



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 21 FEBRUARY 2023**, on the rising of the Extraordinary Meeting of Council which commences 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 Mark Devin, Democratic Services Team Leader on 01392 265477.

The following business is proposed to be transacted:-

	Pages
1 Minutes	
To approve and sign the minutes of the meeting of the Ordinary Council held on 13 December 2022 and of the Extraordinary Council held on 20 December 2022.	5 - 24
2 Official Communications	
3 Public Questions	Pages
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 16 February 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 Licensing Committee - 31 January 2023	25 - 28
5 Strategic Scrutiny Committee - Special - 12 December 2022	29 - 36
6 Strategic Scrutiny Committee - 19 January 2023	37 - 44
7 Customer Focus Scrutiny Committee - 2 February 2023	45 - 72
8 Combined Strategic Scrutiny and Customer Focus Scrutiny Committee - 9 February 2023	73 - 82

9	Exeter Harbour Board - 15 December 2022	83 - 86
10	Strata Joint Scrutiny Committee - 5 January 2023	87 - 90
11	Strata Joint Executive Committee - 17 January 2023	91 - 92
12	Executive - 10 January 2023	93 - 104
13	Executive - 7 February 2023	105 - 120 Pages
14	Notice of Motion by Councillor M. Mitchell under Standing Order No. 6 Council Tax exemptions and discounts	

Request Exeter City Council to lobby both of our local Members of Parliament, the Local Government Association and the Department for Communities and Local Government to require central Government to include in future annual Local Government financial settlements full reimbursement to Local Authorities, Police and Crime Commissioners and Fire and Rescue Services for losses of council tax income due to nationally legislated exemptions and discounts.

Pages

- 15 Notice of Motion by Councillor Read under Standing Order No. 6

The Council notes:

In July 2019 Exeter, along with hundreds of other Councils, declared a climate emergency. This declaration was strengthened in April 2021 by including biodiversity. The Rivers Trust says 'Rivers are in the forefront of our climate and nature crisis. For habitats to adapt and recover from climate shocks, we need healthy rivers'. The Council has an obligation to protect its rivers and the City Council's Harbour Board has, as one of its core values "We will lead in environmental stewardship of the Port." The Exe Estuary has the highest protection status afforded to it and is designated a Site of Special Scientific Interest and a Special Protection Area because it supports internationally important populations of birds such as the Slavonian Grebe and the Avocet, as well as Dunlin, Oystercatcher, Blacktailed Godwit and more.

The issue of sewage pollution of rivers and the sea is rightly high on the public and political agenda as the Environment Agency recently revealed that not one English waterway, including rivers, lakes, estuaries and coastal waters is in good ecological and chemical health at present. Pollution from water treatment plants and agriculture are the key sources of the damage. Meanwhile the Environment Agency recently shockingly announced that the target to clean up the majority of England's rivers, lakes and coastal waters has been pushed back 36 years, from 2027 to 2063. To date, only stretches of two rivers in the UK have been granted bathing status, a section of the Wharfe and of the Thames.

This Council resolves to:

1. Recognise that there is clear evidence of poor water quality in the Exe due to cumulative impact of multiple sewage discharge events or 'sewage overload'.
2. Request from South West Water that an evidence base is compiled that

assesses the cumulative impact of sewage discharge on ecological river health, and in addition the impact of polluted water on wildlife and biodiversity along the banks of the river should be monitored.

3. Ask the Chair of the relevant Scrutiny Committee to invite the Chief Executive of South West Water plus senior representatives from the Environment Agency and Natural England/Natural Resources Wales to attend a meeting to answer questions on the current levels of sewage discharge.
4. Ask the Chair of the relevant Scrutiny Committee to contact the Department for Environment, Food and Rural Affairs (DEFRA) and the regional director of the National Farmers' Union for clarification on action being taken by local farmers to prevent agricultural waste flowing into the river.
5. Ask South West Water from this date onwards, in its planning consultation responses for major development, to clarify which treatment works will be managing the sewage; whether it has the information available to assess the impact on the number or duration of sewage discharges into local rivers or seas, and if it does have this information to share it (noting that this can only be requested not required).
6. Request Exeter City Council to lobby both our local Members of Parliament, the Local Government Association and the Department for Communities and Local Government to ban sewage discharges into swimming areas and where protected wildlife lives.

Pages

16 Appointment of new permanent Chief Executive and Head of Paid Service
To consider the report of the Council Leader.

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17 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 13 February 2023

Karime Hassan MBE
Chief Executive & Growth Director

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COUNCIL

Tuesday 13 December 2022

Present:-

The Right Worshipful the Lord Mayor Councillor Mrs Yolonda Henson (Chair)

Councillors Allcock, Asvachin, Atkinson, Bialyk, Denning, Ellis-Jones, Foale, Hannaford, Harvey, Holland, Jobson, Knott, Leadbetter, Lights, Mitchell, K, Mitchell, M, Moore, D, Moore, J, Newby, Oliver, Parkhouse, Pearce, Read, Rees, Snow, Sparling, Sutton, Vizard, Wardle, Warwick, Williams, Wood and Wright

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MINUTES

The minutes of the meeting of the Council held on 18 October 2022 were moved by the Leader, Councillor Bialyk and seconded by Councillor Wright taken as read, approved and signed as correct.

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OFFICIAL COMMUNICATIONS

The Lord Mayor reported that a card, signed by King Charles III, had been received from Buckingham Palace addressed to the Lord Mayor and the people of Exeter in response to the letters of condolence which had been sent.

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

- Diwali celebrations at Matthews's Hall in Topsham on 29 October 2022;
- the Devon Young Farmers Harvest Festival Service at Exeter Cathedral on 30 October 2022;
- the Exeter, East and Mid Devon award and recognition ceremony at the Barnfield Theatre on 3 November 2022 for both serving officers, police staff and members of the public for actions that have gone above and beyond expectations;
- the Remembrance Service in Northernhay Gardens on 13 November 2022;
- the 80th Anniversary of the Polish Flag raising ceremony on 15 November 2022, attended by representatives of the 307 Squadron Project and members of the Brize Norton RAF base;
- the annual dinner of the Incorporation of Weavers, Fullers and Shearman at Tuckers Hall on 18 November 2022;
- the 41st annual Exeter Street Sweepers' and Cleaners' Award held at the Guildhall on 19 November 2022;
- a Fit for a King dinner held at @34 Restaurant at Exeter College on 23 November 2022, where £1,400 had been raised for Exeter Dementia Action Alliance, the Lord Mayor's chosen charity;
- a reception on 26 November 2022 as part of the celebrations for the return of Exeter Carnival which had taken place after a 24 year absence; and
- the Lord Mayor's Carol Service on 28 November 2022 at the Cathedral with the Exeter Railway Band, The Maynard School and the Exeter Police and Community Choir participating in the service.

The Lord Mayor reported the following:-

- the Lord Mayor's coffee morning event would be held on Saturday 17 December 2022 to raise money for the Exeter Dementia Action Alliance;
- St. Sidwell's Point had won the Royal Institute for Chartered Surveyors Environmental Impact Award for inspirational initiatives and developments on 21 October 2022. The ceremony had been held at the Londoner Hotel in London; and
- the nomination of St. Sidwell's Point for the Royal Town Planning Institute Awards Excellence in the Planning for Health and Wellbeing category, the ceremony held on 30 November 2022 at the Mermaid Theatre in London.

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PUBLIC QUESTION

The Lord Mayor reported the receipt of a question from a member of the public.

Question from Peter Cleasby to Councillor Bialyk, Leader.

What lessons for the future has the Council learned from the procurement process relating to the construction of St. Sidwell's Point?

Response

1. When procuring a builder for a project as challenging and complex as St. Sidwell's Point (city centre location, swimming pool engineering, Passivhaus construction), then a two stage tender process with the contractor enables the contractor to fully understand the challenges, risks and solutions, before confirming the price and programme. This collaborative approach helped remove uncertainty and any misunderstanding or misconceptions.
2. Presentations and information sessions about the project during the tender process help the supply chain gain a good understanding of the requirements of the project and key drivers for success.
3. Keeping a clear register and log of all correspondence and information issued during the tender process helps ensure consistency of communication with all tendering parties and avoids the risk of procurement challenge.
4. Complex projects require teams on both sides to understand the priorities of others regarding risk and the processes that need to be managed, including resourcing of risk mitigation.
5. The project is market-leading, so communicating the benefits and additional processes is part of the procurement process and time needs to be allocated to this.

Mr Cleasby asked a supplementary question as to whether, notwithstanding the good practices that had been followed, had the two substantial budget increases in 2018 and 2021 impacted on subsequent Council negotiations with the contractor and that, in spite of these escalating costs, the Council had no option but to continue its commitment to the project so as not to lose face?

The Leader, in responding, stated that very detailed practices had been established with the contractor at the procurement stage of the contract. It was to the credit of the Council to have developed a highly prestigious, successful leisure facility at a time when other leisure centres and swimming pools across the country had been forced to close as a result of the economic conditions brought about by the Covid Pandemic.

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PLANNING COMMITTEE - 10 OCTOBER 2022

The minutes of the Planning Committee of 10 October 2022 were presented by the Chair, Councillor Morse, and taken as read.

In respect of **Minute No. 40 (Planning Application No. 22/0236/FUL and 22/0237/LBC - The Royal Clarence Hotel, Cathedral Yard, Exeter)**, and in response to a question from a Member and in the absence of the Portfolio Holder for City Development, the Leader advised that, in the event of a deferred contribution mechanism being made on the completion of the commercial and residential units on the Royal Clarence Hotel site, the details would be reported to Members.

RESOLVED that the minutes of the Planning Committee held on 10 October 2022 be received.

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LICENSING COMMITTEE - 24 NOVEMBER 2022

The minutes of the Licensing Committee of 24 November 2022 were presented by the Chair, Councillor Foale, and taken as read.

RESOLVED that the minutes of the Licensing Committee held on 24 November 2022 be received.

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AUDIT AND GOVERNANCE COMMITTEE - 30 NOVEMBER 2022

The minutes of the Audit and Governance Committee of 30 November 2022 were presented by the Chair, Councillor Wardle, and taken as read.

In respect of **Minute No. 27 (External Auditor's Annual Audit Report on Exeter City Council 2020/21)**, the Leader, in response to Members' questions, advised that:-

- a review of the governance structure of Exeter City Council's companies, including Exeter City Living, was underway to ensure that the Board comprised the right mix of Directors with the necessary skills as well as appropriate shareholder interaction and that, the details of the changes and the composition of the new Board, would be reported back to Council; and
- with regard to other City Council companies, the review of Strata would be progressed by the Strata Joint Executive Committee which was responsible for the strategic governance of Strata with the appropriate scrutiny to be undertaken by the Strata Joint Scrutiny Committee. This was a joint exercise by the three company owners – East Devon District Council, Exeter City Council and Teignbridge District Council.

RESOLVED that the minutes of the Audit and Governance Committee held on 30 November 2022 be received.

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STRATEGIC SCRUTINY COMMITTEE - 17 NOVEMBER 2022

The minutes of the Strategic Scrutiny Committee of 17 November 2022 were presented by the Chair, Councillor Hannaford, and taken as read.

RESOLVED that the minutes of the Strategic Scrutiny Committee held on 17 November 2022 be received.

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CUSTOMER FOCUS SCRUTINY COMMITTEE - 1 DECEMBER 2022

The minutes of the Customer Focus Scrutiny Committee of 1 December 2022 were presented by the Chair, Councillor Vizard, and taken as read.

In respect of **Minute No. 32 (Questions from Members of the Council under Standing Order No. 20)**, the Leader moved and Councillor M. Mitchell seconded the addition of the Earl of Devon in the recommendation requesting that the City's MP's and Bishop Robert Atwell be asked to raise with the Secretary of State for Levelling Up, Housing and Communities the Scrutiny Committee's concerns regarding problems of mould and damp in social housing.

Following a vote, the recommendation, as amended, was CARRIED unanimously.

In respect of **Minute No. 34 (Tackling the Ecological Emergency)**, the Chair reported that, in view of the resource implications, the recommendation for the Local Plan team to 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, would be reported to the Executive.

RESOLVED that the minutes of the Customer Focus Scrutiny Committee held on 1 December 2022 be received and, where appropriate, adopted.

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EXETER HARBOUR BOARD - 26 OCTOBER 2022

The minutes of the Exeter Harbour Board of 26 October 2022 were presented by the Chair, Councillor Williams, and taken as read.

In respect of **Minute No. 21 (Harbour Revision Order Update)**, the Chair reported that she had started to meet informally with water sports associations and other relevant organisations with an interest in the Harbour Revision Order to discuss its implications, including issues around charging.

In respect of **Minute No. 22 (Harbour Master's Report)**, the Chair advised that the Heritage Harbour Route Map had been commissioned by the Exeter Canal and Quay Trust who would decide on the timing of the release of the final version which was currently under preparation.

RESOLVED that the minutes of the Exeter Harbour Board held on 26 October 2022 be received.

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EXECUTIVE - 1 NOVEMBER 2022

The minutes of the Executive of 1 November 2022 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 111 (Revisions to Street Naming and Numbering Policy)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 112 (The Devon Carbon Plan)**, Councillor D. Moore prior to moving amendments on the recommendations, sought the views of the Portfolio Holder for Climate Change on the following:-

- the County Council goal within the Carbon Plan to achieve Net Zero by 2050 with a 50% reduction in carbon emissions by 2030;
- what was the meaning of the words “reflecting on” in recommendation (2), particularly in respect of transport?; and
- the absence in the Equality Impact Assessment of any evidence that religious organisations were reluctant to improve their buildings, as many were in the forefront of taking action in this respect.

The Portfolio Holder for Climate Change responded as follows:-

- the Devon County Council target for Net Zero 2050 aligns with the national target. Whilst the County Council has challenges to deliver on the target because of the diverse nature of Devon communities, for Exeter, their buildings within the city are set to meet the 2030 Net Zero target;
- transport was 22% of the city’s carbon emissions and was a key target and this issue was being progressed by the City Council’s Exeter Transport Working Group and through Member and officer discussions with their County Council colleagues; and
- a separate written response would be provided in relation to the question on the Equality Impact Assessment.

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

- (1) Recommendation (2) to read “reaffirm the commitment to 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. Accordingly, to open urgent and meaningful negotiations with the County Council on Transport and the 2050 target to develop a supportive policy context for the City of Exeter Net Zero plans”;
- (2) to replace the word biannual in recommendation (5) with the words “reports twice yearly”, and;
- (3) an additional recommendation to remove the reference to religious groups in the Equality Impact Assessment as there is no evidence to back up the statement that such groups are reluctant to improve their buildings.

During the discussion, the Leader stated that he was prepared to accept the proposal to negotiate with the County Council on transport but that the wording should be amended to read “ask for” rather than “open” meaningful discussions with the County Council. He also stated that the issue relating to the Equality Impact Assessment would be progressed with the Portfolio Holder for Climate Change as already indicated. As such, two of the three amendments, that is the changed wording to (1) above with the wording “ask for” instead of “open” and the new recommendation set out in (3) above were acceptable but that (2) was not.

Councillor D. Moore accepted the changed wording to (1) above and acknowledged the proposal on how to proceed with the new recommendation.

The amendment in respect of (2) above was voted upon on and LOST.

The recommendations, as amended by (1) and (3) above, became the substantive motion.

The Leader moved and Councillor Wright seconded the substantive motion and following a vote, the recommendations, as amended, were CARRIED unanimously.

In respect of **Minute No. 113 (Legal Obstacles to Port Marine Safety Code Compliance)**, and during the discussion the following points were made:-

- the Canal, which had been in the ownership of the City Council for over 500 years, was a valuable asset for the city but which was somewhat overlooked by the general public. It was an important attraction to both residents and visitors alike offering a more carbon friendly, alternative means of transport than some other transport modes;
- the proposal for a Harbour Revision Order was welcomed and would help preserve the Canal;
- the Canal and Estuary were also assets to Topsham;
- thanks were extended to the Harbour Master and his team for their work in carrying out the City Council's Health and Safety and other responsibilities and for arranging Members' fact finding tours of the River and Canal; and
- the recent containment of oil and diesel spillage into the Canal from a 44-ton fishing boat underlined the importance of this service and for seeking the Harbour Revision Order which would give legal powers to instruct owners to remove unseaworthy vessels from Exeter's waterways.

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

In respect of **Minute No. 114 (Exeter Playing Pitch Strategy)**, the Portfolio Holder for Leisure Services and Physical Activity, in response to a Member's question, advised that there were a number of funding options for progressing the Strategy, including approaching national funding bodies for grant support and the use of Community Infrastructure Funding (CIL) and Section 106 monies and that all avenues would be explored.

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

In respect of **Minute No. 115 (Annual Scrutiny Report 2021-22)**, the Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried unanimously.

RESOLVED that the minutes of the Executive held on 1 November 2022 be received and, where appropriate, adopted.

The minutes of the Executive of 29 November 2022 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No.119 (Members' Allowances)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 120 (Amendment to the Terms of Reference for the Joint Consultation and Negotiation Committee)**, the Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 121 (Working Towards Net Zero - Exeter City Council's Corporate Footprint Report and Carbon Reduction Action Plan)**, the Portfolio Holder for Climate Change, undertook to respond to a Member's question in respect of the requirement for a detailed investment plan based on costed proposals to achieve Net Zero 2030.

