be built to Net Zero standard, to save on the cost of future retrofitting.
- Transport was aligned to the Council's plan for reducing the need for travel, moving to sustainable transport options and introducing technology reduce vehicle emissions.
- There was a need to develop a demand for providing nutritious and sustainably produced food, reducing Greenhouse Gas emissions from farming and maximise carbon storage in the environment.
- The proposed governance structure was presented, which highlighted the response group, who would oversee delivery of themes outlined in the plan and a change forum to represent the people of Devon. Indicators would be used to monitor progress of the plan which would be reviewed by the response group.

Councillor Jobson, as an opposition group leader, spoke on this item and highlighted a suggestion that recommendation 2.5 in the report should be a biannual (six monthly) update to Strategic Scrutiny.

Councillor D. Moore, as an opposition group leader, spoke on this item. She welcomed the report and enquired about aviation emissions, which were missing from the transport section. Clarification was also sought on the Equality Impact Assessment which stated that certain religious groups maybe against retrofitting buildings, and welcomed contributions of religious groups for action on climate change.

Councillor D. Moore, further enquired if there would be any additional work on the alignment of the County Council and City Council Net Zero plans and what could be prioritised. She highlighted that there were ongoing discussions on establishing an oversight committee to monitor progress on meeting the 2030 Net Zero target and it was important that Devon County Council provide information on the progress.

During the discussion the following points were made:-

- thanks were made to the Climate Emergency Project Manager for the informative presentation;
- the additional recommendation was welcomed and would further highlight the level of ambition and expertise at the City Council and strengthening working relationships with partners;
- achieving the 2030 target in Exeter would be beneficial for Devon County Council in reaching their 2050 target; and
- there were gaps in the emission reporting which needed to be addressed, which included the 35% emissions from buildings. Legislation was also needed

from central government to enforce new building construction to meet the Net Zero standard.

The Portfolio Holder for Climate Change highlighted that the challenge in Devon was that the region covered a vast urban, coastal and rural area, with particular issues with transport in rural areas. The Devon Carbon Plan had been assembled from a range of contributors to deliver a large and complex plan for 2050, however Exeter was still committed to its 2030 goal. 22% of greenhouse gas emissions in the city was from transport, which Devon County Highways as the authority for transport were focussed on addressing, and were working with the City Council. Exeter needed to be an early innovation zone for net zero initiatives work going forward.

Emily Reed, (Climate Emergency Project Manager) in responding to questions and points raised stated that: -

- she represented the Devon Climate Emergency Partnership and could not speak on behalf of Devon County Council in regards to the additional recommendation;
- the University of Exeter, in helping to develop the plan, had advised that aviation emissions accounted for only a small proportion of emissions in Devon and there had been greater focus on building and transport emissions; and
- there was a specific work being undertaken on buildings and building legislation, which involved working with central government to allow local authorities to enforce higher building regulation standards. Conversations were also ongoing between local authorities on requesting higher quality builds ahead of legislative change.

Following the discussion, as well as in addition to the additional recommendation, the Leader moved an amendment to recommendation 5 in the report and a further additional recommendation for inclusion as follows:-

- to request that a **biannual** update be presented to the Strategic Scrutiny Committee on the progress made in delivering the Devon Carbon Plan; and
- to request an all-Member Briefing/Scrutiny, with presentations from Devon County Council.

It was explained that the reason for the amendment and additional recommendation was to allow regular updates to the Strategic Scrutiny Committee and ahead of these meetings, to provide an inclusive Members briefing to ensure that all Members could attend and ask more detailed questions.

The amendments were seconded by Councillor Wright, which was voted on and unanimously supported.

RECOMMENDED that Council:-

- (1) note the Devon Carbon Plan;
- (2) reflect on the implications for the City of Exeter's goal of a Net Zero Exeter 2030, given the Devon Carbon Plan target for Net Zero being 2050, in-line with Government's goal for the country. Transport being one of the largest sources of carbon emissions for the City and County, the consequences of reductions to Net Zero by 2030 were profound and Members may wish to satisfy themselves that the 2050 goal provided a supportive policy context for the city of Exeter's Net Zero plans;
- (3) agree to continue working in collaboration with the Devon Climate Emergency Partnership in reducing county carbon emissions;

- (4) agree that Exeter City Council led projects on the implementation of the Devon Carbon Plan be scrutinised by Exeter City Council's Strategic Scrutiny Committee;
- (5) request that a biannual update be presented to the Strategic Scrutiny Committee on the progress made in delivering the Devon Carbon Plan;
- (6) reflect and discuss the ambition of the Devon Carbon Plan and how it relates to the ambition of a clean growth region;
- (7) request that Devon County Council, identify Exeter as an early innovation zone or test bed for net zero initiatives; and
- (8) request that an all-Member Briefing/Scrutiny be arranged with presentations provided from Devon County Council.

113

LEGAL OBSTACLES TO PORT MARINE SAFETY CODE COMPLIANCE

The Executive received the report on the options for meeting the requirement to obtain appropriate legal powers to achieve a Port Marine Safety Code compliance. The Executive had previously approved measures to work towards compliance with the Department for Transport's Port Marine Safety Code. To be fully compliant with the Port Marine Safety Code a Harbour Revision Order was required, which would provide the Council with the needed powers to keep water users safe, address hazardous vessels and enable income streams to contribute to the running costs for the harbour team.

Particular reference was made to the Port Marine Safety Code, which was an industry standard for managing marine and port facilities which provided control of the waterways and would alleviate potential legal implications to the Council. A recent diesel oil spill incident on the Exeter Ship Canal could have been avoided if the harbour authority held the appropriate powers to issue a special direction order to have the non-compliant vessel leave the port within 28 days.

Councillor D. Moore, as an opposition group leader, spoke on this item. She welcomed the work on the Harbour Revision Order and enquired if the Portfolio Holder would make a public statement on the environmental impact of the recent incident to ensure the public were fully aware of the current situation.

Councillor Jobson, as an opposition group leader, spoke on this item and supported the report.

During the discussion the following points were made:-

- the harbour patrol team covered a large area with limited powers in place to ensure safety compliance. Having the legal powers to act against inappropriate behaviour or vehicles would be appropriate; and
- any potential charges levied in the future would help with the safe management and maintenance of the canal and estuary for all users, rather than purely for raising revenue.

The Portfolio Holder for Recycling, Waste Management and Waterways thanked the Harbour team for their swift action in containing the pollution from the recent diesel oil spill incident. The report had been taken to the Exeter Harbour Board for information and attaining Harbour Revision Order (HRO) had been supported. Details on issues such as charging would be established as the progress on attaining a HRO moved forward. The main area of concern was on making improvements to safety and port maintenance, and ensuring that the water was clean and safe for all users.