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

In respect of **Minute No. 122 (The Local Household Support Fund - Scheme 3)**, the Portfolio Holder for Customer Services and Housing commended the scheme which would assist those households struggling during the Cost of Living Crisis, the awards to range between £100 and £650, with payments to be made in January.

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

In respect of **Minute No. 123 (Mary Arches Street Car Park Re-development)**, the Leader, in response to a Member's question, advised that there was no intention to include properties outside of the indicative red line boundary and that the purpose of the report was to agree a budget for the demolition of the Car Park and requirements for making the demolition possible. He added that there would be a consultation process and that Members could raise issues in advance with the Director City Development.

The Portfolio Holder for Climate Change stated that the cost of the solar canopy arrays had been fully met and that they would be relocated to an appropriate site to continue to generate energy.

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

In respect of **Minute No. 124 (Community Infrastructure Levy - Partial Review consultation)**, the Leader, in response to a Member's question, confirmed that the public consultation on the draft Charging Schedule would follow the Council's Consultation Charter.

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

In respect of **Minute No. 125 (Annual Infrastructure Funding Statements 2022)**, the Leader, in response to Members' questions, provided the following responses:-

- although he understood that it was not a requirement for 25% of a CIL contribution to be allocated to a Neighbourhood Plan area, he would seek further clarification from the Director City Development;

- with regard to the Exeter wide distribution of CIL monies, he recognised the differing demands from the city's wards, some of which had pressing needs in terms of deprivation but that it was important to achieve consensus on the distribution of funds. As it was difficult to discuss issues with all Ward Members, it was appropriate for this matter in particular, to be raised at a Leaders' meeting; and
- the Quay and Water Lane area could also be raised at a Leaders' meeting. Although proposals for the Water Lane Retail Park development might provide an opportunity for funding in the area, the ideas for replacing the former Mallison Bridge had included a wider boardwalk proposal, the cost of which was prohibitive at present. Ultimately, any plans would require inclusion in future capital programmes.

The Deputy Leader apologised for the delay in re-arranging a planned meeting referred to by a co-leader of the Progressive Group.

Councillor Wood having declared a non-pecuniary interest in the previous item had already left the meeting prior to the consideration of the following item, on which he had also declared a non-pecuniary interest. He therefore remained outside the meeting.

In respect of **Minute No. 126 (Pinhoe Community Hub)**, and during the discussion the following points were made:-

- new community facilities were particularly needed in Pinhoe following the significant amount of new housing built in the area in recent years. As well as Pinhoe residents, it was anticipated that the wider community, including the St James and Polsloe areas, would also benefit from the facilities and events;
- the Pinhoe Community Hub incorporated an extension to the library and a café overlooking the play area which would enable parents to supervise their children; and
- the value of CIL contributions to communities across the city, as well as the Pinhoe Hub, was recognised.

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

In respect of **Minute No.127 (Overview of General Fund Revenue Budget 2022/23 – Quarter 2)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 128 (2022/23 General Fund Capital Monitoring Statement – Quarter 2)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 129 (HRA Budget Monitoring Report - Quarter 2)**, the Leader, in response to a Member's question, undertook to request the Director Net Zero Exeter and City Management to provide an update on the position in respect of the allocated budget for replacing trees lost as a result of Ash Dieback.

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

In respect of **Minute No. 130 (Treasury Management 2022/23 Half Year Update)**, the Leader, in response to a Member's question, undertook to request the Director

Finance to provide an update on the impact of climate change on the City Council investments, in particular in relation to banking activity.

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

In respect of **Minute No. 133 (Live and Move Strategy and Governance Proposals)**, the Chair of the Strategic Scrutiny Committee, in response to a Member's question, advised that the Strategy fell within the Portfolio for Leisure Services and Physical Activity and that progress on the Strategy would be reported to the Committee.

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

In respect of **Minute No. 134 (The Exeter Community Lottery)**, Councillor Read moved and Councillor D. Moore seconded the following amendment:-

“to remove recommendations (1) to (4) and to replace with two recommendations:-

- (1) to produce, prior to a decision being taken to proceed, a feasibility report on the financial impact for the Council, impact on the voluntary sector, and the likely impact of gambling on those people and households who buy tickets; and
- (2) if deemed feasible, to then consult with the public and voluntary sector on the establishment of a local lottery for Exeter in line with the Consultation Charter and report back to Council on these findings.”

In presenting the amendment, Councillor Read stated that the proposal for an Exeter lottery could drive a wedge between communities as some would be unable to access the lottery fund, whilst others could. It was also incompatible with a Notice of Motion passed by the Council on 18 October 2022 (Min. No 56 refers) on the Cost of Living Crisis as lotteries take a higher percentage of their income from low income families. She asked if there had been any research on the impact on existing lotteries such as those of the Royal Devon and Exeter, NHS Trust and schools and whether smaller organisations who run lotteries would also be compromised. She also enquired if there had been any modelling undertaken on multiple members of a household purchasing tickets and how much the scheme would cost the Council?

The Portfolio Holder for Communities and Homelessness Prevention made the following points:-

- he had offered to share research through a briefing, but it had been unfortunate that not all Members had been able to attend, the briefing in effect being part of a consultation process;
- there were 163 organisations in the city who had benefitted from funding such as Exeter Cathedral via the Heritage Lottery Fund and Exeter Communities Together who supported a wide range of organisations across the city which indicated that there was widespread knowledge of lottery opportunities;
- the proposal was a sustainable way of getting extra community funding for organisations in the city and it was not a barrier, but an additional way of grant supporting bodies, allied to the Council's existing grants scheme;
- significant consultation had already taken place and there was ongoing discussions with Exeter's community partners such as Exeter Community

Initiative and St. Sidwell's Community Centre, all of whom were excited with the planned Exeter lottery;

- it was an incentivised giving scheme offering the public the opportunity to contribute to good causes which, in turn, would help those organisations, large and small alike, to combat the cost of living crisis; and
- it was not a ground breaking initiative as other local authorities had been able to set up community lotteries and there were now over 115 local authority managed lotteries in the UK. Research had shown that 82.5% of those participating came from the ABC 1 social category and not lower income groups.

A Member stated that the opportunity for a briefing had been welcomed but had been called at short notice. She emphasised that it was important for additional time to be made available for a scrutiny process to be undertaken prior to any commitment being made.

Councillor D. Moore, in seconding the amendment, raised the following points:-

- whilst the Portfolio Holder had offered a briefing, it was not a consultation and a report should have been brought first to the relevant Scrutiny Committee;
- it was important to respect the relationship with the voluntary sector and they should be consulted in accordance with the City Council's Consultation Charter as a number of these organisations had received support from the National Lottery and could therefore make a valuable contribution to this issue;
- some organisations in the city had not been able to participate in lottery funded projects because of their values and beliefs, one organisation having pulled out of a project for this reason;
- there was a need to be fully inclusive, as some organisations have not been aware of this scheme;
- the proposal had not been fully costed and there was a need for information on how it would be funded, what the financial return would be each quarter and an understanding of how the scheme would work with the City Council's grants system. It was important to ensure that funds would be available to those organisations who do not wish to benefit from the scheme;
- a significant amount of money would go to the organiser and there should be other ways to incentivise many in the city who were very generous by offering alternative opportunities to give, such as through Trusts; and
- request a full feasibility study to understand the true cost to the Council and a fundamental consultation with the voluntary and community sectors to help shape the proposed lottery.

During discussion the following points were raised:-

- the scheme was self-funded and there was no cost to the Council as it was being undertaken by an outside provider. It would offer the opportunity for people to give back to their community;
- the opposition to the proposal would only lead to delay in its implementation when many other Councils had been running such schemes for years;
- it was not a regressive taxation or big scale on-line gambling;
- data showed that it was not the most deprived in the community who took part and there would be safeguards in place; and
- there were creative ways to ensure that certain communities who had reservations with lotteries could still benefit.

The Portfolio Holder responded further with the following comments:-

- the money would be separate to the grants scheme and it was not the intention for those who had benefited from the grants scheme to receive further support from the new scheme; and
- costs would be £1,173 to cover the Lottery Gambling fees and, as estimated in consultation with other Councils, two to three hours of officer time per week. External lottery managers would be used as they would bear the risk in relation to the prize fund.

Councillor Read, in exercising her right of reply, stated that there had been insufficient consultation as a number of community organisations were unaware of the proposal and she called for the proposal to be properly scrutinised.

The amendment was put to the vote and LOST.

Councillor Jobson, as an opposition group leader, spoke on this item stating that the briefing session provided had been useful. She was also concerned that there would be multiple member households participating, potentially spending over £20 a week, at a time, when families were economically stretched in other areas. She did not feel that assurances had been given that there were adequate safeguards in place. Similarly, it was unclear how to stop under 16's joining the scheme.

During further discussion, the point was made that it was unclear how much of the lottery fund would be used towards administration, how much would go to the lottery provider and whether there would be any contribution to Gambling Aware.

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

In respect of **Minute No. 135 (Major Capital Projects Budgets : Edwards Court Extra Care Scheme and Exeter Bus Station and St. Sidwell's Point Programme 3)**, the Leader, in response to a Member's question, stated that the total cost of the Bus Station and St. Sidwell's Point Leisure Centre project was £54.8 million. He added that St. Sidwell's Point had been upgraded since the initial stages in 2014 and that the target of 10,000 members across all of the Council's Leisure facilities within three years of the opening of St. Sidwell's Point had already been exceeded, with 12,000 members now signed up.

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

RESOLVED that the minutes of the Executive held on 29 November 2022 be received and, where appropriate, adopted.

The meeting adjourned at 8.10 pm and re-convened at 8.18 pm.

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

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

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.

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

- the Conservative Group supported the Armed Forces and the Armed Forces Covenant, the Armed Forces having made many sacrifices to fulfil their duties and to keep people safe. The Armed Forces were likely to be asked to step in to ensure that essential services continue to be provided during strike action;
- the Armed Forces and their families deserve the Armed Forces Covenant as part of the promise made to them that they would not be disadvantaged and that their sacrifices would be recognised;
- the Secretary of State for Defence had expressed his gratitude to the thousands of organisations across the country who supported the Armed Forces to ensure that they and their families were not disadvantaged as a result of the sacrifices made; and
- the Covenant was to ensure that support continued into the future and the Conservative Group supported this legislation but could not support the recommendation.

In presenting his motion, Councillor Pearce made the following points:-

- it was a very important recommendation for the South West as there were more veterans in the South West than anywhere else in the country and, in particular in Exeter, 3.9% of the population were veterans, many of whom being reservists who worked at the Royal Devon and Exeter Hospital;
- the Royal British Legion had expressed the view that the Armed Forces Bill would, for the first time, place the Covenant on a legal footing. Whilst the majority of the public believed that it was the responsibility of the Government to deliver, it was exempted from the new provisions. The Legion had stated that the responsibility for many of the issues concerning the Armed Forces community rests with the Government; and
- support for the Armed Forces was a Government responsibility and it should be taking the initiative and not relying on Local Councils who already do what they can to support the Armed Forces community. The Government should not be abrogating themselves from their responsibility.

Councillor Pearce commended the Motion to Council.

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

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

Councillor Wood, seconded by Councillor Parkhouse, moved a Notice of Motion in the following terms:-

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 catered internal Council meetings will be plant-based and that it will showcase plant based foods at catered events.
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>.

In presenting his motion, Councillor Wood made the following points:-

- the purpose of the Motion was to make people aware of the impact on the Climate Change crisis of the choices they make in deciding what to eat;
- there was a shared understanding in society that there should be less consumption of meat and there was a significant amount of information on the environmental and health benefits of choosing plant based foods;
- with greater awareness of the crisis, people ask how they can help and one action would be to eat plant based foods;
- the Motion did not seek to prevent the consumption of meat, but rather to encourage the eating of meat on fewer days of the week;
- farmers and food producers also faced challenges in combatting Climate Change and they could be supported by the public who could choose locally sourced quality food which benefitted the local economy; and
- the Council was asked to play a role in raising awareness of plant based foods and to support the changes society needs to make to protect the planet.

Councillor Parkhouse, in seconding the Motion, made the following points:-

- decisions made every day had an impact on Climate Change and the future of the planet;
- the Council had enacted bold and ambitious policies to combat Climate Change in line with its declaration of a Climate Emergency in 2019 and the target of Net Zero 2030;
- science had made it clear that society needed to consume less meat;
- the impact on society of Climate Change would be greater than that of the recent Covid Pandemic;
- the Motion did not seek to ask people to become Vegan or Vegetarians, but to make the choice of cutting down on meat consumption; and
- there were significant health benefits in eating more plant based foods at every life stage.

During the discussion the following points were made:-

- whilst broadly supporting the measures to achieve Net Zero 2030, there were unintended consequences of promoting plant based foods. If the Motion was taken to its logical conclusion of greatly reducing meat consumption there would be an economic impact on businesses such as restaurants which were significantly meat based, on charities as well as the Council. Both the Livestock Centre and the Famers Market could see a reduction in income and there may be a reduced demand for the use of the Guildhall for weddings if there was a restriction on caterers' menus. A further Council revenue stream could also be lost if licences were no longer issued to mobile catering businesses which were largely meat based;
- the Council should seek to raise awareness of this issue, recognising that it was a matter of choice. Although, in some cases, it was not medically advisable to eat plant based food, it would still be beneficial to showcase plant based foods at external events;
- restaurants offering plant based foods would be more attractive to groups who counted Vegans or Vegetarians in their numbers;
- Members were encouraged to participate in Vegan January to help promote understanding of this issue;
- at recent Licensing Sub Committee meetings there had been applications from mobile catering businesses seeking licences and offering a choice of menu to include non-meat and vegan options. One application had not considered a vegan option and had still been granted a licence;
- it was important that many local meat producing outlets such as butchers and Darts Farm use quality local produce and know the source of the meat they sell;
- the proposed Task and Finish Group should also examine wider procurement issues not just the food offer at internal and Council supported events;
- an entire plant based approach could feed the whole of the world's population;
- a more plant based diet could help reduce allergies, with dairy products one of the main causes of allergies in the UK;
- how would the proposal in not offering the choice of alternatives to plant based food at internal Council meetings be progressed?; and
- the welfare of animals in food production, notably pigs and chickens, should also be considered and bad farming practices eliminated.

Councillor Wood, in concluding, stated that the Motion was not seeking huge changes in people's behaviour as, ultimately, consumers and the market itself would be the main determinant. Whilst options would be available, the Motion was predicated on showcasing and promoting plant based food. The Task and Finish Working Group would be examining procurement issues and would also focus on the promotion of, and messaging around, plant based food.

Councillor Wood commended the Motion to Council.

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

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

Councillor Atkinson, seconded by Councillor Oliver, moved a Notice of Motion in the following terms:-

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 3.8 million women born in the 1950's 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 (DWP) was guilty of maladministration in its handling of the State Pension Age increase for women born in the 1950's.
- The All Party Parliamentary Group on State Pension Inequality for Women (APPG) has concluded that "the impact of DWP maladministration on 1950's-born women has been as devastating as it is widespread. The APPG believes that the case for category six 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 the campaign group Women Against State Pension Inequality (WASPI) has found that by the end of 2022, more than 220,000 1950's 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 were 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 APPG on State Pension Inequality that women born in the 1950's 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 1950's women on the community in Exeter and to seek their support for an immediate compensation package.

In presenting her Motion, Councillor Atkinson made the following points:-

- the changes in the state pension age had impacted some 3.1 million women in the UK, with 6,000 in Exeter and it was estimated that over 200,000 women had died since 2015 as a result of the changes;
- there had been no progress on state pension entitlement by the Government since a Motion on this topic was supported by the City Council on 26 July 2016, (Min. No. 48 refers);
- the WASPI campaign is fighting this injustice, with many women having lost up to £50,000 in state pension after the retirement age was raised to 65. As a result, women born in the 1950's could not properly plan for their retirement;
- the Pensions Ombudsman found that the DWP had failed to take adequate account of the need for targeted and individual tailored information when communicating the changes in state pension age;
- there were many heart-breaking stories with some women selling their homes and forced to live on benefits for the first time in their lives, many having responsibilities for looking after family members. Women born in the 1950's feel betrayed as they had supported their families but did not benefit from maternity or childcare support and also would have missed out on equal opportunities in pay, training and career advancement;
- there was a sense of urgency in calling for those women to receive some justice in this regard and to be fully compensated for the last 10 years; and
- the current cost of living crisis also impacted on women. The Director of Communications from the Independent Age Charity had stated that, before the Pandemic, 20% of women over the age of 65 years were already living in poverty and this would now be exacerbated with inflation at 12% and rising energy costs.

Councillor Oliver, in seconding the Motion, expressed her concern that the changes had been brought in at such short notice and at the injustice caused.

A number of Members provided evidence of how they, or their spouse, had been impacted by this injustice and Members also made the following comments:-

- support for the Motion would help combat this injustice as many women were unable to adequately plan financially for their future because of the speed the

legislation was brought in and the lack of communication around it. Whilst there were arguments in favour of equalising retirement age, when the original state pension legislation came in, life expectancy on working men and women had been different;

- there were very telling statistics that women were suffering and had died before there was an opportunity to benefit from any compensation. Nearly a ¼ million women had died waiting for this injustice to be addressed; and
- in the 1950's and 1960's many women could not join a pension when younger if they worked part time due to family commitments and when there was limited childcare provision. Many were also in low paid work and may not have taken the opportunity to join a pension because of the costs.

Councillor D. Moore, as a co-leader of an opposition group, welcomed the Motion and commended WASPI for the dignified way it was promoting this issue.

Councillor Atkinson commended the Motion to Council.

The Notice of Motion was put to the vote and CARRIED unanimously.

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

No questions had been received from Members.

(The meeting commenced at 6.00 pm and closed at 9.22 pm)

Chair

EXTRAORDINARY MEETING OF THE COUNCIL

Tuesday 20 December 2022

Present:-

The Right Worshipful the Lord Mayor Councillor Mrs Yolonda Henson (Chair)

Councillors Allcock, Atkinson, Bennett, Bialyk, Branston, Denning, Ellis-Jones, Foale, Holland, Jobson, Knott, Lights, Mitchell, K, Mitchell, M, Moore, D, Moore, J, Morse, Newby, Oliver, Packham, Parkhouse, Pearce, Read, Rees, Snow, Sparling, Sutton, Vizard, Wardle, Warwick, Williams and Wood

12 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Asvachin, Ghusain, Hannaford, Harvey, Leadbetter and Wright.

13 **PUBLIC QUESTIONS**

It was noted that no public questions had been received.

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

It was noted that no questions had been received from Members in accordance with Standing Order Number 8.

15 **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 item 4 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1, 2 and 3 of Part 1, of Schedule 12A of the Act.

16 **SENIOR MANAGEMENT CHANGE PROPOSAL**

The Council considered the report of the Leader of the Council which set out proposals to future proof the role of the Chief Executive, and Head of Paid Service, particularly bearing in mind the changing financial landscape within which the Council has to operate.

After discussion, during which the Leader responded to various questions seeking clarification on a number of issues, it was,

RESOLVED that Council agrees to:-

1. Terminate the Chief Executive & Growth Director's ("CE&GD") employment on the basis set out in the report;
2. Change all of the Directors' reporting lines into the Deputy Chief Executive ("DCE") with effect from 1 January 2023, with an honorarium being paid to the DCE in recognition of these additional responsibilities;
3. Appoint the DCE as the Interim Chief Executive and Head of Paid Service with effect from 1 April 2023, pending the outcome of the Local Government Association's ("LGA") recommendations, relating to the future shape of the

Strategic Management Board (“SMB”). This will be a temporary appointment for a period of up to six months, on the same terms and conditions as that of the CE&GD; and

4. Note that pending the appointment of a permanent Chief Executive & Head of Paid Service, the SMB will reduce in number from eight to seven. It be further noted that the Leader of the Council is clear that this reduction in numbers must be a permanent change in the management team to be delivered as part of the SMB restructure going forward.

(The meeting commenced at 6.00 pm and closed at 6.45 pm)

Chair

LICENSING COMMITTEE

31 January 2023

Present:

Councillor Bob Foale (Chair)

Councillors Warwick, Asvachin, Ellis-Jones, Holland, Mitchell, K, Newby, Oliver, Parkhouse, Rees, Snow, Vizard, Wood and Wright

Also present:

Service Lead - Environmental Health & Community Safety, Legal Advisor, Apprentice Solicitor and Democratic Services Officer (SLS)

8 **Minutes**

The minutes of the meeting held on 24 October 2022 were taken as read, approved and signed by the Chair as correct.

9 **Declarations of Interest**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

10 **Licensing Fees and Charges for 2023/24**

The Licensing Committee received the annual report for the proposed licensing fees and charges for 2023/24. The Committee had a statutory responsibility to set fees for the year which related to the cost of performing the various Licensing functions. Members were referred to appendices attached to the report, which listed all the fees levied by the Licensing Authority. The Service Lead - Environmental Health & Community Safety explained that Appendix A summarised the Council's powers to set its fees in respect of licensing applications, and any limitations on those powers, and Appendix B listed all the fees levied by the Licensing Authority as of last year and the proposed fees for 2023/24. He highlighted the additional charge for the classification of films by the Licensing Authority with the Licensing team using the British Board of Film Classification (BBFC) formula to review material and issue the classification certificate.

The Service Lead - Environmental Health & Community Safety responded to the following Members' comments –

- the Council had reached the limit of the chargeable levy, under Section 18 of the Gambling Act, as set by the Government. It was noted that some fees and charges were fixed locally within the working legislative framework, but charges under the Licensing Act 2003, where there was no ability to change, were also included in the overall schedule.
- any representations raised regarding the fees and charges would be reported back to the Licensing Committee at the meeting in March.
- the approach to licensing applications had an impact on the Licensing team, with, for example, more temporary event notices being requested rather than a permanent change to a licence, which may still require investigation.

- a film classification was generally required for publicly broadcast films and a charge made to view. The review included the issue of a classification certificate.
- film classification was a statutory function, which had been carried out by the licensing team for some time and the charge reflected the time taken by the team to view and allocate the classification to the film. It was not the intention for this charge to preclude or have any impact on organisations or individuals with a protected characteristic for the opportunity to take part in film making, but rather just a recovery of costs.

RESOLVED that the proposed Fees and Charges for the period from 1 April 2023 to 31 March 2024 be approved, as set out in Appendix B of the report.

11 Introduction of Taxi Penalty Points Scheme

The Service Lead - Environmental Health & Community Safety presented a report on the proposed introduction of a Taxi Penalty Points Policy for Exeter City Council and consultation with the taxi trade. Following the introduction by Government of the Statutory Taxi and Private Hire Vehicle Standards in July 2020, a working group was set up to consider a number of elements of the guidance, including whether to introduce a points based disciplinary system at Exeter City Council. A draft policy had been developed with the aim of improving the levels of compliance with licensing regulations and requirements, to help raise standards, improve safety and enhance the protection of members of the public affected by the actions of licensed drivers, operators and vehicle proprietors. The penalty points system would bridge the gap between more serious matters, but help to maintain standards.

A Member of the working group referred to their research, which included consideration of similar policies operating in Leeds and Newcastle, as well as liaising with the Taxi Forum and Licensing colleagues. If the policy was adopted it would offer a further structured forum to deal with matters.

The Service Lead - Environmental Health & Community Safety confirmed that a ten week period of consultation would take place with the Hackney Carriage and Private Hire trade, with a report, including a summary of the responses, to be made to the Licensing Committee in July, before approval at Council.

In response to questions by Members, the Service Lead - Environmental Health & Community Safety explained:-

- the working group had considered the points scale used by a number of local authorities;
- the Licensing Sub-Committee would be able to use the points scheme as a response and action to individuals appearing before them including for minor infringements;
- the points system could be used in conjunction with other existing legislation;
- in respect of item 31 on the schedule there was a guidance on food and drink in the vehicle which also included the driver and in that respect was about maintaining a professional appearance, and in respect of item 59, by way of points the Licensing Sub-Committee allows the opportunity for a driver or operator to appeal;
- a report on a mystery shopping exercise of the taxi experience in the city would be presented to Members in due course;
- in respect of items 9 and 12, the distinction of action in respect of vehicles being used without a valid MOT certificate and a lapsed MOT was made;

- although not prescriptive, items 46 and 47 would capture driving standards;
- contributions, including observations from Members to the consultation, were welcomed; and
- an opportunity to receive feedback on drivers was discussed;

The Legal Advisor highlighted that any individual could be brought before a Licensing Sub-Committee, but that did not preclude other action being taken.

RESOLVED that Licensing Committee:-

- (1) approve the draft proposed Penalty Points Policy as contained in Appendix A; and
- (2) endorse and authorise that the proposals are put out to public consultation to run from 20 February 2023 until 30 April 2023 (10 weeks).

The meeting commenced at 5.30 pm and closed at 6.45 pm

Chair

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STRATEGIC SCRUTINY COMMITTEE - SPECIAL

12 December 2022

Present:

Councillor Rob Hannaford (Chair)

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

Apologies:

Councillors Leadbetter and Moore, J

Also present:

Director of City Development, Assistant Service Lead – Local Plan and Democratic Services Officer (SLS)

In attendance:

Councillor Philip Bialyk - Leader

Councillor Michael Mitchell - Speaking Under Standing Order 17 (Subscriber)

Councillor Diana Moore - Speaking Under Standing Order 44

30 **Declaration of Interest**

No declarations of interest were made by Members.

31 **Questions from the Public Under Standing Order No.19**

No questions were received by the public.

32 **Community Infrastructure Levy: Partial Review Consultation**

The Chair had advised that, in accordance with Standing Order 17, a special meeting of Strategic Scrutiny Committee had been called following the decision made by the Executive on 29 November, to commence a partial review, with a consultation of the Council's Community Infrastructure Levy (CIL) Charging Schedule from December 2022 and, depending on the nature of the responses and any revisions, submit for examination.

For information, it was noted that the Executive on the 29 November had resolved the following:-

- (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.

Following the publication of the decision made by the Executive and in accordance with Standing Order 13(1) Councillors Sparling, K. Mitchell, M. Mitchell, Harvey, Bennett, Read and J. Moore indicated that they wished to Call-In the decision. The Members also known as the Subscribers gave the following reasons and grounds on which they had submitted the Call-In under Standing Order 17:-

The decision maker had failed to take account of relevant factors by:-

1. Deficient Process:

- a) At the July 2019 Executive, and agreed at the subsequent Council, the allocation of a budget of up to £75,000 in order to instruct Consultants to review the Community Infrastructure Levy Charging Schedule was allocated. The decision was for a review not a partial review, a partial review was not presented as an option in the paper.
- b) There has been no report back or request to Executive and Council to change the decision to for partial review to be undertaken as an alternative option since the decision in 2019 above was taken.

2. Decision-maker failed to take account of relevant factors:

- a) The Executive have failed to take into consideration the consequences of not taking a full review. The issues for consideration which were set out on page14 in the procurement pack of 12th February 2020 ref no: PR 772019HR.
- b) The partial review omits consideration of other factors such as the assumption is that the Exeter Development Fund will proceed, but as identified in the Council's risk register the fund is high risk, so if it doesn't proceed then then there may not be sufficient CIL to contribute to required infrastructure.

3. Decision maker is wrong in fact or law:

The Executive paper (29/11/22) include 'co-living': this is not defined in planning policy either nationally or locally. Local schemes branded as 'co-living' have been bought forward as build to rent schemes, which are defined in law. There is no basis therefore such an undefined term to be used in a planning document which requires absolute clarity to determine CIL liability.

The Chair invited Members to review the process by which the Executive made their decision. If it was considered that the Executive had not taken account of the information raised in the Call-In, then a recommendation could be made to the Executive to reconsider this matter giving the reasons for doing so, and to this effect a meeting of the Executive had been provisionally scheduled for 19 December 2022. He confirmed that the Leader of the Council, as the relevant Portfolio Holder with responsibility for CIL, was present to answer any questions put forward. The Director City Development and the Assistant Service Lead (Local Plan) were also present to answer questions of an operational nature. Mr Dominic Houston, an Associate of Three Dragons Consultancy and author of the report commissioned by the City Council in relation to the CIL review, was also in attendance.

The Chair advised that there were three options to consider for action under the Call-In Procedure which were to:-

- resolve to take no further action;

- refer the matter back to the Executive for reconsideration, setting out in writing the reason for its request; or
- refer the matter to Council who may refer the decision back to the Executive

He also stated that Councillor D. Moore was present having given notice to speak under Standing Order 44. Councillor M. Mitchell was also in attendance as a Subscriber under Standing Order 17, to seek any further clarification or put any further points relating to the Call-In Notice.

The Director City Development set out the need for a review of the CIL charging schedule, with many factors having changed in the housing market, including property values and viability over the ten years since CIL was first adopted in the city. The proposed review would reflect on those changes and in particular some of the new tenures that had come forward such as co-living, and Purpose Built Student Accommodation (PBSA). The review was an important component of the housing delivery process and enable the Council to continue funding the critical infrastructure needed to allow Exeter to improve and meet the vision. It would include a consultation on the draft revised charging schedule and it was important to note that this was an evidential led process around viability with adherence to Government regulations and guidance.

The Assistant Service Lead (Local Plan) advised that the consultation would run in accordance with the Council's Consultation Charter and the recently adopted Statement of Community Involvement, and be held, subject to approval, from December until January. The post consultation period would look at all of the responses received, analyse the topics raised, and as appropriate, include any revisions to the charging schedule or be included in the submission and examination process. There would also be the opportunity for those individuals who responded to be invited to speak to the examiner.

Councillor D Moore was invited to speak having given Notice under Standing Order 44. She welcomed the review of the CIL rates, but requested that a number of matters required further consideration before going out to consultation and the Call In had set out the reasons. She raised the following points which the Assistant Service Lead (Local Plan) responded to as appropriate as set out in italics:-

- the first stage of a Regulation 18 consultation of the Local Plan was currently being undertaken. The viability report produced by Three Dragons Consultancy was out of synchronisation with the full charging schedule and the viability assessment was not drawn on any emerging policies from the outline draft Exeter Plan.
The CIL review related to the current policy position of the Local Plan and Core Strategy. Good progress had been made but there were not sufficiently developed policies across the full range of policy areas or site allocations. The Government wished to include a review of charges to the wider planning system and a new infrastructure tariff or levy may or may not be in place by the time the Exeter Plan is adopted. It was not appropriate to make reference to the whole suite of costs.
- Council had agreed to take a full review of the CIL and that included a procurement brief which had been drawn up, but it was not clear who took, or when a decision for a partial review was made. This was pertinent in the light of the decision to update the Local Plan, with no regard given to emerging policies, which will begin to have weight. The review of the Core Strategy adopted in 2012 identifying the policies reviewed was significant.

The work carried out in putting forward the draft charging schedule had taken account of the full schedule, including all four areas of CIL rates where it had been considered that viability in development for emerging tenures was most in use. The consultation of the full draft charging schedule had set out the range of rates for all land uses that was currently charged for. The term partial was only a reference and the review does focus on the full CIL charging schedule.

The Director City Development added that the proposed charges to the charging schedule were based on evidence that was being prepared for the Council, and the consultation and subsequent examination would consider the whole of the draft charging schedule, even those areas that the Council was not proposing to change.

- in respect of Co Living, the Three Dragons report referenced that Purpose Built Student Accommodation (PBSA) was in respect of a time when this form of development was relatively untested. This point is made in the Strategic Housing Needs Assessment, produced for the Local Plan. There was concern that the same fact, which was not true for co-living, where a very low rate could incentivise developers? Could we learn from the difficulties that this high density accommodation has caused - of luxury unaffordable developments, over concentration of one type of accommodation designed for transient communities in small neighbourhood areas, when the goal of the current plan is to create balanced communities?
- in relation to balanced communities, why has the core issue of the current Plan in relation to PBSA and co-living not been included in the review as part of this work on the CIL.
A key revision being proposed in the consultation was to introduce a specific CIL rate for co-living that was currently not in place. There were some similarities with PBSA, but co-living was not an established type of development in the city, with no local evidence available to date.
- there are further issues around zoning - which is covered in the report and a very small area recommended, and whether the Article 4 area and the areas acceptable for co-living and PBSA do not all align to regulate and limit the number of HMO's, PBSA and co-living developments in one area. The CIL and planning policy must clearly connect.
- in this regard, Scrutiny Committee should consider affordability. In the report, it sets out that co-living style developments are like PBSA blocks, and the viability assessment demonstrates that such developments can well afford to contribute towards the CIL and so why was this style of development being proposed at same rate as flats which are seen to be less viable.
- the rent per month for Build to Rent is expected to be £1,250. In the report, co-living, a specialist form of Build to Rent, will have 'bed spaces' turnover one or two times a year and therefore the rent is set at 48 weeks. The market value suggests that PBSA for the cost of an ensuite flat is £164 a week and for co-living £237, which makes the rent for a co-living place £11,883 pa. She asked if the Council needed to offer further incentives with a lower rate of CIL. The Strategic Housing Needs Assessment included the following reference - "One startling statistic from the demographic data for Exeter is that single person households aged 15-24 years are projected to fall by 210 households to a rounded figure of zero by 2040." Net Zero should relate to carbon emissions, not driving young people out of the city due to the unaffordable housing crisis.

The Housing Needs Assessment also sets out: “At the same time, the number of ‘Other’ households headed by someone aged 15-24 years is projected to rise by 690 households in the same timeframe, with a rise of 50 households for those aged 25-34 years.” With the CIL likely to be in place for a number of years, an oversupply of co-living could mean that young people were prevented from not only from living, but also loving and setting up homes in the city. If co-living is to work it needs to be founded on proper policy, properly funding infrastructure and to be affordable.

The Assessment document also points out that the Council follows national Build to Rent guidance seeking 20% of units as discount market rent i.e. 80% of market rent. Why does the Council not choose to increase the proportion of affordable units? A suggestion would be to reduce both levels of community infrastructure, but there may be reduced levels of affordable housing. That is not considered by the review, but the affordability crisis must be considered by the Council, and planning policy especially the community infrastructure levy is key to this.