In response to a Members' question, the Director of Net Zero Exeter and City Management and the Harbour Master - Exeter Port Authority explained that a public consultation would be undertaken to establish charging scales. Current payments received from water users were for costs of storing boats away during winter. Details on the resources for the collection of fees were still to be established and would be dependent on what the charges would be and the most effective form of taking payments.

RECOMMENDED that Council approve:-

- (1) that work on obtaining a Harbour Revision Order be commenced to continue the progress towards a Port Marine Safety Code compliance; and
- (2) the allocation of a one-off budget of up to £150,000 to allow for the Harbour Revision Order process and to provide contingency in case of a public enquiry.

114

EXETER PLAYING PITCH STRATEGY

The Executive received the report on the proposed Exeter Playing Pitch Strategy which outlined both current and future demand for formal sports pitches in Exeter, and provided a framework for resource prioritisation and informed planning decisions. The strategy would be reviewed on an annual basis to monitor the changing sports landscape in Exeter.

The Exeter Playing Pitch Strategy provided an important evidence base for the Exeter Local Plan and demonstrated the Council's commitment to improving playing pitches across the city. The Strategy was being delivered to the methodology outlined from Sport England and independent consultants. The Strategy also provided a framework for partnership working and delivering on the outlined priorities and had been endorsed by Sport England.

Particular reference was made to the community sports hub approach and the extensive consultation that had been undertaken with more than 100 sports clubs, who had contributed to the strategy. Future proposals would go to a public consultation and the local steering group partners would work to push priorities forward and implement programmes in the city.

The Portfolio Holder for Leisure Services & Physical Activity moved an amendment to the recommendations: -

- (1) That the Executive recommends and Council approve the Exeter Playing Pitch Strategy subject to financial constraints.

It was explained that the reason for the amendment to the recommendations would provide clarity that the options for discussion were still in draft form and subject to financial constraints, which would mean all proposals would still be subject to planning and appropriate public consultations.

Councillor D. Moore, as an opposition group leader, spoke on this item. She welcomed the Strategy and enquired about 3G football turf pitches and associated environmental problems and whether consultants had been advised on alternative options for improvements. She further enquired if special consideration had been given to people with disabilities?

In responding, the Active & Healthy People Programme Lead explained that the Football Association was currently researching pitches and trialling the use of

different materials over 3G and were liaising with various organisations. Several inclusive clubs had contributed to the strategy and all groups would be welcome to contribute to the Strategy which would be updated on a regular basis.

Councillor Jobson, as an opposition group leader, spoke on this item and welcomed the report.

Members welcomed the report which provided the means to identify resources and make improvements to playing pitches in the city.

The Portfolio Holder for Leisure Services & Physical Activity thanked officers for the work that had been undertaken and noted the playing pitch strategy recognised the investment in community sports hub and that the Exeter Playing Pitch Strategy would be reviewed on an annual basis.

Following the discussion, Councillor Parkhouse moved and was seconded by Councillor Wright to amend the recommendations in the report which were voted for and supported unanimously.

RECOMMENDED that Council approve the Exeter Playing Pitch Strategy subject to financial constraints.

115

ANNUAL SCRUTINY REPORT 2021-22

The Executive received the Annual Scrutiny Report for 2021-22, which provided an annual update of the work of Scrutiny during the 2021-22 municipal year.

Particular reference was made to the Scrutiny Procedure Rules in the Council's constitution which highlighted that the Scrutiny Programme Board would produce an annual scrutiny report to go to Council, having been presented to the Strategic Scrutiny Committee on 29 September 2022 and Customer Focus Scrutiny Committee on 6 October 2022.

RECOMMENDED that Council approve the Annual Scrutiny Report 2021- 2022.

(The meeting commenced at 5.30 pm and closed at 6.47 pm)

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 13 December 2022.

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EXECUTIVE

Tuesday 29 November 2022

Present:

Councillor Bialyk (Chair)

Councillors Wright, Denning, Morse, Parkhouse, Pearce and Wood

Also present:

Councillor Jobson (as an opposition group Leader)

Councillor D. Moore (as an opposition group Leader)

Councillor K. Mitchell (as an opposition group Leader)

Apologies:

Councillors Ghusain and Williams

Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Director Corporate Services, Director of City Development, Director of Culture, Leisure and Tourism, Director Finance, Corporate Manager Democratic and Civic Support, Service Lead - Environmental Health & Community Safety, Corporate Energy Manager, Net Zero & Business, Active & Healthy People Programme Lead, Benefits & Welfare Lead, Assistant Service Lead – Local Plan and Democratic Services Team Leader

Also present:

Derek Phillips – Chair of the Independent Remuneration Panel;

Justin Pickford - Baker Ruff Hannon;

Phil Lewis - Randall Simmonds; and

Tony Norton - Exeter University

116

MINUTES

The minutes of the meeting held on 1 November 2022, were taken as read, approved and signed by the Chair as a correct record.

117

DECLARATIONS OF INTEREST

Members declared the following interests:

- Councillor Wood – Minute No. 125 and Minute No. 126.

118

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

119

MEMBERS' ALLOWANCES 2023/24

The Chair welcomed Derek Phillips, who was in attendance as the Chair of the Independent Remuneration Panel.

Derek Phillips presented the Council's Independent Remuneration Panel report relating to Members' Allowances for the period 2023/24. The Independent Remuneration Panel reviewed and advised the Council on its scheme of Members' Allowances and made recommendations on the allowance to be paid to Members

each year, following the legislation set out under the Local Authorities (Members' Allowances) (England) Regulations 2001 and 2003.

Members were referred to the recommendations in the report, with particular reference made to the following points:-

- that this had been the first review of the Member Allowances since the Covid-19 Pandemic;
- at the next review, regard should be made to the relevance of the staff pay award for 2022/23 which had been paid as a lump sum and that some other authorities had set a 4% increase for their allowances; and
- the principle that a Special Responsibility Allowance should not be paid to more than 50% of the overall number of Councillors should continue to be kept under review and adhered to where possible.

During the discussion, a Member highlighted that the current level of Special Responsibility Allowance was 51% which was as close to the 50% threshold as possible.

The Chair thanked Derek Phillips and the Independent Remuneration Panel for their work and for attending the meeting.