The CIL rate was not the appropriate form for setting policy but was set for different types of development. The Exeter Plan consultation was in draft outline and did not set out the specific requirement of different tenures. This would come in the first draft of the Exeter Plan consultation next year and reflect the consultation responses currently coming in.

Co-living as a general approach would provide a new product in the city and has not yet been placed. It would meet some of the needs not met by standard forms of development. The CIL rate was not the appropriate mechanism for setting policy but was set for different types of development.

Dominic Houston also responded to the points raised by Councillor Moore, in italics:-

- on the general point of Build to Rent flats discussed in the report, it suggests that the taller and larger schemes are less viable than medium-sized ones. The CIL is skewed to support taller denser flats- but without the corresponding investment in the community infrastructure that makes high density living viable, liveable. What consideration will be given to the Local Plan as a result of this finding and is it right to pitch the CIL rates to make it easier for the tallest/ largest flatted developments rather than what the medium sized ones can contribute to both housing supply and CIL as more viable developments?
The Three Dragons report referred to the forms that flat development might take in Exeter. Providers of Build to Rent schemes had been contacted as part of the consultation work. The contact was made in the context of the role they had in advising the Council on the CIL rate that could be supported. An approach could take place when the Build to Rent market in the city was more established. Should there be an application, the proposed CIL rates should seek to accommodate that as part of the housing supply for Exeter in the lead up to the next Local Plan Review.
- the reference in the report to net zero carbon emissions was welcomed. This points out that future changes to building regulations to move towards carbon net zero development have been indicated for 2025. Whilst it is unclear as to how these will be brought forward, why is there not a lower rate for developers who wish to achieve net zero construction to incentivise that form of building before any government regulation is introduced? This point was, after all, in the brief for the full review.

The cost for new build regulations was not included in the report, but all development had to meet certain standards. Costs for electric vehicle charging points and fire safety had been included. Over the next two years, a future homes standard will be proposed and likely include a requirement for a further reduction in carbon in new build, but this has yet to be determined.

- the review says that connection to District Heating is not taken into account because there is none in the city. If this is not accounted for then developers will not make any financial contribution to it, arguing it is not viable. So if the District Heating system is powered by renewable heat, rather than incineration, does this mean the Council is abandoning any role for renewable powered district heating in the NZ 2030 target?

District Heating was part of the concept for different carbon standards of new build coming forward. The fabric first approach has been a part of the most recent changes in building regulations for future homes standards to reduce carbon emissions. Some of the imperatives to encourage a District Heating system has been superseded with changes in building standards and a greater emphasis on reducing energy use.

The Chair invited Councillor M. Mitchell to speak as a Subscriber.

- clarification was sought on a differential of the CIL charging rates in respect of co-living and PBSA developments, when they were similar in design and function with shared facilities, and the impact on the Council should a future co-living development be totally occupied by students. *The Assistant Service Lead (Local Plan) stated that in relation co-living and PBSA were two distinct products and described as such. The characteristics of PBSA or co-living occupation would be set through the planning regime with the Council's general monitoring and enforcement regime available as required.*
- as part of the rationale for having a lower cost level for co-living, were there any other local authorities who had introduced a similar rate at this level. *Whilst there may be other local authorities, Bromley Council had introduced a separate charge which had been adopted in 2021.*

The Assistant Service Lead (Local Plan) suggested that irrespective of the charges proposed in a Council area, it was based on viability in that local Council area and it was hard to compare Council to Council.

- whether the CIL charge should continue to be embedded in the Local Plan, and risk becoming out of date along with any Plan, rather than having a CIL Policy. *The Assistant Service Lead (Local Plan) said that Exeter was an early adopter of CIL and there have been significant changes in that period to the viability development and the market. It was reasonable to expect the market to pay a viable CIL rate and to attach to the current Local Plan. It was appropriate to have a review of the draft charging schedule now.*

Members made the following comments -

- a review may offer the possibility of more funding for infrastructure. Any delay in implementing the new CIL charging regime could result in a loss for the Council.
- the review had only been called a partial review, because the period covered was only up until 2026.

- thanks to the officers for the excellent work, which included an independent element from the Three Dragons Consultancy to help prepare a consultation using the Council's Consultation Strategy.
- the proposal for a review, be it referenced as partial rather than full, put forward to the Executive had now been fully explained.
- co living could offer a balanced community and it was essential that efforts were made to help stem the housing crisis as quickly as possible. Any comments or concerns could be raised as part of the consultation.
- the comments on the scope and process of the Call-In, have also included comments on substance which it was hoped would be channelled through the consultation. The democratic process was not deficient and there will be a full review; the review focus was on current policy and not a wish list relating to CIL, and any concerns on the definition of co-living would come out through the consultation and examination.
- anecdotally staff in some sectors found it hard to find accommodation, with a particular shortage of one bed bedroom flats for single occupants or couples. Developers should be encouraged to build co-living schemes and help alleviate some of the accommodation issues in the city.
- that the consultation dates should not include the Christmas period
- some workers including key workers may need a peaceful environment and may not want co living accommodation which can be expensive, making affordability an issue.
- the Executive as a constitutionally defined decision making body of the Council had been entitled to make that decision to go out to consultation, which would have led to further scrutiny of the process. The issues raised had also been addressed by the input at the meeting by officers.

The following subscribers who were Members of the Scrutiny Committee made further comments:-

Councillor K Mitchell welcomed the opportunity to raise this matter legitimately through the Call-In process, because of the nature of the resolution at the Executive and to ensure there was an opportunity for a full scrutiny of the matter. He also referred to the recommendation made by the Executive in 2019, which was for a full review and suggested it may have been helpful to have been considered by the Planning Member Working Group, prior to the recent meeting of the Executive to enable the matter to be looked at in far greater detail by Members. He also sought clarification on the CIL rates decided in relation to PBSA and co-living and referred to the charge made at Bromley Council. He accepted that Bromley Council were entitled to charge their own rate.

The Director City Development responded and confirmed that the matter had, prior to the Executive also been discussed at the CIL Working Group. He also reiterated that no local authority could benchmark a CIL rate with another local authority, as the evidence was unique to that place.

The Leader also spoke briefly, in response and having previously discussed the matter with other decision makers and officers at the informal working group to help maintain a rationale and structure in relation to this matter, he had made the decision as the Portfolio Holder to bring this matter forward to the Executive.

Councillor K Mitchell also sought clarification on the viability study and would have expected there to be more of a reference to Article 4 areas, as that had an impact on the housing market. He had not seen a reference to the St. James Neighbourhood Plan, which was a policy specific to that area of the city relating to PBSA and housing in multiple occupation (HMO).

The Assistant Service Lead (Local Plan) advised that the provision of HMO in the Article 4 area was written into the Core Strategy, and there was also a reference to the provision of PBSA and student growth in the city centre. The St. James Neighbourhood Plan was a part of the Development Plan, but the viability evidence which the CIL rates were predicated upon do acknowledge the policies which have costs attached to them when development comes forward. The viability methodology would not be impacted by the St James Neighbourhood Plan.

- Councillor Read referred to the distinction made between co-living and PBSA and referenced a view from the Leader about balanced and sustainable communities.

The Leader responded that co-living would give the opportunity for individuals including key or peripatetic workers to rent for a period of time.

- Councillor Read referred to the increased profitability of co living, which was not reflected in the CIL rate. She thanked the Assistant Service Lead (Local Plan) for his commentary, but reiterated that the city does not have a co-living policy and she felt the study had demonstrated that one was needed. She also sought a response in relation to creating a lower rate of CIL for developers that make efforts to reduce carbon emissions and contribute to Net Zero.

Dominic Houston referred to the built form of co-living which may look like student accommodation but nevertheless it was a specialist form of Build to Rent. Student accommodation was not generally expected to provide for affordable housing, effecting the viability of the scheme, and unlike co-living, its occupants were not liable for council tax. CIL was not meant to be an instrument of policy, but a mechanism to raise building standards. The regulations state that there can be different CIL rates by use or geography and those definitions should relate to some difference in viability on a particular type of scheme.

The study did not offer a mechanism or determination of the way by which the charging schedule may vary by carbon performance.

The Chair thanked Members for the detailed discussion of this matter. He urged anyone who had concerns to contribute to the consultation.

Councillor Knott made a proposal that no further action be taken. Councillor Atkinson seconded the proposal.

RESOLVED that in accordance with Standing Order 17 5(a), no further action be taken in respect of the Call-In.

It should be noted the proposed meeting of the Executive to be scheduled for 19 December would be cancelled accordingly.

The meeting commenced at 6.00 pm and closed at 7.20 pm

Chair

STRATEGIC SCRUTINY COMMITTEE

19 January 2023

Present:

Councillor Rob Hannaford (Chair)
Councillors Leadbetter, Allcock, Asvachin, Branston, Harvey, Jobson, Knott, Mitchell, K,
Read and Vizard

Apologies:

Councillors Atkinson, Moore, J and Oliver

Also present:

Service Lead City Development and Democratic Services Officer (SLS)

In attendance:

Councillor Emma Morse – Portfolio Holder City Development and Planning

33 **Minutes**

The minutes of the meeting held on 17 November 2022 and the Special meeting held on 12 December 2022 were taken as read, approved and signed by the Chair as correct.

34 **St Sidwell's Point**

The Chair responded to an enquiry raised by a Member that the anticipated report on St. Sidwell's Point was not on the agenda this evening as referenced in the last Scrutiny Work Plan. The Democratic Services Officer undertook to keep Members updated on items coming forward. The Chair confirmed that the Director of Culture, Leisure and Tourism had advised that there have been a number of operational issues to deal with, as well as officer time had been focussed on the work for the Council budget and One Exeter Programme, limiting officer capacity to produce a report to meet the deadlines for this meeting. The anticipated report relating to a Scrutiny request covering the contractual and oversight arrangements regarding the St. Sidwell's Point project would be presented at the next meeting on 16 March 2023. Councillor Parkhouse, as Portfolio Holder for Leisure and Physical Activities would also be in attendance to provide an update report to the meeting.

Every effort would be made to ensure that in the future, there was a balanced programme of business for the meeting.

35 **Declaration of Interest**

No declarations of interest were made by Members.

36 **Question from Members of the Public Under Standing Order No.19**

No questions from Members of the public were received.

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

No questions from Members were received.

38 Portfolio Holder Report for Planning and City Development

Councillor Morse reported on the Planning and City Development 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 responded as below to a number of questions submitted in advance of the meeting from Councillor Read during her presentation, with the questions and responses set out in italics. A separate enquiry was also made in relation to the Exeter Design Quality Partnership (EDQP), where it was noted that the web site had been updated to reflect confirmation as in the Portfolio Holder report that the EDQP had been set up.

The Portfolio Holder reported on the following areas:-

- 2022 had been a challenging period in respect of the number of appeals made to the Planning Inspectorate allowed, and a number of consultations were currently taking place.
- the Exeter Design Quality Partnership has been set up to raise the quality of design, with Design Review Panels offering the opportunity to discuss a range of aspects including design of a prospective application. *The Service Lead City Development added that this would offer a unique opportunity to draw together a range of experts to have an informal discussion on larger schemes for the city. The Panels could be used to channel comments through the application process, involving Ward Members, but not include Members of the Planning Committee. It was hoped that some future training could be offered to both Members and officers.*
- the detail of payments in relation to Community Infrastructure Levy (CIL)/Section 106 monies was linked to the individual development, with 15% of the CIL levy going to the community. *The Service Lead City Development stated that the Section 106 contribution was directly related to a development and not a wish list for the wider area or the city as a whole.*
- consultation on the Outline Draft Exeter Plan was nearly complete and she had attended three of the many events held, and the Assistant Service Lead Local Plan and his team had welcomed the opportunity to respond to the public who attended. The results of the consultation will be presented to the Strategic Scrutiny Committee.
- a report on the Article 4 Direction was considered by the Planning Member Working Group and offered an unbiased report on the range of options.
- a joint strategy for planning was being discussed by the Leaders and officers from the five Councils for planning in the Greater Exeter region. The Greater Exeter Strategic Plan (GESP) had not fully progressed, but there was still a duty to cooperate. The City Council had made strong representations to both East Devon and Teignbridge District Councils who had consulted on their Local Plan.
- making better use of brownfield land was important. Living Exeter was part of the Leader's Portfolio, but the Exeter Living team do consult other City Council teams, including Planning.
- if enacted in 2025, the White Paper on planning reform may have an adverse effect on the Local Plan process. *The Service Lead City Development stated that the consultation had been lengthy, creating some uncertainty for planning officers. The Planning team had a new Urban Design Officer so the City Council was well placed to respond to offer consultation responses to Government, as well as engaging with the Design Review Panel.*

- a charge for pre application enquiries would be presented to the Planning Member Working Group, and if pursued, would generate income to invest back into the service.
- the Exeter Liveable Place Making Charter was part of the aims in the Local Plan to encourage a city that is sustainable and healthy and linked to the Living Exeter sites.

The Portfolio Holder responded to advance questions from Councillor Read, with the responses set out below in italics.

In respect of CIL, how do the receipts compare with budgeted income?

It is very challenging to accurately predict CIL receipts because figures are based on the build-out of planning consents, the trajectory for which is outside the Council's control. In 2021, the projected CIL income for 2021/22 was £2,768million. CIL receipts totalled £3.970million. There were two large outstanding debts that the developer had not paid in line with the charging schedule for this year. This was being followed up but had impacted projected receipts for this financial year. The level of CIL would be effected by the current economic climate and that was something to be aware of going forward.

In respect of CIL if £3.79m was received why was only £1.2m spent? When is the remainder £2.59m due to be spent and on what?

One of the premises of CIL was that it provided a mechanism for funding strategic infrastructure and enabled developer funding to be pooled more easily than through Section106 agreements. This provided much-needed flexibility in how CIL funding was spent. This meant that a longer term view could be taken if CIL funding was received and CIL funding spent were not necessarily balanced in any given year. This flexible arrangement enabled CIL to fund strategic infrastructure which may take some years to come forward. Decisions on future CIL expenditure would be made through a democratic process.

Will the amendments to Article 4 include a restriction or ban on Purpose Built Student Accommodation (PBSA's) built in the Article 4 area?

The Article 4 review was of Houses in Multiple Occupation (HMO) as opposed to student accommodation specifically. A key reason for the review was to consider the impact of student HMO's in the city. An Article 4 Direction increased planning controls in an area through the removal of Permitted Development Rights. However, an Article 4 Direction could not impose a ban on development and meant that planning permission was required when it otherwise would not be. In the case of the Exeter Article 4, the Direction meant that planning permission was required to change the use of a residential dwelling into a HMO. Although there were implications, the Article 4 did not aim to manage the provision of PBSA. Further policy considerations would be given to student accommodation in the emerging Exeter Plan.

What are the number of houses that have been brought back into use from Houses in Multiple Occupation (HMO) to whole homes in each ward for each year that the Article 4 Direction has been in operation?

The planning team did not have a consistent data set on this matter although the numbers were likely to be small because of the financial benefits of letting properties as HMO's. Data on the rates of council tax paid by those accommodated in HMO's was not consistent. Areas with an Article 4 Direction focused on areas where students and young professionals reside, but it was acknowledged that a HMO could affect the balance of the community. Any cessation of HMO's could price some individuals out of the city.

The Portfolio Holder also reported that Councillor Read had sought a response to the Article 4 Direction report being presented to the Planning Member Working Group rather than Scrutiny Committee. She confirmed that as the Portfolio Holder responsible for planning policy, the decisions she made were in consultation with the Leader and Executive, and officers and brought to the Executive and Council for debate. The Article 4 Direction matter was discussed at Planning Member Working Group, and there was an invitation for any Member to attend, and the Chair could invite those Members to speak. The decision to bring any items to scrutiny could be made through the appropriate scrutiny process, but a delay to the current timescales would push any decision on the Article 4 Direction back significantly.

What is the likely projected CIL income that would be included in the Medium Term Financial Strategy (MTFS) based on the new proposed CIL rates if they are adopted in, say, April this year?

Further work was required to project this because the revised CIL rates were still subject to consultation and the slow-down in the housing market would affect the build out of permissions which in turn drives CIL receipts. Revised CIL rates would be unlikely to be implemented until late 2023 and, furthermore, they would not apply to existing permissions. There would therefore be a time lag until their impact is fully felt. This means that it is appropriate to continue using the existing CIL rates to inform the MTFS.

How large is the current caseload for planning enforcement and what types of issues has the office had to deal with?

The total number of enforcement cases closed last year was 246, which included a large backlog. There was currently 74 open enforcement cases. In the past year three Enforcement Notices had been served, one Listed Building Enforcement Notice, two Section 215 Notices and one Planning Contravention Notice. There was a Listed Building Enforcement Notice and Breach of Condition Notice just approved which would hopefully be issued within the next month. There were currently three Enforcement Notice appeals ongoing with the Planning Inspector, all being dealt with by written representations. The majority of complaints related to minor householder breaches such as fences, extensions and dormers. There were also some change of use to HMO breaches and complaints related to self-contained annexes. Further, there were a number of complaints relating to breaches of the working hours condition imposed on planning permissions and a number of cases on the larger housing development sites for breaches of conditions such as landscaping, trees and drainage.