RECOMMENDED to Council that:-

- (1) the basic structure and principles of the current Members' Allowances scheme be retained for 2023/24;
- (2) the principle that any Member qualifying for more than one Special Responsibility Allowance is paid the higher allowance only, be retained;
- (3) the Councillors' Basic and Special Responsibility Allowances, including the Lord Mayor and Deputy Lord Mayor's Expenses Allowances, should be linked and updated in line with the Local Government Employers (LGE) staff pay award for the previous year, (a 1.75% increase in the annual Local Staff Pay Award was awarded by the Employers side for staff which was effective for staff from April 2021);
- (4) the principle that Special Responsibility Allowances be paid to no more than 50% of the overall number of Councillors to continue to be kept under review and adhered to where possible;
- (5) the current Dependants' Carers' Allowance scheme be maintained, with the continuation of the level of allowance matching the hourly Living Wage as applicable from April of each year (together with the retention of the uplift of the standard rate of income tax). In the case of Members who need specialist care for a child or adult dependant, a higher rate, of up to £25 per hour or part thereof, (together with the retention of the uplift of the standard rate of income tax) can be agreed by negotiation in advance with the Corporate Manager, Democratic and Civic Support;
- (6) the sum of £50 be paid to the Independent Persons affiliated to the Audit and Governance Committee for up to four hours work, and £100 for four hours and over, payable to each of the two Independent Persons (up to a maximum of £500 per person in any one year) be retained; and
- (7) the Travel and Subsistence allowances available for staff to continue to apply to Exeter City Councillors, where appropriate.

The Executive received the report on amending the Terms of Reference for the Joint Consultation and Negotiation Committee, to ensure the Committee details remained up to date and matched the operational arrangements of the Council.

Particular reference was made to the proposal to change the composition of the Committee to include members of the Strategic Management Board, the Service Lead for Human Resources and one officer from the GMB and Unite Unions and that the Quorum had changed from two union representatives to one, to reflect the running of the meetings.

RECOMMENDED that Council approve the amendments to the Council's Constitution terms of reference for the Joint Consultation and Negotiation Committee.

121

WORKING TOWARDS NET ZERO - EXETER CITY COUNCIL'S CORPORATE CARBON FOOTPRINT REPORT AND CARBON REDUCTION ACTION PLAN

The Executive received the report on the work of the Net Zero Team, which assessed the Council's potential to achieve its commitment to be Net Zero by 2030 and to deliver the first City Council Carbon Reduction Plan. The report also shared the City Council's Corporate Carbon Footprint report which analysed corporate activities to identify direct and indirect greenhouse gas (GHG) emissions. The Corporate Carbon Reduction Plan provided a mix of potential actions across all services to work towards Net Zero.

Tony Norton, Head of the Centre for Energy and the Environment, Exeter University was in attendance and provided a presentation on achieving Net Zero by 2030 and for Exeter City Council's corporate carbon plan. The University of Exeter had been commissioned to assess the potential for achieving the goal, through an assessment of Council documents and data, appraising Central Government policy and input from the Council's Service Leads. The work had been split into seven sectors and points raised during the presentation included:-

- The first step of the process was to highlight the 2021 carbon footprint, then break down the work involved into seven sectors that had been individually analysed.
- Non-Domestic Building data had been provided which showed that 80% of emissions were from corporate estate and leisure centre buildings, with a split of 60% emissions from electricity and 40% from gas. Opportunities in this sector came from decarbonising the national grid, changes to asset management and energy efficiency.
- Council Housing stock emissions were estimated from energy performance certificates, which estimated 75% emissions were from gas. Opportunities in this sector included the continuation of building Passivhaus standard homes, the potential for easy energy efficiency gains, decarbonising heat and retrofitting homes.
- Transport identified that Council owned vehicles had been predominantly diesel vehicles with refuse vehicles showing 58% emissions, street cleaning vehicles showing 16% emissions and green space vehicles with 25% emissions. The indirect emissions were from business travel and commuting, which had increased following the Covid restrictions. Opportunities included the decarbonisation of the Council owned vehicles, moving to electric vehicles by 2030 and electrification of business and commuting mileage.
- Procurement showed a high level of emissions at 62%. It was difficult to identify procurement emissions, with only 4% being calculated using activity data. Improving data capture in this sector was important and considering the need

for new buildings as opposed to extending or refurbishing existing buildings. For construction emissions, setting embodied carbon targets would support reducing construction emissions and ensuring they were considered as part of the selection process for new buildings.

- F Gas covered emissions from fridges and heat pumps and potential leakage. There was a national task in reducing F Gas emissions by installing low F Gas appliances.
- Waste included corporate waste but there was no data available for estimating emissions. Waste from Green House Gas emissions were estimated at 103 tCO₂e for landfill 3 and tCO₂e for non-landfill, but was dependent on the disposal method.
- Renewable energy across the Council was doing well, however the continued decarbonisation of the grid would offset the energy. Renewable energy was otherwise vital in saving money and supporting the national grid.
- Land use changes and afforestation addressed how tree planting affected carbon savings. The planting of 25% of trees in the area could offset 829 tCO₂e by 2030.

In summarising the presentation, Tony Norton advised that the analyses were taken at a point in time and provided information on delivering energy efficiency through the seven sectors as discussed.

Councillor D. Moore, as an opposition group leader, spoke on this item. She welcomed the report and enquired about the Council solely relying on the decarbonisation of the grid. She also enquired on how frequently the Council should receive similar update reports to measure progress against targets.

Councillor Jobson, as an opposition group leader, welcomed the summary report.

The Portfolio Holder for Climate Change thanked the team for the work undertaken to date and advised that the Council was already committed to Net Zero prior to declaring a climate emergency, which was evidenced with the new St Sidwell's Point Leisure Centre. The declaration of the climate emergency set a large challenge to the Council and its partners in reaching the 2030 target. It was important to note that leisure services had previously shown a high level of emissions and the closure of the Pyramids facility, and its replacement by St Sidwell's Point Leisure Centre, had further reduced the emission figures presented.

In regards to Procurement, the Green Accord set the standards to suppliers to ensure greener standards were maintained and general improvements to procurement would mean price would not be a factor in measuring Scope 3 emissions. The scale of the challenge ahead, needed to be acknowledged and would require significant changes in how the Council operated in order to meet the challenge. He also advised on the importance of analysing carbon offsetting.

In response to questions raised, Tony Norton and the Chair advised that electricity use benefitted from the continued significant fall in carbon intensity of the grid, due to increasing amounts of renewable and low carbon energy production. Decarbonisation of buildings would support reducing gas emissions and it was important that electricity became more renewable. The frequency of reports to measure progress against and where they would be received would be decided in due course.

The Chair thanked Tony Norton for the presentation and to the team for all the work that had been undertaken.