In response to a further comment, she replied that enforcement was not a statutory obligation, but the Enforcement Officer in post had been carrying out an excellent job to clear the backlog along with the dedicated Planning Solicitor, who had also made a valuable contribution.

The Service Lead City Development added that the Enforcement Officer role had been very positive and went towards ensuring there was a credible planning system with buildings and developments built in accordance with planning approvals.

In relation to the budget over the MTFS what is the budget income and expenditure for the planning service specifically over the last two years and the next three years?

A copy of the figures as set out was provided by the City Development's Finance Manager:-

Cost centre description	Account description	2020/21 Actual	2021/22 Actual	22/23 Forecast	2023/24 Draft Budget
PLANNING	EXPENDITURE	1,206,878	937,622	1,253,110	1,161,110
PLANNING	INCOME	(645,752)	(830,085)	(734,010)	(824,760)
		561,126	107,537	519,100	336,350

How many posts are to remain unfilled, removed or created in the team in the Medium Term Financial Strategy?

The Portfolio Holder referred to the Service Lead City Development to provide the requested information. He advised the following:-

- a vacancy in Building Control (there was currently no intention to fill this position)
- a vacancy in project management in the Development Management team (an agency member of staff was currently in place)
- a vacancy as part of the new Enforcement post (with the deletion of two other posts)
- two Project Managers (agency members of staff were currently in place)

The Assistant Service Lead Development Management post was filled and they would commence in mid-March 2023.

The Portfolio Holder referred to the difficulties experienced by a number of local authorities over recruiting for planning. The Development Management team were continuing to work along with the Assistant Service Lead Local Plan and the rest of the Planning team, who were a smaller but hard working. They were carrying out a high volume of work and alongside planning applications, the Local Plan, the CIL Review and the Article 4 Direction were all key work areas going forward.

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

- she agreed with a Member's comments on the coordination and valuable contribution made by the local community, Members and the Council's planning team in respect of recent appeals. Councillor Allcock had made a particularly effective contribution to the Pinhoe Higher Field application and a number of Members suggested compiling guidance could be useful to offer residents in relation to coordinating a public response against an appeal. Councillor Allcock referred to the many good resources available and that maybe some links could be collated. She was happy to suggest examples of existing resources such as guidance such as from the Campaign for the Protection for Rural England.
- the Council was not currently working with Design West. She had spoken to the Portfolio Holder for Communities and Homelessness Prevention in relation to land value being a block to good design. However, there was not an abundance of land that could be built on.
- a Section 106 Officer had only recently been appointed, and had already made a contribution to the work of the Council. *The Service Lead City Development agreed that the postholder was an asset to the Planning team. He would investigate if the information generated on payments could be broken down into wards.*
- a request would be made for a written response for the Member on the allocation of Section 106 monies.

- any Member wishing to raise an issue in their ward in relation to CIL should make contact with the Council Leader initially.
- there had been a variety of responses from the Exeter Plan consultation including from the Exeter Cycling Campaign.
- consideration of any unreliability of public transport in the city, was the premise on which the Liveable Exeter offer of living and working within a 20 minute proximity was made.
- as the Local Plan emerged, the evidence contained in the document had more weight but was not yet tested by the Planning Inspector until it was fully adopted. *The Service Lead City Development advised that there was currently limited weight and any consultation adds to the weight. It is anticipated that a further detailed consultation will be carried out later in the year, and the Planning Inspectorate will take note of that. References will begin to be made to the emerging policy when reported to Committee.*
- the five year land supply will need to be delivered from the day the Local Plan is approved.
- the discussion on the Article 4 Direction was included in the minutes of the Planning Member Working Group which were available to Members.
- the data for the report on Article 4 Direction to the Planning Member Working Group included figures relating to the University. There had been a snapshot of the 25% discount exemption but it did not offer a consistent figure.
- there were 7,000 more students but not a significant increase in HMO numbers. In confirming that the City Council did not build student accommodation on their land, the Planning Committee could only work within the national planning guidance.

A Member stated that the Article 4 Direction had helped the St. James area and he welcomed the review. He suggested consideration of a caveat that PBSA had a more fluid contract.

- PBSA could be expensive, but HMO accommodation offered affordable accommodation for some students eligible for the 25% discount exemption. The requests for HMO accommodation in Article 4 areas had slowed down.
- there were examples of Permitted Development in conservation areas around the country and conservation area with an Article 4 Direction would not prevent work being done, but there needed to be the evidence provided in support. *The Service Lead City Development advised that permitted development was mostly limited to being outside of a conservation area.*
- further information would be obtained about any guidance or financial assistance for the conversion of retail units back into residential from the Assistant Service Lead Local Plan.
- the Portfolio Holder commented on those residents from the neighbouring authorities who travel to Exeter to work, although it was acknowledged the Authority does not gain from any council tax receipts or Section 106 monies from developments on the outskirts of Exeter.
- agency staff had been brought in to resolve a backlog in land charges. *The Service Lead City Development advised that Exeter was now in the top 10 in the country in processing Land Charges requests. Building Control and Land Charges were cost neutral services.*
- the Local Plan offered guidance for Members, officers and the public. In order to meet the necessary housing need, there would have to be consideration of high density buildings to meet the Exeter vision. Exeter City Living had not progressed a site so far and that would come through the democratic process as a planning application.

- responses to a number of prospective White Paper consultations had been made through the Planning Member Working Group. Such responses took significant time and energy for White Papers that did not go forward.
- there were a number of variables for the Liveable Exeter Place making Charter but the sooner that can be implemented the better. It would include large scale applications as well as any developments from Exeter City Living to define the expectation. *The Service Lead City Development advised that the Charter was not yet adopted and the intention was to bring to Members at Planning Member Working Group for further agreement to seek a common approach. It was important to provide a statement that the city was open for business, was a great place to build, and that working with the Exeter Design Quality Partnership will offer a positive experience.*

The Portfolio Holder report was noted.

39 **Forward Plan of Business and Forward Scrutiny Work Plan**

The Chair advised that the Scrutiny Programme Board would be considering the work plan of future business for Scrutiny.

Members noted the Forward Plan and draft Scrutiny Work Plan.

The meeting commenced at 5.30 pm and closed at 7.30 pm

Chair

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CUSTOMER FOCUS SCRUTINY COMMITTEE

2 February 2023

Present:

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

Apologies:

Councillor Foale

Also present:

Director Net Zero Exeter & City Management, Service Lead - Environmental Health & Community Safety, Service Lead Housing Needs & Homelessness 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
Councillor Williams	Portfolio Holder Recycling, Waste Management and Waterways

1 **Minutes**

Subject to the amendment of recommendation (2) in Min. No. 34 to read:-

- (2) the Local Plan team consider 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.

the minutes of the meeting of the Customer Focus Scrutiny Committee held on 1 December 2022 were taken as read, approved and signed by the Chair as correct.

2 **Declarations of Interest**

No declarations of interest were made by Members.

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

No questions had been received from members of the public.

4 **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 Rees 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.

Questions to the Portfolio Holder for Recycling, Waste Management and Waterways - Councillor Williams

Councillor Rees

What is the basis for the calculation of the 'household waste collection'? (Table 6 BVP184a kg per head Devon Authorities Strategic Waste Committee (DASWC), Waste Performance Statistics 2021/22)?

Response

BVPI 84a: Total Household waste arisings (HWA) per year in kg, divided by the population. Put simply, total HWA includes green, grey, brown bins, food waste, street cleansing, Materials Recycling Facility (MRF) reject, Bring banks, and Reuse.

The low figure for Exeter is often held up as an achievement, that is, that Exeter residents produce less waste. Can the Council confirm that the low figure for Exeter is primarily as a result of the low levels of garden waste (as highlighted in the waste statistics report)?

Response

Exeter is in the top 10 Waste Collection Authority (WCA) nationally for BVPI 84a with 292.8 kg per person per year, and the best of the eight Devon Districts which exceed Exeter's value by between 11% and 35%. Whilst Exeter does indeed produce less garden waste compared with the other districts, even excluding garden waste from the arisings total, Exeter residents still produce the less waste per head by comparison with the other seven Devon Districts. It is worth noting that high levels of garden waste contribute to higher recycling rates.

Please can Councillors be provided with Household Grey Waste data (not recyclables or garden waste) for the different districts, so that a meaningful comparison can be made?

Response

The data requested for the Devon Districts is listed as NI 191 in the Devon County Council Kerbside Residual Waste Composition Analysis Report, October 2022 which Councillor Rees referred to in her previous questions. There is a detailed Waste analysis breakdown for each District, produced in October 2019, available in the Appendix to the report, which is available online from Devon County Council.

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

Councillor D. Moore

Regarding cardboard recycling:

A. How much cardboard is recycled, for the current year and each of the previous three years?

Response

2019-2020: 448 tonnes
2020-2021: 1,138 tonnes
2021-2022: 1,174 tonnes
2022-2023: 574 tonnes Q1 & Q2 only (Q3 figures due shortly)

B. Where does the City Council send cardboard to for the next stage of recycling processing?

Response

Both the UK and abroad depending on market conditions

C. Are all the processing plants for cardboard used by the City Council in the UK, if not why not?

Response

Mainly abroad at present as the UK market is flat in regards to acceptance and price and we always try and get the best price in the marketplace to help support our frontline services. The UK does not have the infrastructure to recycle all the waste cardboard produced and overseas markets must be used. We do not use spot market for overseas sales and because we produce such a high quality product, we are able to use Lee and Mann Paper which is one of the top four mills in the world for continuity and reliability. We always achieve around £20-£30 per tonne more using this method rather than the UK route.

D. Are the scope three emissions for cardboard processing collected and considered as part of City Council carbon emissions?

Response

All scope three emissions are currently estimated using best practice information until a full service review can drill into the detail. The Net Zero Team have completed the carbon baseline assessment and the carbon action plan. The carbon action plan focusses on areas for further detailed study, including practical ways to reduce carbon emissions. Housing is the first service to undertake that detailed review and waste management will follow later. Scope three emissions will be accounted for in more detail as part of that process.

Supplementary question and answer.

Where abroad are the processing plants?

Answer

The Lee and Mann Mill is in Malaysia. We send our card board from Exeter to the Malaysian Mill to be turned into new cardboard packaging. There is a full chain of custody and we know exactly how it is being used. We can access this specialist mill as we produce a far superior grade of product than other districts. We have used Lee and Mann for many years where possible.

Containers are coming to the UK all the time, full of goods. 70% of containers on a vessel are returning empty, we fill one with our cardboard and make use of the return journey.

5 **Update from the Portfolio Holder for City Management and Environmental Services - Councillor Ghusain**

Councillor Ghusain reported on the City Management and Environmental Services areas of her 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:-

- using investment from the Police and Crime Commissioner, Safer Streets and Shared Prosperity Funds, it was hoped that the £1million CCTV upgrade project would be completed by July. This included the upgrade of the CCTV Control Room and changing the cameras from analogue to digital. There would be capacity to link up with other systems and offering a monitoring service to neighbouring authorities. We are hoping to work with Devon County Council to share camera access on the highways network, the latter being a reciprocal arrangement, with the County to be able to view the City Council system;
- a number of the new cameras would be in place by the end of March with others scheduled to be installed before the end of July because of technical considerations. Many of these would be located on the new lamp columns to be installed by the County Council. When complete, a plan of the camera locations would be available to be shared as appropriate but not for widespread dissemination;
- the upgrade includes completing the provision of signage to include phone numbers for the public to use if feeling vulnerable;
- staff recruitment, particularly in Public Realm, remained an issue caused by a number of factors including Covid and Brexit and was not unique to Exeter. There were also some 500,000 immune comprised people who were unable to join the labour market because of issues relating to vaccine availability. To combat this, advertised jobs emphasised the pathway to additional training and career advancement and there was close links with Exeter College to offer skilled job opportunities;
- whilst there had been some High Street businesses closing, resulting from issues such as energy increases, Exeter City Centre was performing well compared with other towns and cities and the Exeter BID played an important role in supporting businesses and encouraging new investments;
- the river bed below Trews Weir had been visible as a result of the low water level but the Weir itself had not been undermined. As part of a funding bid to the Environment Agency to upgrade the Weir, a fully complaint fish pass would be provided. Care would be taken when moving sections of the medieval wood as part of the work;
- the play re-furbishment programme included equipment specifically for disabled children;
- the improved railway station patronage was to be welcomed, due in part to the re-opening of the Okehampton line and the importance of using Plain English was noted; and
- concerns regarding pedestrian safety at uncontrolled crossings in Paris and Cheeke Streets should be raised with the County Council Road Safety Unit. City Councillors on Exeter HATOC would also be advised of these concerns.

6 Re-cycling and Food Waste Collection

The Service Lead Environmental Health and Community Safety spoke to the attached presentation on the Waste, Recycling and Fleet Service including Food Waste Collection covering key statistics, recruitment, operational setup, current and future food waste collection phases, the Materials Recycling Facilities upgrade and Glass Bank replacements.

Members commended the Service Lead on an excellent presentation.

The following responses were given to Members' queries:-

- as comparisons of recycling rates with neighbouring rural authorities did not provide a true picture because of the urban/rural mix of the other Devon Districts, recycling figures would be obtained from comparator authorities through the APSE network as part of benchmarking;
- whilst the City Council was the waste collection authority, the County Council was the disposal authority and were responsible for costs associated with disposal at the Energy From Waste Plant and, ultimately, it was hoped that the cost involved would be reduced. Food waste is taken to an anaerobic digestion facility;
- it was anticipated that the full rollout to food waste collection would provide a significant increase in recycling rates from the current levels to nearly 50%.
- the Government had finally released draft legislation for consultation on recycling with view to achieving some consistency in its delivery and, whilst it unfortunately did not include a requirement to promote the Deposit Return Scheme for glass, additional funding might be available;
- the current level of reject material at the MRF would improve further upgrade and, whilst contaminables resulted in rejected materials being deposited at the Energy From Waste Plant, the on-line A to Z advice on recycling has been updated and Councillors were encouraged to promote this with the public.
- the original depot amalgamation programme incorporating Belle Isle Nursery, had been revised because of additional costs associated with the site configuration, underground services and MRF expansion. At present, only small food waste skips were being used at the depot in compliance with the Council's environmental operating permit with a purpose built food bay to be built and Environment Agency and South West Water consent were also factored into the time line; and
- the ability of the Waste, Recycling and Fleet Service to adapt and absorb the ever increasing workload resulting from new development across the city was praised.

Customer Focus Scrutiny Committee noted the report and thanked the Service Lead and the Waste, Recycling and Fleet Service for their excellent work.

The meeting adjourned at 7.00pm and re-convened at 7:07pm

Review of Exeter City Council's Homelessness Service - Report of the Homelessness Task and Finish Working Group

Councillor M. Mitchell, as Chair of the Group, presented the report of the Homelessness Task and Finish Working Group, the Group having been established following a request to the Scrutiny Programme Board by Councillor Barbara Denning regarding the impact of any increase in homelessness in Exeter as a result of benefit cuts and increases in the cost of living. At the same time, the City Council was consulting on its Homelessness Strategy. As well as a call via the Council website for the public to submit their views, opinions and experiences of homelessness in Exeter, two sessions had been held with witnesses working in this field.

Seven formal meetings had been held between June and December and Councillors Rees and Sutton had visited and talked to users of the St. Petrock's services. The Chair of the Group recorded the Group's gratitude to those members of the public who had responded and the following organisations who had contributed as witnesses:-

- Shelter;
- CAB;
- Devon County Council;
- Exeter City Council Housing Needs;
- Exeter Wellbeing;
- CoLab;
- Julian House; and
- St. Petrock's.

Responding to a Member, he stated that the sessions had been predicated on each body responding to Members' queries on their previously submitted statements rather than being required to present to the Group. Whilst the bodies had not been asked to comment on the scrutiny process itself, they had been given the opportunity to review the Group's report and their observations had subsequently been taken on board.

The Task and Finish Group Chair advised that the recommendations divided into two categories:-

- Those that relate to other local and national bodies and to Central Government; and
- Those within the control of Exeter City Council.

The Service Lead Housing Needs and Homelessness reported that the consultation exercise had enabled partners to share their views with Members in a structured manner and this had been particularly beneficial with many of them to be included in the more formalised partnership approach being recommended as part of the Homelessness Strategy within the report to Executive on 7 February 2023. Whilst the recommendations presented did not conflict with, and could be accommodated within the Strategy, because of resource constraints the Strategy was unlikely to pick up all individual suggestions. However, it was anticipated that many could be progressed within the Strategy Action Plan. The Committee Chair echoed this caveat and urged Members to follow the debate on the Executive report.

Another Member also commented on the budgetary restraints on the Council and remarked that progress on the first section of recommendations was not within the Council's gift. All wished to see an end to homelessness and the ongoing positive relationship with partners was vital in bringing forward initiatives.

In respect of recommendation 12, a Member referred to forthcoming Devon Partnership Trust cuts in its Mental Health Services, a revised geographical coverage to now include Plymouth, Torbay and Teignbridge. Whilst mental health services were the County Council responsibility, the work of the City Council's Homeless Advisory Team encompassed support for those with complex needs including mental health issues and was aligned with the work of the Mental Health Alliance.

In respect of recommendation 16, a Member referred to the prohibitive cost of bringing forward any proposals that might arise from any review of the 24/7 provision of public toilets. It was noted that the recommendation sought more to consider the around the clock availability of toilets for homeless people and not a wider assessment of public toilets in the city. Members noted that the desire for more comprehensive facilities could be picked up with partners as part of the Strategy Action Plan.

Members noted a rewording of recommendation 13 to read homelessness in the first line in place of homeless.

The following Task and Finish Working Group recommendations were moved and seconded for adoption by Council, voted upon and carried unanimously:-

Government/External Bodies:

- (1) To seek via the City's two MP's and the Local Government Association a fundamental review and overhaul of the Local Housing Allowance (LHA) Scheme with consideration to be given to the Allowance reflecting Exeter's circumstances as an urban area in its own right and not averaged with neighbouring authorities in the assessment of the allowance (*as evidenced by Shelter and CAB in session 1 and St Petrock's in Session 2*);
- (2) To lobby Central Government to increase the ability for local authorities to build social housing (*as evidenced by Shelter in session 1 and Julian House and St. Petrock's in session 2 and to undertake a review of Right To Buy (RTB)*);
- (3) To lobby Central Government for the funding of local authorities and agencies to be for a minimum of three years for projects relating to housing provision, as opposed to short term support (*as evidenced by Shelter in session 1 and Julian House and St. Petrock's in session 2*);
- (4) To lobby Central Government to support changes to the planning system to control/limit short term lets and holiday homes (*as evidenced by Shelter and CAB in session 1*);
- (5) To lobby Central Government to support the abolition of Section 21 evictions (*as evidenced by Shelter in session 1*);
- (6) To lobby Central Government to support the reform of the Business Tax and Council Tax regimes for an equitable contribution in respect of all properties (*as evidenced by Shelter and CAB in session 1*);

- (7) To seek a Government review of the current operation of the deposit system for private rented properties for mediation to get an agreement to last no longer than 28 days after which the full deposit is returned. This will assist the tenant to obtain a further deposit for an alternative property. *(as evidenced by Shelter and CAB in session 1)*.
- (8) To seek the support of the Crown and Magistrate Courts for the use of Plain English regarding paperwork relating to court proceedings *(as evidenced by CAB in session 1)*
- (9) To align with the County Council webpages to ensure linkage on information and advice that helps people to find early help and prevent people from becoming at risk of homelessness wherever possible *(as evidenced by Devon County Council in session 1)*;
- (10) To work with Devon County Council's Children's Services, to ensure the Homelessness Prevention Worker function is able to help young people earlier and prevent them becoming at risk of homelessness wherever possible including young people leaving care and making better use of existing tools like Positive Pathways to improve supporting young people earlier on *(as evidenced by Devon County Council Session 1)*;
- (11) To seek increased/joint service contributions from Devon County Council in co-production areas of work e.g. substance misuse services, social care, young persons including care-leavers etc.; and
- (12) To seek increased capacity around mental health services including support for the newly formed Mental Health Alliance and building on existing City Council officer support in this area *(as evidenced by Shelter and CAB in session 1)*.

Exeter City Council responsibilities:

- (13) To undertake a city wide response to homelessness, through a more formalised partnership approach building on the city's social capital and developing flourishing communities - this could be via the proposed Homelessness Housing Forum (HHF) comprised of local accommodation and support providers to see the system as a whole and address blocks and barriers. The HHF will build on learning from the Exeter Homelessness Partnership Alliance as well as from national examples of good practice e.g. Homeless Link. This will build on the existing co-production mechanisms and with the ultimate aim of offering accommodation on first presentation. The involvement of the business/private sector will also be sought *(as evidenced by CAB in session 1 and Co-Lab in session 2)*;
- (14) To maximise renewal of the City Council contract(s) with providers with Member involvement to add greater focus on key areas and targets, including analysis of the evidence base *(as evidenced by Shelter in session 1)*;
- (15) To seek the involvement of a third party organisation in statutory homelessness mediation cases *(as evidenced by Shelter in session 1)*;
- (16) To welcome and support the In Exeter commitment to the provision of drinking fountains in the city centre and seek the review of the 24/7 provision of public toilets in the city *(as evidenced by Co-Lab in session 2)*;

- (17) To welcome and support One Exeter's review of the use of Plain English for Council tax and other written communications and support face to face communications rather than by telephone (*as evidenced by CAB in session 1 and St. Petrock's in session 2*);
- (18) To seek City Council commitment to a continuation of funding for the leasing and purchasing options programme for the supported and temporary accommodation programme (*as evidenced by St. Petrock's in session 2*);
- (19) To seek City Council commitment to the expansion of the Housing First model particularly through local registered social landlords; and
- (20) the Chair of the Task and Finish Working Group to liaise with the Executive Portfolio Holder in order to provide feedback to the Customer Focus Scrutiny Committee within six months regarding the above proposals.

8 **Forward Plan of Business and Forward Work Plan**

Members noted the Forward Plan and the Scrutiny Work Plan.

It was suggested that the Community Safety Partnership Team be invited to address the next meeting on 30 March 2023.

The meeting commenced at 5.30 pm and closed at 7.45 pm

Chair

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Waste, Recycling and Fleet

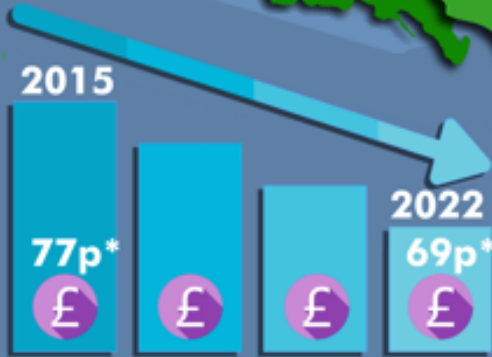
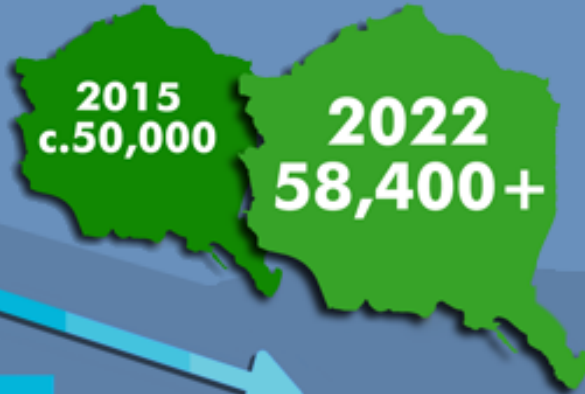
Simon Lane – Service Lead

David Bartram – Director



Key Service Statistics

Collection addresses



*Based on c.50,000 properties
 **Draft finance reports based on 58,400 properties



3,036,000+
 property visits by
 our crews in 1 year



99.9%*
 successful
 collections

*Of recorded
 mandatory
 property visits

5,382,000



Number of items
 sorted by each of our
 MRF pickers in one year*

*Observed average
 rate of 50 items
 per minute

- Remains challenging
- 3 categories of driver
- Progression pathway
- 4 new drivers through progression pathway





Operational Setup



Monday

Tuesday

Wednesday

Thursday

Friday

Current Food Waste Roll Out

Area	Number of properties	Collection day
Parts of Alphington	2408	Thursday
Parts of Beacon Heath	1855	Tuesday
Parts of St Loyes	2100	Monday



Food Waste Collection Statistics

2022

April	9.26
May	8.74
June	10.88
July	15.12
August	14.90
September	18.66
October	17.08
November	30.34
December	33.54

**158.52
tonnes**

Next Phase Food Waste – Vehicle 1

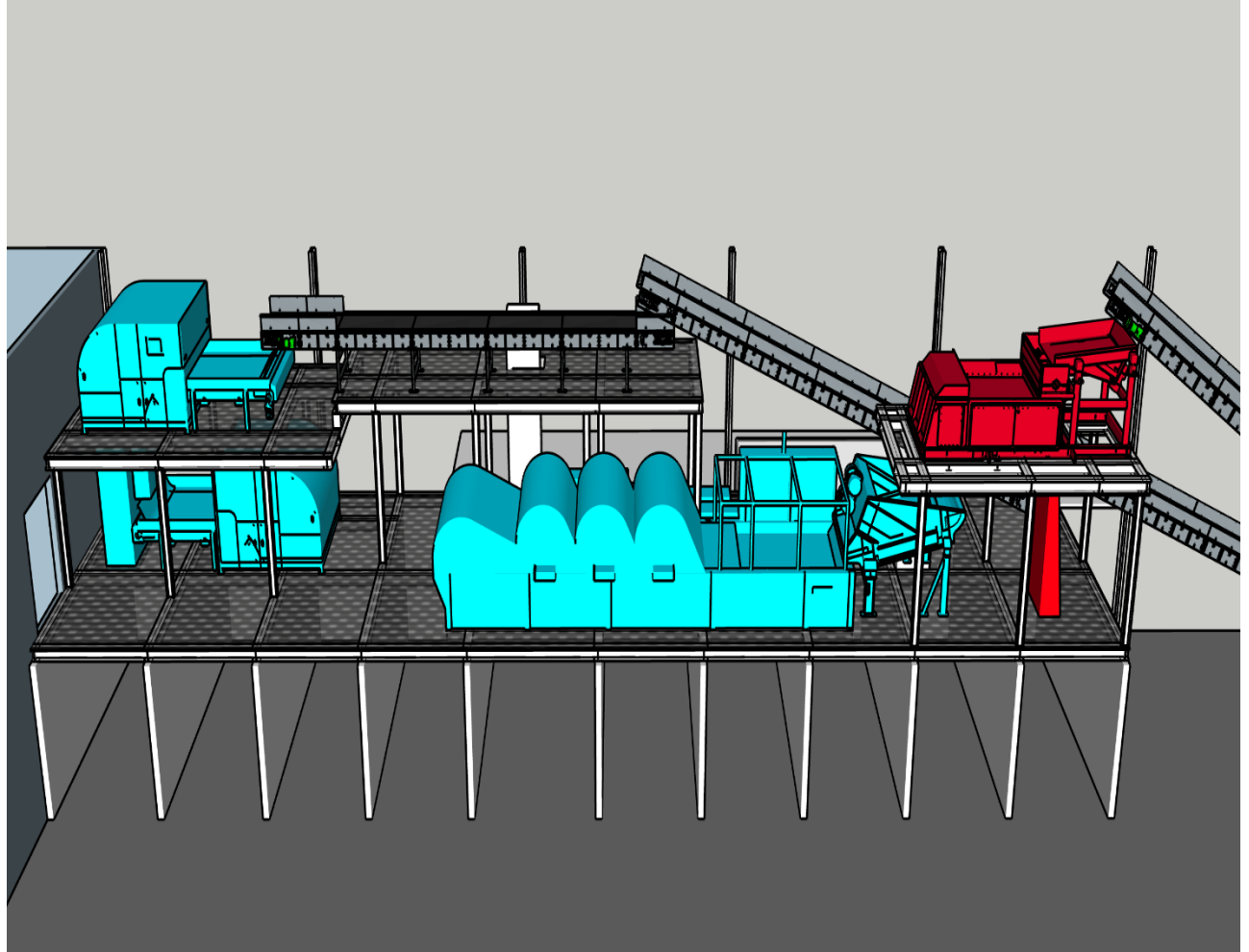
Area	Properties	Collection day	Proposed first collection
Parts of Cowick & St Thomas	2179	Wednesday	15/02/2023
Parts of Pinhoe	1326	Friday	03/03/2023

Next Phase Food Waste – Vehicle 2

Area	Number of properties	Collection Day	Proposed first collection
Parts of Digby & Whipton Barton	2065	Monday	13/03/2023
Parts of Stoke Hill & Pennsylvania area	2477	Tuesday	28/03/2023
Parts of Heavitree & Polsloe	1596	Wednesday	05/04/2023
Parts of St Thomas & Cowick	2380	Thursday	27/04/2023
Parts of St Leonards	2071	Friday	26/05/2023



MRF Upgrade





Fire Suppression





Exeter
City Council

Storage Bays

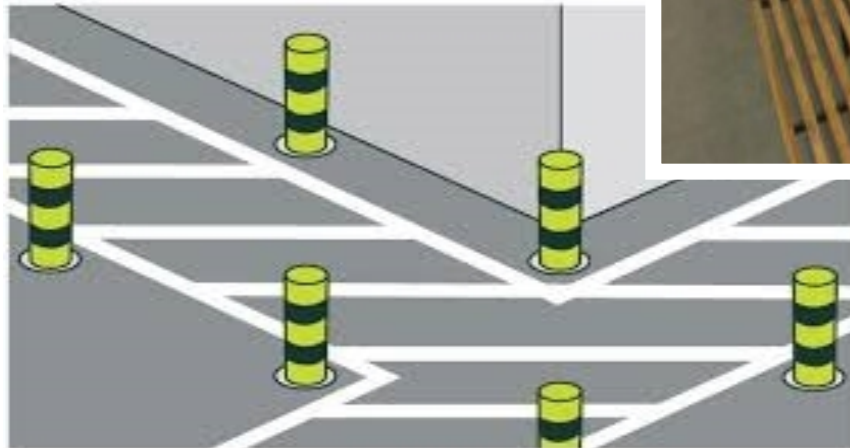
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Exeter
City Council

Other Depot Improvement Works





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Glass Bank Refurbishment

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Denis the Dustcart

**In 28 days across
Christmas & New Year:**

**78,627 people reached
1206 likes and reactions
376 comments
189 post shares**

5200+
people follow



**Denis  the
Dustcart**

for advice, hints & tips
on all things recycling
& waste in Exeter.

Denis the Dustcart's
**EXETER
RECYCLING**

**A-Z
ONLINE NOW!**

exeter.gov.uk
then head to 'Bins and recycling'



**SINGLE-USE
IS NO USE**

This is what we mean by
'It doesn't have to be
completely clean,
just empty.'



**Our office foil ball
is growing...**



**The
Wrapping
Paper
Rap**

Deluxe special edition
Features the special bonus track
Wrapping's Delight

- 24 loads of material processed following Christmas
- 580 tonnes of recyclables sent for processing
- £123k of income obtained





Granulating Plastics



The only UK local Authority to help create innovative UK circular economy products from waste plastics...

Plastic from Exeter City FC is being recycled into bins!



With  ODYSSEY &  Exeter City Council



Beach Waste Circular&Co. Reusable Coffee Cup



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Collective action | Efficient resource management | Regenerative design

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COMBINED STRATEGIC SCRUTINY AND CUSTOMER FOCUS SCRUTINY COMMITTEES

9 February 2023

Present:

Councillors Allcock, Asvachin, Atkinson, Bennett, Ellis-Jones, Hannaford, Harvey, Holland, Knott, Jobson, Mitchell, K, Mitchell, M, Moore, J, Oliver, Newby, Read, Snow, Sparling, Vizard, Wardle and Warwick

Apologies:

Councillors Branston, Foale and Sutton

Also present:

Director Finance, Democratic Services Officer (HB) and Democratic Services Officer (SLS)

In attendance:

Councillor Bialyk	Leader
Councillor Ghusain	Portfolio Holder City Management and Environmental Services
Councillor Pearce	Portfolio Holder Communities and Homelessness Prevention
Councillor Williams	Portfolio Holder Recycling, Waste Management and Waterways
Councillor Wood	Portfolio Holder Climate Change
Councillor Wright	Deputy Leader and Portfolio Holder Arts and Culture and Corporate Services

1 **Appointment of Chair for the meeting**

RESOLVED that Councillor Hannaford be appointed Chair of the meeting.

2 **Minutes**

The minutes of the meeting of the Combined Strategic Scrutiny and Customer Focus Scrutiny Committees held on 28 July 2022 were taken as read, approved and signed by the Chair as correct.

3 **Exeter Development Fund**

The Democratic Services Officer (SS) reported that the Director City Development was collating further data on the proposals for the Exeter Development Fund reported to this Combined Scrutiny Committee last year. A date for a further meeting of the Task and Finish Working Group could then be set for it to report back to this Combined Committee.

4 **Declaration of Interests**

No declarations of discloseable pecuniary interest by Members were made.

5 **Leader's statement**

The Chair invited the Leader to address the Combined Scrutiny meeting.

The Leader referred to the detailed consideration given to the budget in light of the ongoing resource pressures facing the Council. He welcomed input from Scrutiny Members on the budget process, Members having already received a briefing from the Director Finance on 18 January 2023. The budget making process was predicated on a degree of flexibility and that there could be opportunities for additional projects during the year subject to available funding. Three month budget monitoring by the Executive was integral to the process.

He referred to the recommendation from Executive on 7 February 2023 for Council to utilise CIL funding, for the refurbishment of St. Thomas Splashpad.

6 **General Fund/HRA Estimates and Capital Programme 2023/24**

The Director Finance presented the report considered at Executive on 7 February 2023 highlighting individual elements within the sections below, with his responses to Members' queries set out in italics.

The Director Finance thanked Members and officers for proposing a balanced budget given the number, and difficult timing of, a series of financial pressures.