RECOMMENDED that Council:

- (1) note and endorse the Corporate Carbon Footprint report, and acknowledge the detailed analysis and improved data provided on previous year's reports, but also the challenge to improve data capture across the whole organisation. The projections reinforce the measures required across all Council activities, and that organisationally achieving Net Zero in such a short timeframe is extremely challenging;
- (2) acknowledge the scale of the challenge set out in the Corporate Carbon Footprint Report and the combination of aggressive carbon reduction measures included in the projections which require a step change in Council policy, activity, and capacity;
- (3) acknowledge the importance of the Corporate Carbon Reduction Plan, the work already in progress, and service wide commitment required to deliver net zero, with a dedicated team to lead on activity. Equally, the need to undertake an annual assessment of the Council's GHG emissions to monitor, identify change and evaluate actions needed to deliver net zero;
- (4) note that to achieve Net Zero by 2030, an increase in capacity, financial investment and operational resource, both internally and from government at a national level is required. Whilst the carbon footprint provides accurate carbon reduction measures, the precise amount of resource needed is currently not quantifiable. This will require a detailed investment plan based on costed proposals; and
- (5) recommend the Net Zero team's research options for using carbon offsetting to achieve Net Zero.

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THE LOCAL HOUSEHOLD SUPPORT FUND - SCHEME 3

The Executive received the report which sought Members' agreement on disbursing funding from the third Household Support Fund scheme which would support households who most needed support. Two schemes had been previously run and this scheme would run until 31 March 2023, to help households who may be struggling with their budgets at a time when fuel costs are likely to be at their highest, whilst other national support would have been paid.

The scheme was being run in partnership with Devon County Council on how the funds would be spent. Local data was used to target households in particular need, using a combination of low household income and council tax arrears. Households on low income included characteristics such as those with single parents, pensioners, and disabled persons. Where the data showed that there were also council tax arrears, further investigation would occur for appropriate support to be provided where possible. A balance was required between the number of households that could be supported and the meaningful amount of support that could be provided in a timely manner.

Councillor D. Moore, as an opposition group leader, spoke on this item. She welcomed the report and enquired if cash vouchers could be redeemed at Post Offices by individuals on behalf of family members who were unable to attend in person.

In response to questions raised, the Benefits & Welfare Lead advised:-

- that vouchers could be redeemed by another person, providing they showed proper identification at the Post Office;
- an open application system had been avoided to support single parents requiring extra help and that other support schemes were also available through Devon County Council such as Children’s Services; and
- that non-dependent reduction was applied when a child entitlement payment was no longer available when the individual became an adult.

Members recognised the importance of avoiding a complicated and resource intensive system to deliver support to residents in a timely manner. Members thanked the officers for the work undertaken, as well as quickly implementing the various schemes after Government notification.

RECOMMENDED that Council adopt the proposed Local Household Support Fund - scheme 3 (HSF 3), with the majority of the £337,853 funding allocation being targeted as one-off grants to households receiving council tax support with one or more of the following priority characteristics:

Priority characteristic		Component value
Disabled child		£100
Carer		£100
Non dependant deduction		£150
In work		£150
Large family	3 or more children	£100 OR
	4 or more children	£150

Component amounts are cumulative, so household awards will range between £100 and £650. Component amounts may need to be amended following the final data extract to ensure the scheme could be delivered for the available budget. Eligibility will be determined based on the household position on 14 December 2022 entitlement date.

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MARY ARCHES STREET CAR PARK RE-DEVELOPMENT

The Executive received the report on the Mary Arches Street Car Park (MASCP) to option the site to Exeter City Living, close the car park, to secure vacant possession, to demolish the car park using Central Government Funding and redevelop the site for a residential led mixed use development.

Particular reference was made to:-

- the car park was not in good condition and maintaining it would involve a significant investment of £3.8 million to refurbish the site to a reasonable standard. This would be difficult for the Council, with interest rates increasing and a likely reduction in the Capital Programme. If Members were minded to not proceed, there would be a loss from Central Government funding and additional expenditure for the Council;
- there was a complication from the secure tenancies of commercial tenants who were located within the boundary. If negotiation was unsuccessful, then a Compulsory Purchase Order (CPO) would be required. A request for an additional budget would be brought forward and likely be funded from the Guildhall income, to cover the costs of the required legal support;

- the final disposal delegation requested in the report would be limited to within the boundary and the final size of the disposal would be included within the negotiations with Exeter City Living; and
- there were challenges related to archaeological interests located beneath the carpark and would likely not be disposed of for residential use depending on negotiation around the red line boundary.

Councillor Jobson, as an opposition group leader, spoke on this item and asked the following questions:-

- Was the funding provided by the Government specifically for demolition and had the application been made?
- Would the built homes be social/affordable homes or would development sale receipts include help to buy or similar schemes or be sold on open market?
- Could clarification be given that no co-living/student buildings would be built on site and that developments would be homes for families?
- Why was the car park being closed so soon and could it not remain open longer to generate income until end of school summer holidays in 2023.

Councillor D. Moore, as an opposition group leader, spoke on this item and agreed there was a compelling case for re-developing the site and asked the following questions:-

- Would the Compulsory Purchase Order potentially include the residential properties adjacent to the Mecca building, which were outside the boundary and could they be included?
- Could the access rights be confirmed for the two residential properties next to the Mecca building would not be compromised or lost due to the disposal of the asset, from any Compulsory Purchase Order or redevelopment?
- When would the Grant require the funding to be spent by? and
- Could the Council guarantee that the car park would not be demolished until the new scheme was ready to proceed?

During the discussion, a Member highlighted that the re-development would support the reduction of city car parking and encourage the use of sustainable travel. The Solar Array referred to in the report, was one of the first car park canopy arrays in the country and would be relocated to an appropriate site.

In response to the questions raised, the Director Finance and the Leader explained:-

- there would not be purpose-built student accommodation built on City Council owned land and that the site was subject to the normal planning and consultation process;
- the current development proposals from Exeter City Living were based on apartment schemes, which were targeting the rental market and would be both affordable for the HRA and open market;
- the Brownfield Land Release Fund (BLRF) funding £1.3 million grant application bid was made on 1 June 2021 and the Funding Agreement was dated 16th September 2021;
- the £1.3 million grant application, covered the cost of £635,000 for Demolition and Asbestos Removal, £600,000 for Piling and £75,000 for the Substation;
- the Exeter City Living Business Plan which was approved in February 2022 set out the intention of the site for affordable homes;

- there was no specific closure date for the car park and was dependant on the agreement, finalising the timetable for site closure and monitoring the safety of the car park;
- there was no current intention to include properties outside of the indicative red line boundary;
- any legal access or rights of way would be protected or realigned as part of the site development process;
- the Grant required the land transfer to be completed by 31 March 2024; and
- there was no fixed date stipulated for demolition. If there was any gap between demolition and the commencement of the development, the Council would seek to find an alternative use for the land.

The Leader highlighted that there would be a consultation process and additional questions could be raised at the appropriate time. He also advised that the responses to the submitted questions would also be made in writing outside of the meeting.

RECOMMENDED that Council agree a demolition budget equal to the Land Release Funding received by the Department for Levelling up Housing and Communities and One Public Estate.