Local Government Finance Settlement 2023/24

- A better than expected final settlement had been announced by the Government. This was confirmed on 6 February 2023 with no overall change from the provisional settlement. The Council's core spending power had therefore increased by 4.5 % compared with a Local Government average of 9.1%. Additional funding could therefore be incorporated into the Asset Management Programme.

Business Rates

- The Government had confirmed that the implementation of the Business Rates retention reform and the review of the formula would not take place in this Parliament and was not expected to be implemented until 2026/27 at the earliest.
- *the revenue support grant was only a small element of funding with Exeter benefitting more than some other Councils from the Business Rate Retention Scheme. The Retention Scheme was split 50% Government, 40% Districts, 9% Counties and 1% Fire Authorities.*

Council Tax

- The referendum threshold had been increased this year to the higher of a less than 3% or £5 increase for District Councils. As a result, Exeter's budget strategy for next year assumed that Council Tax would increase by 2.99%, which, along with the estimated surplus on the collection fund of £86,793 and an increase in the taxbase would raise an extra £369,622;
- *a number of elements were taken into account when collecting the Council Tax including those Purpose Built Student Accommodation (PBSA) properties which were not exempt, the premium on second homes, single occupancies and Council Tax support for those on low incomes. There was a likelihood of a 97%*

collection rate but it was evident that there was a downturn in the current year's collection rate;

- *there were 505 second homes/empty properties in the city which it was estimated would generate some £1.5 million when the Government scheme for permitting Council's to charge would come into effect in 2024/25; and*
- *a technical question was asked in respect of back dating Council Tax in respect of these properties and the Section 151 Officer committed to providing a written response.*

The Chair moved an additional recommendation to the three recommendations set out in the report to the Executive on 7 February 2023 to commend the Executive's recommendation to Council to implement the 2024/25 Council Tax charge on second homes following the Government's announcement enabling Council's to introduce this element in its Council Tax setting. A 12 month notice period was required before this could be introduced.

The motion was seconded, voted upon and carried unanimously.

Key Assumptions

- an overall allowance of £4.415 million had been set aside for inflation. This included a catch up to reflect the higher pay award in 2022/23 and the significant increase in energy prices for next year. Other inflationary increases were set out in the report;
- the Council would benefit from the Government cap on non-domestic energy and wholesale gas prices were not as high as anticipated;
- although there was a significantly higher borrowing rate it would not impact on the medium term financial plan because of the planned reductions in the capital programme;
- *increases in housing rents was normally set by the Government at CPI plus 1%, the Government this year having capped any increase at 7% rather than 12.1 %;*
- *the General Fund interest rate was set at RPI for contractual commitments, which was generally higher than CPI. A number of the Council contracts such as IT were set at RPI; and*
- *pay inflation had been increased to 3% and the lowest paid were expected to receive an increase above 3% to maintain Local Government pay above the National Minimum Wage. A further increase of 1% would equate to around £300,000.*

Equality Impact Assessment

- Budget proposals were underpinned by cost reductions proposed as part of One Exeter which was informed by the Equality Impact Assessment attached to that report presented to Executive.

New Homes Bonus

- The Government had indicated that, whilst New Homes Bonus would be payable again this year, like last year, the 2023/24 element of the allocation would be for one year only and there would be no payment in respect of the previous years. This gave an award of approximately £0.672 million for 2023/24. A new proposal to replace the New Homes Bonus was expected to be announced.

Revised Medium Term Revenue Plan

- the Medium Term Financial Plan (MTFP) indicated that further reductions were required from 2024/25 to 2026/27 to fully address the additional spending pressures. The proposed budget for 2023/24 made use of one off reserves totalling £2.386 million, which would need to be addressed in future years. The reductions required total £5.287 million in the next three years, of which proposals covering £2.137 million had been identified;
- *the budget represented a good balance between anticipated income generation of £1.7 million and service reductions of £2 million;*
- *the Commercialisation post would be removed by the end of the financial year at a saving of £54,700. Income generation ideas were being developed through cross cutting themes led by Service Leads with the Transformation Fund which underpinned One Exeter also being utilised; and*
- *a saving would be achieved by reducing empty property canvassing from three to two contacts.*

Balances and Reserves

- the Council's current policy was that the minimum level of the General Fund Balance would remain above £3 million which was not ring fenced and was in place to meet unexpected costs;
- the latest estimated position of the General Fund Balance was that it would be £4.748 million as at 31 March 2024, equivalent to 27.3% of Exeter's net revenue budget which was slightly higher than other Council's which were between 5% and 15%. The Council's revised medium-term financial plan indicated that the General Fund Balance would reduce to £3.171 million by the end of 2026/27, if the proposed reductions were to be delivered;
- the Council also had other reserves that had been earmarked for specific purposes. The Council's proposed revenue budget for 2023/24 included a net transfer to earmarked reserves of £424,000;
- *the RAMM legal costs had been transferred from reserves;*
- *generally, investment interest was used to support services other than in specific circumstances;*
- *the proposed reductions and additional income identified in order to form a balanced budget tallied with the proposals set out in the One Exeter Cost Reduction report;*
- *the redesign of street cleaning would involve a move away from traditional street sweeping to a more cost effective modernised and targeted approach with vans focusing on identified hot spots. Members agreed that street cleaning redesign could be an appropriate topic for scrutiny; and*
- *the fee for electric charging in Council car parks should preferably align with on street electric charging hubs. No formal agreement had been reached with the County Council on charging levels but would be determined with regard to costs set by other operators in the city and the south west generally.*

Revenue Estimates 2023/24

- Service Committee Expenditure for 2023/24 was £14,326,420, which was £1,128,530 lower than the current year;
- *there had been a reduction in the budget for expenditure funded via CIL, offset by a corresponding reduction in the income used from CIL because of lower receipts being received. Consultation on CIL was ongoing. The full income from the Guildhall shopping centre has been added to the budget. This was offset by*

either related expenditure or a transfer of the surplus to an earmarked reserve in line with the agreement with Government;

- *a technical question was asked on when the CIL changes would be introduced and their impact and the Section 151 Officer committed to providing a written response;*
- *the Portfolio Holder for Communities and Homelessness Prevention stated that the Community Builders' contracts were now in the fifth and final year. The Community Builders made a significant contribution to local communities and options were being examined for the future of this valuable service.*

Council Tax Budget Requirement 2023/24

- the Government was setting the referendum trigger for District Councils at above £5 or 3%, whichever is higher. The budget has been set based on a 2.99% increase, although this is ultimately a Member decision. A 2.99% increase generates around £3,200 more for the Council than an increase of £5.

Housing Revenue Account (HRA)

- the HRA was a self-contained fund which, from 2012 was expected to be self-financing and all income collected locally from rents, service charges and other sources were kept at a local level to deliver housing services to tenants and to maintain the housing stock;
- the proposed budget for 2023/24 indicated that a total of £2,541,730 would be needed to be taken out of the HRA Working Balance in order to meet the budget deficit;
- *the HRA minimum balance was slightly higher than that of the General Fund and was required to fund any contingencies required for the Council's 5,000 Council Housing stock;*
- *the repairs and maintenance budget would increase by £143,000 for 2023/24 but decrease in the following years. It represented a small percentage reduction in terms of the overall £7.5 million budget;*
- *the Council had a strong track record in respect of re-investment including the retrofit programme and building new Council Houses;*
- *the Housing Benefit payments would match the increased rents; and*
- *a technical question was asked on Housing Benefit and the Section 151 Officer committed to providing a written response.*

Capital Programme Resources

- the following capital resources were available for General Fund (£11.476 million) and Housing (£34.220 million) in 2023/24. The Capital Programme totalled £37.482 million in respect of the General Fund and £19.321 million for the HRA. The borrowing requirement for the General Fund was £27.758 million and was £0.750 million for the HRA;
- *the capital programme had been amended to incorporate necessary changes to meet Health and Safety requirements in respect of the Council's property assets;*
- *the capital programme could be amended further during the year should new projects be identified by Council and appropriate funding found;*
- *the capital programme could be funded in a number of ways including revenue funds from Council Tax collection, capital grants, sale of assets, Section 106 contributions and borrowing. Alternatives to the latter would need to be explored because of increased interest rates;*

- *the Corporate Property team were examining options for increasing capital receipts, for example rather than selling outright, property leases could be re-gear;*
- *the Portfolio Holder for City Management and Environmental Services referred to the rolling programme of play area maintenance. Whilst the maintenance budget was being reduced it was supplemented by an increase in the play area capital programme; and*
- *the Disabled Facilities Grant was funded by Devon County Council through the Government's Better Care Fund.*

Housing Revenue Account Capital Programme

- for 2023/24, the HRA medium term financial plan provided for a capital programme of £19.321 million, comprising capital investment of £11.834 million for improvements to the Council's existing housing stock and £7.487 million towards the provision of new council homes.

The Chair invited Councillor Read to present the questions she had submitted.

Questions from Cllr Read

1. The Executive is recommending an ambitious homelessness strategy, can Members be reassured that this will be properly funded?

Response

The Portfolio Holder for Communities and Homelessness Prevention stated that the strategy document sets out key priorities at a high level in acknowledgement of the need to determine realistic plans relating to available resources of both the Council and respective lead stakeholders. Therefore, approval of the strategy as it stands presents no immediate specific financial resource pressure to the Council providing that current provisional budgets for next financial year are unchanged.

Whilst the extent and scope of the actions will need to be tailored to current budgets it is recognised that the aspiration to end rough sleeping in its current form and to increase early intervention and further prevent homelessness will be partially dependent upon increased joint and shared working with key partner agencies as well as future fundraising bids.

2. Three new electric lorries are recommended for the new food waste collection service. Are those three lorries sufficient to roll out the service across the whole of the city, including the city centre, and if not how will additional lorries be funded?

Response

The Portfolio Holder for Recycling, Waste Management and Waterways referred to Appendix 4 of the report which set out that there would be five food waste vehicles as that was all that was required to fully roll out the service.

Supplementary question and Answer

Will the city centre be included?

Answer

It will be a full roll-out across the city.

3. How much money is foregone from retaining Thursday evening free parking in four car parks? What is the reasoning behind free parking in a city that has declared a climate emergency - how are these reconcilable?

Response

The Leader advised that free parking on Thursdays would remain for the present but that any changes would be incremental and, whilst income generation was important, there was a need to strike a balance to ensure that the night time economy benefitted from increased patronage.

4. How is the Council's commercialisation strategy going to be delivered now given staff cuts and are the income targets in the budget realistic?

Response

There will be no dedicated resource to assist with commercial ventures and services will be expected to manage their own commercial activity. There is also a cross cutting theme as part of the One Exeter Programme which will be focussed on Commercialisation. All income targets have been approved by Service Leads, Service Accountants and Directors.

5. What is the expected number of both voluntary and compulsory redundancies as a result of this budget?

Response

The Leader advised that this was a matter for negotiations with the Union and that this would be undertaken in accordance with legislation.

QUESTION FROM A MEMBER UNDER STANDING ORDER 44

Councillor D. Moore attended for this item having given notice under Standing Order 44. She asked the following question:-

Council allocated £1 million for the Council's work on climate change. Please can a financial report on expenditure to date and the expected expenditure over the medium term financial strategy be set out?

Response

The Portfolio Holder for Climate Change reported that a financial break down of the Net Zero Budget will be presented along with the proposed Net Zero Update report, which is due to go to the next Strategic Scrutiny meeting scheduled for 16 March 2023.

Supplementary question and Answer

Has there been any cuts to this £1 million budget?

Answer

The £1 million earmarked budget is ring fenced specifically for the Council's work on climate change. Some of the budget has already been spent for this purpose. No

reductions had been made in the earmarked reserve, other than to cover spending approved for this purpose.

The Office of the Police and Crime Commissioner for Devon and Cornwall

The Director Finance reported that the Police and Crime Commissioner had agreed a Council Tax increase of £15.

The Combined Strategic Scrutiny and Customer Focus Scrutiny Committees noted the report, subject to commending the additional decision of the Executive in respect of second homes referred to above.

7 Capital Strategy 2023-24

The Director Finance stated that the report explained the details of the long-term policy objectives and resulting capital strategy requirements, governance procedures and risks for the capital programme, the strategy being a statutory requirement.

It was underpinned by the condition survey results, approved in late 2020 which targeted Health and Safety improvements to the Council's assets.

The Combined Strategic Scrutiny and Customer Focus Scrutiny Committees noted the report.

8 The Prudential Code for Capital Finance in Local Authorities (Incorporating the Annual Statement of Minimum Revenue Provision)

The Director Finance explained the proposed 2023/24 prudential indicators for capital finance for adoption by the Council and to set the annual statement of Minimum Revenue Provision (MRP). He set out the following key indicators that the Council had to consider:-

- the Capital Financing Requirement - demonstrates the amount that the Council has an underlying need to borrow, regardless of whether that amount has actually been borrowed;
- the Operational Boundary - this sets the amount of borrowing that the Council intends to keep within over the period covered by the indicators; and
- the Authorised Limit - the maximum that the Section 151 Officer is allowed to borrow to cover the Operational Boundary and day to day cash flow needs. The Council is not allowed to exceed this amount of borrowing without first authorising an increase to the limit.

Responding to a Member, the Director Finance advised that there were very limited opportunities to capitalise revenue spend. One such could be a Transformation Programme and an extreme example was the Government issuing a directive to support a Council who had issued a Section 114 notice.

The Combined Strategic Scrutiny and Customer Focus Scrutiny Committees noted the report.

9 Treasury Management Strategy Report 2023/24

The Director Finance presented the report seeking the adoption of the Treasury Management Strategy Report and the incorporated Annual Investment Strategy 2023/24, as required under section 15(1) (a) of the Local Government Act 2003.

There had been no significant change in the Strategy and he highlighted the liability benchmark graphs.

Responding to Members, he stated that advisors had been asked to assess the green credentials of bodies the Council invested in. He would circulate the advisor's report but advised caution on the ability to accurately determine the degree of environmental and social responsibility of bodies with whom the Council invested and it was not possible to determine the carbon footprint impact. The Council was legally required to prioritise security, liquidity and then yield in that order. Money Markets was a favoured investment option as they met the first two criteria.

Although there had been concerns regarding the financial position of some local authorities with whom the Council placed deposits, ultimately there was very little risk associated with local authority investments. Thurrock and Croydon Councils were examples of struggling Council's but services could not be suspended and, ultimately, the Public Works Loans Board acted as the lender of last resort and they had not defaulted. Even the Icelandic Banking crises, as an example, had been resolved with monies subsequently returned to this Council with some of the expected interest.

The Combined Strategic Scrutiny and Customer Focus Scrutiny Committees noted the report.

The Chair thanked the Director Finance for his presentation.

The meeting commenced at 5.30 pm and closed at 8.06 pm

Chair

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EXETER HARBOUR BOARD

Thursday 15 December 2022

Present:-

Councillor Ruth Williams (Chair)
Councillors Ellis-Jones, Leadbetter, Pearce, Read, Snow and Messrs Garratt, May
Michaelson and Sitch

Apologies

Messrs Eggleton and Adams

Also Present

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

Tom Epton and Eliot Wright - Topsham River Commissioners
Lara Moore and Tommy Fox - Ashfords Solicitors

25

MINUTES

The minutes of the meeting held on 26 October 2022 be taken as read and signed
by the Chair as a correct record, subject to the inclusion of noting apologies
received from Andrew May.

26

DECLARATIONS OF INTEREST

No declarations of discloseable pecuniary interest were made.

27

PUBLIC QUESTIONS

No public questions were received.

28

EXETER PORT USERS GROUP UPDATE

Mr Frost, Chair of Exeter Port Users Group (EPUG) was unable to be at the
meeting. He would present an update to the next meeting in March.

29

TOPSHAM RIVER COMMISSIONERS - PRESENTATION

Tom Epton, Clerk to the Topsham River Commissioners for the Port of Exeter
attended along with fellow representative, Mr Eliot Wright and provided an
overview of the Commissioner's function. The presentation included a detailed
history of the Estuary. He referred to the key legislation of the Exeter Port Dues Act
1840, which provided for four Topsham River Commissioners to be elected at their
Annual General Meeting by Topsham inhabitants and vessel owners, to serve
together with three Councillors nominated by Exeter City Council. Up until 1840,
the management of the whole Estuary was through the Chamber's Navigation
Committee, as well as under the authority of an earlier 1539 Statute. The Topsham
River Commissioners was created to fulfil two main purposes and obligations
which were imposed on them, thereby relieving the Navigation Committee of the
Council of its previous responsibilities. They were in brief to establish the
equalisation of Port Dues between Exeter and Topsham Quays and to maintain the
navigation through the channel from the Topsham Lock down to Turf Pool.

Mr Epton suggested some areas of future interest for the Harbour Board might be

dredging of the navigation channel between Topsham Lock and Turf; the future of Topsham North Quay and whether Topsham Lock should be restored along with some consideration of how it might be used in the future. He also wished to offer their support in promoting a Harbour Revision Order to bring the governance arrangements up to date, even though any enactment of the Statutory Instrument would mean a cessation of the Commissioners.