RESOLVED that

- (1) the Director Finance be authorised to dispose of all or part of the land at Mary Arches Street Car Park, as shown on the site boundary plan in Appendix 1 of the report, to Exeter City Living, on terms to be negotiated by the City Surveyor at a sum that represented no less than the best value valuation, if the option granted in respect of the land is exercised;
- (2) the City Surveyor be authorised to acquire by way of Compulsory Purchase Order (“CPO”) any third-party proprietary interests within the site;
- (3) the Director Finance be authorised to close Mary Arches Street Car Park on the grounds of economic obsolescence at the appropriate time in the development process;
- (4) the demolition of MASCP be agreed utilising Brownfield Land Release Fund (“BLRF”) monies received from the Department for Levelling Up, Housing and Communities (“DLUHC”) and One Public Estate (“OPE”);
- (5) that redevelopment of the site for a residential led mixed use scheme comprising new homes and ancillary ground floor commercial uses be agreed with the granting of over sailing licences if required;
- (6) the Director Finance be granted delegated authority in consultation with the Portfolio Holder to agree the final boundary of the land to be disposed of (noting that the area is not to be greater than the land indicated at Appendix 1 of the report);
- (7) the Director Finance be authorised to take all necessary steps to secure the making, submission, confirmation and implementation of a Compulsory Purchase Order to acquire any third-party proprietary interests within the site (see Appendix 1 of the report);

- (8) the Director Finance be authorised to issue all relevant notices and certificates in connection with the making, confirmation and implementation of any Compulsory Purchase Order;
- (9) the Director Finance be authorised to acquire third party proprietary interests by private treaty negotiation;
- (10) the Director Finance be authorised to dispose of any third-party propriety interest acquired pursuant to the Compulsory Purchase Order to Exeter City Living in accordance with terms to be agreed;
- (11) the Director Finance be authorised to make General Vesting Declarations (GVDs) under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or serve notices to treat and notices of entry (if required) following confirmation of a Compulsory Purchase Order by the Secretary of State;
- (12) the Director Finance be authorised to issue and serve any warrants to obtain possession of property acquired by the Council following the execution of a General Vesting Declarations or service of a notice of entry if it was considered appropriate to do so;
- (13) the Director Finance be granted delegated authority in consultation with the Leader of the Council, to agree the final procurement contracts; and
- (14) the City Surveyor be granted delegated authority to work with Exeter City Living to facilitate the regeneration of this strategic city centre site.

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COMMUNITY INFRASTRUCTURE LEVY: PARTIAL REVIEW CONSULTATION

The Executive received the report which provided a progress update on the partial review of the Council's Community Infrastructure Levy (CIL) Charging Schedule, which identified the CIL rates to be charged on different types of development. A series of revised CIL charges had been proposed and, following statutory requirements, approval to undertake public consultation on the draft Charging Schedule was sought for commencement in December 2022.

Particular reference was made to:-

- an agreement by the Council in July 2019 regarding the budget required to prepare a draft Charging Schedule and to commission consultants to address viability and therefore there was no direct or additional resources required at this stage as the next step was consultation;
- there would be an increased charge on Purpose Built Student Accommodation and Co-Living;
- the new rate for the Build to Rent;
- removal of the charge for flats due to their viability;
- there would be no change to retail outside of the city centre; and
- the draft charging rates would be formally examined in 2023.

Councillor Jobson, as an opposition group leader, spoke on this item and asked why Co-Living was not being charged at the same rate as purpose-built student accommodation?

Councillor D. Moore, as an opposition group leader, spoke on this item. She asked how much of the approved budget of up to £75,000 had been spent on the contract on a partial review and why only a partial review was being undertaken?

Councillor K. Mitchell, as an opposition group leader, referring to the over concentration of student accommodation in certain areas of the city, including Article 4 areas, suggested that consideration should be given to a zoning approach for different charges to be applied to different parts of the city.

A Member referred to the CIL rates which supported shaping the development of the city and helping to inform the overall market. It was noted that developers would also contribute to the consultation process.

The following responses were provided to Members' questions:-

- in terms of funding, a budget of up to £75,000 was approved by Council. To date, the Council had spent a total of £30,175. Most of the evidence for the CIL review was now complete. Further expenditure was anticipated to cover the consultation, some additional consultancy fees, and the examination, however the expectation was that the project would come in under the £75,000 budget;
- a review of the CIL Charging Schedule had been approved by the Executive in July 2019. The decision did not stipulate the detailed breadth of the review. Discussions had been held with consultants to consider the appropriate scope of the review and on this basis the work had focused on proposing to amend the rates for those uses where development viability would have evolved most significantly. This was an important point to note because the level of CIL was determined by development viability and the process of this work had followed the statutory requirements.
- The terminology of a 'partial review' referred to the proposed revision of a selection of the CIL rates as opposed to all of them;
- the proposal was for an increased CIL rate from £59.29 to £150 per square meter for Purpose Built Student Accommodation. It also proposed an increased rate from £0 to £50 per square meter for Co-living. Although there were similarities between purpose-built student accommodation and Co-living, they were different housing products with different considerations of viability;
- the viability of the two development types had been tested through an appraisal and concluded the proposed changes to draft charging schedule; and
- the suggestion in respect of zoning would be addressed as part of the consultation process.

RESOLVED that:-

- (1) the Draft Charging Schedule (Appendix A of the report) and the supporting evidence (Appendices B and C of the report) be approved as the basis for a six-week consultation, commencing in December 2022;
- (2) delegated authority be given to the Director of City Development, in consultation with the Council Leader, to agree minor changes to the Draft Charging Schedule before it is published for consultation;
- (3) following the consultation, the submission of the Draft Charging Schedule, supporting evidence and consultation responses and other information be approved to enable an independent examination on the Draft Charging Schedule to take place, subject to there being no revisions to the proposed CIL charges; and
- (4) following the consultation, if any further proposed revisions to the CIL charges are proposed, that an updated draft be brought to the Executive in advance of submission for examination.

ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2022

The Executive received the report on the Annual Infrastructure Funding Statement for 2022, which set out information relating to funding that had been secured, received, committed and spent from the Community Infrastructure Levy (CIL) and Section 106 monies as required by the Community Infrastructure Levy Regulations. The report also provided an infrastructure list, which identified projects that could benefit from Community Infrastructure Funding in future.

Particular reference was made to the following three elements of the report:-

- the value of CIL receipts;
- the financial information regarding planning obligations secured through Section 106 Agreements; and
- the identification of a series of infrastructure projects which could be funded wholly or in part by CIL in the future (without commitment at this stage).

The Assistant Service Lead - Local Plan also advised on some of the changes to the infrastructure list, which included the addition of community facilities including the Pinhoe hub, strategic cemetery provision and improvements to sports facilities at King George V Playing Fields.

Councillor Wood declared a non-pecuniary interest at this point and left the meeting during consideration of the remainder of this item.

Councillor D. Moore, as an opposition group leader, spoke on this item. She welcomed many aspects of the report and referred to the importance of calculating carbon emissions in the projects identified for the future, including the impact of road building. She also identified the Water Lane and the Quay areas where improvements to infrastructure were required and made reference for the need to replace Mallison Bridge which would be an important element of the walking and cycling infrastructure in this area.

Councillor Mitchell, as an opposition group leader, spoke on this item and sought clarification on the regulations relating to Neighbourhood Plans for 25% of CIL contribution to be earmarked for such plans and asked if consideration could be given to such a contribution to the St. James Neighbourhood Plan area.

The Leader, in responding to questions raised, advised that:-

- Exeter did not possess Parish Councils within its local government boundary and there was an agreement in place on how money would be spent. He advised that he would seek advice on whether the Council could contribute to the Neighbourhood Plan; and
- any inclusion of Mallison Bridge, Water Lane and the Quay as areas for infrastructure improvement could be made as a recommendation at a future Council meeting.

RESOLVED that the content and publication of the Annual Infrastructure Statement for 2022 be noted.

PINHOE COMMUNITY HUB

Councillor Wood declared a non-pecuniary interest and left the meeting during consideration of the following item.

The Executive received the report to approve in-principle funding to the Pinhoe Community Hub, providing that full external funding outlined in the business case was achieved. The report sought Members' support to approve up to £1,222,707 towards the capital programme, as identified in the Pinhoe Community Hub Trustees business case.

The Director of Culture, Leisure and Tourism advised that a feasibility study had been undertaken to support the commitment to in-principle funding to assist the Trustees in applying for support from external funding sources.

Councillor Jobson, as an opposition group leader, spoke on this item and, whilst supporting the concept and referring to the amount raised to date by the Trustees asked how realistic it was that the Trust could raise £765,000.

During the discussion reference was made to the value of new community facilities in other areas of the city and that a Hub for Pinhoe would be particularly beneficial given the significant amount of new housing built in the area in recent years. Members also noted that the report showed that the Council was willing to support neighbourhoods, despite any risk involved.

The Director Finance in responding to the question raised, advised that the Trustees had identified a range of options, which were credible, but it remained to be seen if they could be successful. The report made it clear that Council funding was dependent on the success of the fundraising. However, the contribution for the Council should also provide comfort to potential granters of capital and that there were matched funds available.

RECOMMENDED that Council approve:

- (1) in principle for up to £1,222,707 of CIL and Section 106 funding towards the development of the Pinhoe Community Hub once full external funding is confirmed;
- (2) that officers to continue working with Trustees for the funding to be released, subject to confirmation of the provision of full funding. Should this not be possible the matter will be brought back to Council; and
- (3) that a Memorandum of Understanding (MOU) be developed with the Pinhoe Community Trustees to confirm the above.

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OVERVIEW OF GENERAL FUND REVENUE BUDGET 2022/23 - QUARTER 2

The Executive received the report on the overall financial position of the General Fund Revenue Budgets for the 2022/23 financial year after six months and sought Council approval for the additional expenditure required during the financial year.

Particular reference was made to:-

- the increase in car park income which was now projected to be closer to the budgeted figure;
- the increase in return on investments resulting from the net interest rate increases, some of which would be paid to the HRA as well as benefitting the General Fund;
- there was no intention to seek short or long-term borrowing at present because of the interest rate rises; and
- a number of the supplementary budgets identified would be self-funding.

Councillor Jobson, as an opposition group leader, spoke on this item and enquired on how many new Leisure memberships had been made on a month-by-month basis and whether steps were being taken to improve the take up of Home Call.

Councillor D. Moore, as an opposition group leader, spoke on this item requesting confirmation that there was no intention to proceed with the Columbarium project. She sought clarification why, in respect of housing, that two of the three business cases would not start this year and whether there would be a loss on waste charging services due to credit payments made to residents as a result of the recent disruption to bin collections.

In response to the questions raised, the Leader and the Director Finance advised that:-

- there were 12,102 active Leisure members;
- the Columbarium project was unlikely to proceed due to the significant challenges regarding its positioning;
- the two housing business cases would not proceed this year;
- credit payments would be made to residents in respect of the bin collection service but the impact was unknown at present; and
- following a reduction in the number of Service Leads in Net Zero and City Management, Home Call had recently been transferred to Environmental Health and Community Safety, along with the CCTV service. The Service Lead was undertaking a full review of the commercial and advertising approach for Home Call, which would result in a more active marketing and a better tie in with some of the services the team already offered. There was a great deal of competition in this market but there was confidence that the service could be expanded.

RECOMMENDED that Council notes and approves (where applicable):

- (1) the General Fund forecast financial position for the 2022 financial year;
- (2) the supplementary budgets as detailed in paragraph 8.12 and Appendix 3 of the report;
- (3) the outstanding Sundry Debt position as at September 2022;
- (4) the creditors payments performance; and
- (5) the One Exeter programme update.

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2022/23 GENERAL FUND CAPITAL MONITORING STATEMENT - QUARTER 2

The Executive received the report on the current position of the Council's revised Annual Capital Programme and the anticipated level of deferred expenditure into future years. The report also sought approval from Members to amend the annual Capital Programme in order to reflect the reported variations.

Particular reference was made to:-

- the revised Capital Programme budget for the current financial year of £95.550 million with the Council having spent £49.532 million in the first six months, equating to 51.84% of the revised programme, which compared with £9.694 (9.06%) that had been spent in the first six months of 2021/22;
- there was an additional budget request for the allocation of £150,000 to reconstruct a retaining wall on Countess Wear Road which collapsed in December 2020 and would be funded from the underspend on the district lighting programme; and
- work was being undertaken on the reduction in the overall programme reflecting the increase in borrowing requirement interest rates.

RECOMMENDED that Council approve:

- (1) the overall financial position for the 2022/23 Annual Capital Programme; and
- (2) the amendments and further funding requests to the Council's Annual Capital Programme for 2022/23.

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2022/23 HRA BUDGET MONITORING REPORT - QUARTER 2

The Executive received the report on the financial position of the HRA Revenue and Capital Budgets for the 2022/23 financial year after six months and the reported budgetary over/under-spends. The report also highlighted areas of risk, where certain budgets had been identified as being vulnerable to factors beyond the control of the Council, resulting in potential deviations from budget, and were being monitored by officers.

Councillor D. Moore, as an opposition group leader, spoke on this item and referred to the general maintenance budget overspend and requested confirmation that there would be no delay in the maintenance for Council Housing.

The Director Finance, in responding, advised that there was sufficient flexibility within the overall HRA budget to ensure that there would be no impact on the repairs and maintenance element. Much of the work related to void properties and it was important to ensure that these were fit for occupation to contribute to the income stream.

RECOMMENDED that Council note and approves (where applicable):

- (1) the HRA forecast financial position for 2022/23 financial year; and
- (2) the revision of the HRA Capital Programme to reflect the reported variations detailed in Appendix 4 of the report.

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TREASURY MANAGEMENT 2022/23 HALF YEAR UPDATE

The Executive received the statutory report on the current Treasury Management performance for the 2022/23 financial year and the position of investments and borrowings at 30 September 2022. The Council was currently maintaining an under-borrowed position, so the actual borrowings of the Council were below the Council's borrowing requirement, as it had taken advantage of internal borrowings

The Director Finance explained that, because of the volatile interest rates, especially the Government Gilts which underpinned the Public Works Loans Board, the Council's stated borrowing strategy was to defer borrowing until later years, where possible, and to reduce the size of the Council's investment balance instead.

Councillor Jobson, as an opposition group leader, spoke on this item and sought clarification that Thurrock Council and the Standard Chartered fixed term deposits had been re-paid? She also enquired whether there would be an assessment on any future loans from the Public Works Loan Board (PWLb).

The Leader, in responding to questions raised, advised that:-

- the Thurrock Council fixed rate deposit had been repaid in full and the Standard Charter fixed term deposit had been rolled over for a further six months; and
- the Council's Treasury Management advisors provided a regular assessment of the interest rates.

RECOMMENDED that Council note the Treasury Management report in respect of the first six months of the 2022/23 financial year.

131 **MANAGEMENT PROVISION OF THE COUNCILS TEMPORARY AGENCY STAFF**

The Executive received the report which sought approval to award a new contract for the management provision of the Council's Temporary Agency Staff, which would offer a value for money approach on the rates paid for temporary labour and efficiency savings through consolidation of suppliers. The contract would also enable a better response from the temporary staff supply market to fill roles which historically were more difficult to fill.

RESOLVED that the Temporary Agency Staff contract be awarded to Comensura through a neutral vendor arrangement for an initial period of two years with an option to extend for a possible two further one-year extensions.

132 **REQUEST FOR A VARIATION OF HACKNEY CARRIAGE FARES**

The Executive received the report which provided the results of the public consultation exercise and the responses in relation to the variation of the table of fares on increasing the Hackney Carriage Fare Tariff.

Members noted that following the consultation period a total of nine responses had been received, with seven being in support and two against.

Councillor Jobson, as an opposition group leader, supported the variation of the Hackney Carriage fares.

RESOLVED that the Hackney Carriage Fare Tariff proposal be approved and implemented with effect from 1 January 2023.

133 **LIVE AND MOVE STRATEGY AND GOVERNANCE PROPOSAL**

The Executive received the report on the Exeter and Cranbrook Live and Move Programme, which was funded by Sport England to tackle physical and health inequalities. Following a review of the governance structure and strategy, approval was sought for the new governance structure, with the Council being responsible for key financial and strategic programme decision making, which would be updated in the Council's constitution to reflect the changes.

Particular reference was made to:-

- extensive engagement work with Sport England and other partners over the last 12 months to tackle inequalities around physical activity and health and well-being;
- a focus on specific communities such as Wonford, Beacon Heath and Exwick as well as other identified locations across the city;
- there was a two and half year agreement with Sport England to deliver the work and to find additional resources.

During the discussion the following points were made:-

- the aims of the Live and Move Strategy supported the goals of sustainable transport;

- the programme would help address the impact of the COVID-19 pandemic on physical activity levels, health outcomes and widening inequalities. Residents in the poorest neighbourhoods were three times more likely to be inactive than the mainstream population. There had been a fall in activity levels and a decrease in general health and wellbeing for those on low incomes and from culturally diverse communities;
- the programme would help meet the 2040 vision for every child to live in an inclusive, healthy, and sustainable city;
- the programme would build on the Council's 2021 decision to bring the Leisure Services under direct management, which was enabling leisure services to be opened to the widest possible audiences through new ways for collaborative working with Exeter Leisure and the chance to establish stronger connections with the Wellbeing Exeter programme;
- the programme would also help address the potential impact of the cost-of-living crisis on physical activity levels; and
- Inclusive Exeter had recently held a free badminton session for the BME community at the Wonford Leisure Centre.

Councillor D. Moore, as an opposition group leader, spoke on this item. She welcomed the commitment to engage further with communities and asked for reports on progress with the programme. Whilst recognising the importance of targeting specific areas of the city, Councillor D. Moore referred to the St. David's ward as an area with high levels of deprivation which could also benefit from targeting. She sought assurance that there would be opportunities for the voluntary and community sectors to be able to fully engage in the governance process including the sounding board.

The Active and Healthy Programme Lead in responding, advised that the Sounding Board was not a decision-making body but a forum which offered the opportunity for residents to engage in the Live and Move Programme, which any resident was welcome to participate in. Existing voluntary and community organisations were involved in the programme and could direct residents to various activities and were helping in growing networks across the city.

RECOMMENDED that Council approve:

- (1) the revised Governance Structure and Terms of Reference;
- (2) the updating of the Council's constitution; and
- (3) that the Live and Move Strategy is noted with delegated powers granted to the Director of Culture, Leisure and Tourism, in consultation with the relevant Portfolio Holder.

134

THE EXETER COMMUNITY LOTTERY

The Executive received the report which sought approval to establish a community lottery for Exeter, with the proceeds to be distributed by the Exeter Grants Programme and to provide support to the city's voluntary sector. Since 2015 more than 110 other Local Authorities had also setup or were in the process of setting up local lotteries to support good causes in their areas. The proposal would enable officers to engage an External Lottery Manager (ELM), to enable the Council and other city societies to raise funds for their own corporate strategic priorities.

Councillor D. Moore, as an opposition group leader, spoke on this item. She referred to the proposal as an interesting idea which had been first referenced within the Commercialisation Strategy and enquired how much money would be contributed to the Council. She stated that the Equality Impact Assessment had not

referenced faith groups who played an important part in community life and some were opposed to the principle of lotteries.

Councillor Jobson, as an opposition group leader, spoke on this item and questioned whether the scheme was appropriate at this time and sought assurance that there would be safeguards in place.

During the discussion the following points were made:-

- the subject would be discussed at Council and would be run as a professionally run lottery which would support the community and voluntary sectors;
- the Portfolio Holder for Communities and Homelessness Prevention would be pleased to share the research undertaken with the opposition leaders, which had moved the project forward and would help to inform the Council debate;
- other local authorities had been able to set up community lotteries since legislation was passed in 2007 and there were now over 100 local authorities licensed to run lotteries by the Gambling Commission and regulated under the Gambling Act 2005;
- it would be a sustainable way of supporting communities and enabling causes to help themselves with the local authority facilitating this by holding the operating licence; and
- it could benefit smaller organisations who did not possess the resources to seek support from funding sources.

In response to the questions raised, the Director for Culture, Leisure and Tourism advised that:-

- the report had followed on from the Commercialisation paper, and had been brought forward as a separate initiative; and
- the Council already provided significant financial support to the Exeter voluntary and community sector through its Exeter Community Grants programme and this and other initiatives could be drawn upon by those groups opposing the lottery principle.

RECOMMENDED that Council approve:

- (1) the establishment of a local community lottery for Exeter;
- (2) for the Director of Culture, Leisure and Tourism, in consultation with the Portfolio Holder for Communities and Homelessness Prevention to contract an 'External Lottery Manager' to deliver the scheme on the Council's behalf;
- (3) the distribution of any proceeds through the Exeter Grants Programme; and
- (4) the Council joining the Lotteries Council in order to deliver the lottery through best practice and access free membership services on legal and compliance issues.

135

MAJOR CAPITAL PROJECTS BUDGETS: EDWARDS COURT EXTRA CARE SCHEME AND EXETER BUS STATION & ST. SIDWELL'S POINT PROGRAMME.

The Executive received the report which sought approval of additional funding in connection with recent major capital projects of 'Exeter Bus Station & St. Sidwell's Point programme' and Edwards Court Extra Care Scheme. The progress of the projects and discussions with key suppliers/contractors were at a stage whereby the total forecast outturn costs could be confirmed. The report also sought approval for a funding request of £2,166,921 for costs in connection with Covid payments.

The Leader advised that, following the vote, the meeting would be moved to Part 2 to allow Members to consider exempt information for discussion as defined in paragraph 3 of Part 1, Schedule 12A of the Local Government Act 1972.

The Leader read a list of the various awards won by St. Sidwell's Point, and expressed his thanks to all those involved in its development.

The Director for Culture, Leisure and Tourism advised that the construction of the three sites took place during the Covid Pandemic and highlighted the challenges that were involved. He paid tribute to the teams involved and to the 2,500 construction workers who had been involved during the contract.

Councillor D. Moore, as an opposition group leader, spoke on this item and expressed her congratulations on the number awards. She enquired on where the money for the Covid Settlement was coming from.

Councillor Jobson, as an opposition group leader, spoke on this item and advised she would ask her question when the meeting moved to Part 2 due to commercial sensitivity.

During the discussion the following points were made:-

- it was a testimony to all those involved, that the project had been delivered despite the difficulties caused by the Covid-19 Pandemic, and that the work on St Sidwell's had continued during this period;
- several public testimonies had been received praising both the St. Sidwell's Point and Edwards Court Extra Care Scheme as excellent, modern and friendly facilities; and
- Edwards Court had received praise by a resident who was nearly 100 years old who lived at the facility.

In response to the question raised by Councillor D. Moore, the Leader advised that money would be coming from the HRA budget and there would be no borrowing in relation to the settlement.

The Leader thanked Phil Lewis, Justin Pickford and Emma Osmundsen for their hard work on St. Sidwell's Point.

RECOMMENDED that Council approve:

- (1) additional funding of £1,164,049 in connection with the assessed contractual entitlement costs on the Exeter Bus Station and St. Sidwell's Point programme being - 2.15% of the original programme budget;
- (2) the funding of £1,750,000 in relation to the 'Covid Settlement' payment in relation to St Sidwell's Point;
- (3) additional funding of £363,385 in connection with the assessed contractual entitlement costs on the Edwards Court Extra Care scheme, being - 2.55% of the original programme budget;
- (4) funding of £416,921 in relation to the 'Covid Settlement' in relation to Edwards Court Extra Care scheme; and
- (5) payments to Kier as set out in recommendations 1- 4 being made before 24 December 2022, provided that Kier agree the sums set out above are in full and final settlement of all/any claim they may have against the Council in relation to their accounts for the Exeter Bus Station and St.Sidwells Point programme and Edwards Court Scheme and formalised by way of settlement agreement signed by both parties.

136 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC**

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1, Schedule 12A of the Act.

137 **MAJOR CAPITAL PROJECTS BUDGETS: EDWARDS COURT EXTRA CARE SCHEME AND EXETER BUS STATION & ST. SIDWELL'S POINT PROGRAMME.**

The meeting was moved into Part 2 to discuss the commercially sensitive details in the report.

Justin Pickford (Baker Ruff Hannon) and Phil Lewis (Randall Simmonds) were in attendance and responded to questions from Members and the Opposition Leaders.

The recommendations were agreed in Minute No.135.

(The meeting commenced at 5.30 pm and closed at 8.05 pm)

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 13 December 2022.

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SEATING IN THE GUILDHALL

Agenda Annex

		Deputy Lord Mayor Councillor Newby (C)	Chief Executive & Growth Director	Lord Mayor Councillor Mrs Henson (C)	Democratic Services Team Leader	Corporate Manager Democratic/Civic Support	Director Corporate Services
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Democratic Services Officers				Deputy Chief Executive	Director Finance	Director
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Councillors	Councillors	Councillors		Councillors	Councillors
Warwick (L)	Snow (L)	Bialyk (L)		Moore, D.F. (G)*	Jobson (C)
Oliver (L)	Hannaford (L)	Wright (L)		Mitchell, K.J. (LD)*	Leadbetter(C)
Ellis-Jones (L)	Packham (L)	Morse (L)		Sparling (G)*	
Atkinson (L)	Lights (L)	Ghusain (L)	TABLE	Read (G)*	Holland (C)
Allcock (L)	Foale (L)	Williams (L)		Bennett (G)*	
Branston (L)	Vizard (L)	Parkhouse (L)		Rees (G)*	
	Knott (L)				

Cllr Asvachin (L)	Cllr Sutton (L)	Cllr Wardle (L)	Cllr Wood (L)	Cllr Denning (L)	Cllr Pearce (L)	Cllr Mitchell, M. (LD)*	Cllr Moore, J. (I)*	Cllr Harvey (I)
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L: Labour: 25
G: Green: 5*
LD: Liberal Democrat 2*
C: Conservative: 5
I: Independent 1*
I: Independent 1
 * Known as the Progressive Group

Portfolio Holders

Bialyk: Leader
 Wright: Deputy Leader and Arts and Culture and Corporate Services
 Wood: Climate Change
 Williams: Recycling, Waste Management and Waterways
 Denning: Customer Services and Council Housing
 Parkhouse: Leisure Services and Physical Activity
 Ghusain: City Management and Environmental Services
 Morse: City Development and Chair of Planning
 Pearce: Communities and Homelessness Prevention