In conclusion of the presentation, the number of their recent achievements included the funding of seven navigational aids marking the main channel at Topsham as well as ongoing support for the Harbourmaster in his wide brief to care for the city's waterways.

The Chair thanked both representatives of the Topsham River Commissioners for their excellent presentation. A copy of their detailed history would be made available to Board Members as a useful background information resource.

30

HARBOUR MASTER'S REPORT

The Harbour Master provided an update on the circulated report. The team were awaiting the Environment Agency to grant a licence for the contractor to carry out work dismantling the former fishing trawler which was now being stored on the quayside. Network Rail had commented on the proposed road closure, which included the access road serving the construction of new railway station at Marsh Barton. In responding to Board Members' comments, he explained that equipment and associated works would necessitate the road being closed for safety reasons. The vessel would continue to be monitored by the waterways team including over the Christmas break. Contact had not yet been made with the owner of the trawler and the matter would be pursued through the appropriate Council departments. He also confirmed that all boat owners were requested to present their insurance details. The team had begun to focus on the condition of two other boats in the canal basin.

Other activities included viewing a potential workboat/patrol boat for charter, along with consideration of the fit out options. They hoped to start trials towards the end of February. The Harbour Patroller advised that work was also still being undertaken with Exeter University regarding alternative power trains and vessels, including some negotiations over the use of a suitable facility to carry out the project work which is anticipated will be by autumn of 2023. The team had been joined by a student from Plymouth University and were looking at a project to develop a sufficient power source to offer electric charging points for vessels. The feasibility study would consider a floating pontoon with a bank of batteries powered by the tidal flow and wind, and an update would be made at the next meeting. He also responded to a Member's comment regarding the use of hydrogen power in small craft as a future case study. The Council's Net Zero team have been liaising with the waterways team to look at how they could reduce their emissions internally as a contribution towards the Council's Net Zero ambitions.

The Harbour Master also provided a response on the progress of the repair of the Bascule bridge over the canal. Communications with the engineers at DCC have been on-going, at the time of writing there is still no fixed date for the final repairs to the mechanical workings.

Members noted the report.

OUTLINE OF HARBOUR REVIEW ORDER PROCESS

Lara Moore and Tommy Fox from the Marine and Transport Team at Ashford's Solicitors attended the meeting. Ms Moore referred to her experience in working with ports and statutory harbour authorities around the country, and thanked the Board for the invitation to offer some background to the Harbour Revision Order (HRO) process including the cost and timescale.

The process will include:-

- drafting the HRO document and statement in support;
- local consultation with key stakeholders over a 28 day period (including individual sessions) to offer an initial opportunity to ask questions;
- an update of the HRO following any feedback from the initial contact with local stakeholders;
- an application is submitted to the Marine Management Organisation (MMO) following a set fee structure. Following a review of the documents, a validation of the order will take place over a four to six week period;
- two local public notices and one national advertisement must be made;
- there will be a 42 day consultation period.

A HRO Core test is required by the MMO who has to be '*Satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships*'

The determination and timescale includes a resolution of any concerns raised. The MMO will then either determine the HRO, or call a Public enquiry. There is a laying of the HRO in Parliament and publication of the HRO Decision Notices. The anticipated timescale is between 18 months and two years.

The potential provisions for inclusion in any HRO are set out below:-

- areas of jurisdiction,
- general functions and priorities,
- application of finance, reserve fund and borrowing,
- general directions, special directions and byelaws,
- other charges,
- charges other than ship, passenger and goods dues,
- advisory bodies,
- development of land and commercial activities,
- disposal of land,
- power to delegate function,
- moorings,
- works and dredging,
- repair and maintenance of structures
- aids to navigation.
- parking places and related facilities,
- bunkering (process of supplying fuel for a ship)
- wrecks, unseviceable vessels and obstructions,
- repeal, revocation and amendments.

Ms Moore responded to the following Board Member's comments and stated that direction in respect of access points to the river, below high water, was not

required; the Ports Good Governance Guide offered suggestions on ring fencing of funds, and in relation to a break-even position for any Harbour.

The Chair thanked Ms Moore and Mr Fox for attending and for the informative presentation.

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VISIONING DAY DISCUSSION

Members confirmed the date of the Visioning Day event as 4 February 2023 and considered topics to be covered, which would include a review of the aims and activities of the Board. Following a brief discussion on opening up the attendance at the event, it was considered appropriate that this targeted event should just be for Board Members.

An update on the outcomes from the event would be reported to the next meeting of the Board.

(The meeting commenced at 5.30 pm and closed at 7.00 pm)

Chair

DRAFT

STRATA – JOINT SCRUTINY COMMITTEE

THURSDAY, 5 JANUARY 2023 AT 4PM

AT BLACKDOWN HOUSE, HONITON

Present:

Councillors Hookway (Chair), Knott, Oliver, Tume

Members Attendance:

Councillors Clarence, Loudoun

Apologies:

Councillor Newby

Officers in Attendance:

Mark Davies, Director of IT and Digital Transformation Strata (Interim) – via Zoom

Simon Davey, Strata Board Director

Paul Nicholls, Strata Board Director

Sarah Jenkins, Democratic Services Officer

1. APOLOGIES FOR ABSENCE

Councillor Rob Newby.

2. MINUTES OF THE MEETING HELD ON 6 SEPTEMBER 2022

The minutes of the meeting held on 6 September 2022 were approved as a correct record.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. QUESTIONS FROM THE PUBLIC UNDER PROCEDURAL RULES

There were no questions from the public.

5. QUESTIONS FROM MEMBERS OF THE COUNCILS UNDER PROCEDURE RULES

There were no questions from Members of the Councils.

6. STRATA PERFORMANCE REPORT – STRATA IT DIRECTOR

The Strata IT Director attended the meeting remotely via Zoom and presented his report. The report was the second report from the IT Director and covered

the period September to December 2022. The following points were highlighted:

- The move to Agile methodology was progressing well and significant progress has been made with the move to Microsoft 365.
- Strata has performed well since the last report and staff are in support of the changes being made.
- Migration to the new Storage Area Network (SAN) has been lengthy due to the amount of data, but has now been completed and the old SAN is being decommissioned.
- Staff restructuring has been underway since October with phase one now completed. Phase two would start at the end of January and will review the Business Systems Teams.
- Additional roles following the restructuring would be funded in part from movement of staff or by getting better value through contract management.
- Regarding projects since the previous report, the focus has been to make all the work visible to clients and to allow clients to prioritise work themselves. Projects are categorised according to size and complexity.
- Projects currently underway or being started since the last report include: financial management system replacement; migration to Microsoft 365; SAN upgrade; decommissioning of Public Switched Telephone Network (PSTN); improved data governance; intelligent route planning for Exeter waste collections; decarbonisation of Forde House.
- Councils have returned some of the savings from 2022/23 which have been put to interim uses to fill identified gaps until the restructuring is complete.

Responses to questions and comments from Councillors included the following:

- The current restructuring was initiated by the interim Director of IT and Digital Transformation following the request for a report from the Strata Board. It was acknowledged that the new permanent Director may want to make further changes according to best practice, but hoped that they would wish to continue to take Strata in the same direction.
- With regard to the decommissioning of the PSTN lines, Councillors were advised that it had taken a long time to locate and identify users before lines could be taken out. It is anticipated that there will be a huge demand for this work prior to the deadline for decommissioning in 2025 and it is therefore important to progress the work well in advance.
- Formation of a Digital Collaboration Group would enable both Strata and the Councils to transform work, however, it was important to identify the right people to be part of the Group. Ideally the Group would meet weekly and comprise digital leads and business relationship managers.

- In response to a question about security, Mark Davies advised that Cloud security is complex to set up but straightforward when in place. Security is key but should not obstruct business need.

The report was accepted and noted.

7. STRATA FINANCE REPORT, BUDGET MONITORING AT DECEMBER 2022/23

The report was presented by Simon Davey.

Key variations from revenue budget, as set out in the report, were highlighted.

There were no questions from Councillors.

The report was accepted and noted.

8. STRATA FINANCE REPORT, BUDGET MONITORING OUTTURN 2021/22

The report was presented by Simon Davey.

There were no questions from Councillors.

The report was accepted and noted.

The Chair thanked Mark Davies and Members for attending.

The meeting closed at 4.55pm.

Councillor Nick Hookway

Chair..... Date

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STRATA - JOINT EXECUTIVE COMMITTEE

TUESDAY, 17 JANUARY 2023

Present:

Councillors Arnott, Dewhirst (Chair) and Bialyk

Officers in Attendance:

Mark Davies, Director of IT and Digital Transformation Strata (Interim) – via Zoom

Bindu Arjoon, Deputy Chief Executive – Exeter City Council

Phil Shears, Managing Director – Teignbridge District Council

Simon Davey, Strata Board Director

Paul Nicholls, Strata Board Director

Andrew Hopkins, Communications Consultant – East Devon District Council

Sarah Jenkins, Democratic Services Officer

1. ELECTION OF A CHAIR FOR 2022/23

Councillor Dewhirst of Teignbridge District Council was elected Chair for the 2022/23 Municipal Year.

2. MINUTES

The minutes of the meeting held on 19 January 2022 were approved as a correct record.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. STRATA BUDGET MONITORING AT DEC 2022/23

The report was presented by Simon Davey and advised on the position at the end of October 2022.

Key variations from Revenue Budget were highlighted.

The report was accepted and noted.

5. 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 for the following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

6. STRATA BUSINESS PLAN

The interim Director of IT and Digital Transformation, Mark Davies, attended the meeting remotely and introduced himself. Mr Davies presented the 12 month Strata Business Plan, version 1.2, for 2023-2024 and highlighted the key points:

In order to increase scrutiny and stakeholder engagement, it was agreed that the Joint Executive Committee should meet 3 times per year, with 2 of the meetings held virtually.

RECOMMENDATION

That the Strata Business Plan 2023-24 be approved by East Devon District Council, Exeter City Council and Teignbridge District Council.

The meeting started at 4.00 pm and finished at 4.43 pm.

Chair

EXECUTIVE

Tuesday 10 January 2023

Present:

Councillor Bialyk (Chair)

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

Also present:

Councillor Jobson (as an opposition group Leader)

Apologies:

Councillors Parkhouse, Jobson and K. Mitchell

Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Director of City Development, Director Finance and Democratic Services Team Leader

1 **ALDERMAN HILDA STERRY AND TONY BUCKLEY**

The Leader passed on his condolences and respects to Honorary Alderman Hilda Sterry who was also a former Lord Mayor of Exeter, who had recently passed away and passed on his thoughts to her family.

The Leader also passed on his condolences to Tony Buckley who had also recently passed away. The Leader advised that he had served as a Council Leader in London before moving to Exeter and he passed on the thoughts of the Executive Members to his family.

2 **MINUTES**

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

3 **DECLARATIONS OF INTEREST**

Members declared the following interests:

- Councillor Denning - Minute No. 9; and
- Councillor D.Moore - Minute No. 9.

4 **QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19**

A member of the public, Mrs Thompson submitted the following question, related to Minute No. 7:-

- As Planning Consent for a Hub on Station Road Playing Fields Pinhoe was granted on 4 February 2020 with work to be commenced not later than the expiration of three years, could the Leader confirm if agreement has been reached with Corporate Property for a lease/transfer to create this Hub on Council land?

The Leader responded that no agreement had been reached for a lease/transfer for the creation of the Hub on Council land.

Mrs Thompson asked a supplementary question on clause 3N of the Planning Consent, which required details of how the change to the facilities would be maintained, what arrangements had been considered, and what were the long term future proposals of the transfer?

The Leader confirmed that no agreement had been reached for a transfer or lease to create a hub on Council owned land, but work was being undertaken to ensure that the project would be brought forward.

5 **URGENT MATTER - RESPONSE TO THE TORBAY LOCAL PLAN UPDATE CONSULTATION**

The Executive noted the urgent matter of the response from Exeter City Council to the Torbay Local Plan update consultation, which had been run by Torbay Council until 5 December 2022. Members noted that this was the second consultation on the Torbay Local Plan update which was considering housing needs and various site development options which could be taken forward into a further draft document at a later date.

Members were advised that due to the timings of the consultation and Exeter City Council's meeting dates it was not possible for the Executive to consider a draft response in advance of its submission and that the response to the consultation was treated as an urgent matter. In accordance with the Council's Constitution, it had been discussed with the Council Leader, the Portfolio Holder for City Development & Planning and the Chair of the Strategic Scrutiny Committee.

Members noted that the letter had objected to the Torbay Strategy on two key areas. The first reason was that Exeter was working to deliver the Exeter Plan to deliver housing on brownfield land, which was a more sustainable option and aligned with Government policy. Torbay were being encouraged to also deliver housing on brownfield sites in their area. The second concern was on the challenge in developing on brownfield sites in Exeter and issues of meeting further additional housing requirements.

RESOLVED that the urgent matter be noted.

6 **EXETER CITY LIVING BUSINESS PLAN PROGRESS UPDATE**

The Executive received the report which provided a progress update on the production and proposed timetable for Exeter City Living's (ECL) Annual Business Plan 2023-24 and confirmed that the 2023-24 Business Plan would not be seeking any further new loans from the Council.

Particular reference was made to the Management Agreement which stated that the draft business plan must be prepared by November each year, ahead of the new Financial Year. One significant site was subject to the tender process and the cost information arising from the tender was still being assessed. The report sought Council approval to vary the Management Agreement to allow the Business Plan to be brought to Members in April 2023 to ensure it included appropriate information arising from the tender process.

The Leader advised that he had received questions in relation to the report from Councillor Jobson, and that he had provided written responses to the questions, which are appended to the minutes.

Councillor D. Moore, as an opposition group leader, spoke on this item. She welcomed the report and supported delaying the report to ensure accurate information was provided to Members. She enquired about the process of producing the Business Plan and whether it had been produced internally by Exeter City Living and would there be any cost to the Council for producing the Business Plan?

The Leader advised that he would provide a response to the question raised, which are appended to the minutes.

Members supported the recommendation to vary the Management Agreement to allow the business plan to be brought to Members in April 2023.

RECOMMENDED that Council agree that the timeline for the submission of the Exeter City Living Business Plan 2023-24 be moved for Council consideration to the Executive meeting on 4th April 2023 and the Council meeting on 18th April 2023.

7

2023/24 BUDGET STRATEGY AND MEDIUM TERM FINANCIAL PLAN

The Executive received the report on the strategic overview of the budgetary position for the 2023/24 financial year and beyond, which included the likely level of available resources, the known demand for resources and proposals to ensure that a balanced budget could be achieved. Members noted that the Council was required to set a balanced budget and Council Tax prior to the start of the financial year.

The Leader moved an amendment to the wording of the report recommendation as follows:-

- That the contents of the report are noted and that the principles of establishing a balanced revenue budget and Capital Programme are approved.

The Director Finance made particular reference to:-

- the provisional one year settlement had been received from the Central Government in late December 2022, with indications on what was expected in 2024;
- the Government had provided additional funding in the settlement, the majority of funding went to upper tier authorities but a guaranteed minimum funding grant had been provided to District Councils, with Exeter to receive £849,000;
- all Councils would receive a minimum increase of 3% in their funding, which was higher than was anticipated in the Medium Term Financial Plan, but was still below the Consumer Price Index (CPI) inflation;
- the Service Grant had been retained which Exeter was awarded £160,000, which was less than the previous year, due to part of the grant being given for National Insurance contributions funding, for the now abandoned Health & Social Care Levy;
- the New Homes Bonus had been renewed for one year only at £672,000, with no more legacy payments;
- the principles of the Council Tax Referendum had been increased for District Councils, who must set a Council Tax of less than 3% or £5, or otherwise a referendum would be triggered. For the first time an increase of 2.99% would be marginally higher than a £5 increase for the Council;
- the other budgetary assumptions in the report, showed an increase of 98% for electricity and 158% for gas, which highlighted the challenges to the Council's budgets;

- a significant amount of work had been undertaken by officers to make suitable proposals to help balance the budget, totalling £3.8 million for the next financial year. More detail would be provided ahead of Council on 21 February 2023; and
- the General Fund Capital Programme had been reviewed to bring forward a more affordable programme. The cost of the programme had increased during the financial year from interest rate rises and construction costs. A draft programme had been put forward based on officer recommendations to deliver the minimum programme required to keep the Council safe. Some projects which may not be included, were deemed as non-essential projects to address the financial pressures. Some projects would be carried forward and the draft programme would be finalised ahead of Council in February.

The Leader advised that he had received questions in relation to the report from Councillor Jobson and Councillor D. Moore and that he had provided written responses to the questions and the responses are appended to the minutes.

Councillor D. Moore, as an opposition group leader, spoke on this item. She thanked the Leader for responses to her previously submitted questions and asked the following questions:-

- it would be useful for the budget report to have clarity on what had been removed and what had been completed;
- there was an increase in the Capital Budget for IT, with a recurring cost of £200,000 a year to Strata. Was the Council getting value for money from this service?
- was there a specific maintenance budget for equipment at St. Sidwells Point?
- the removal of Mallison Bridge from the budget especially with partner commitment to match funding was a concern. Discussions had been held about including Mallison Bridge for either CIL or Section 106 funding which needed to be addressed; and
- Northernhay Gardens had been closed for several months and investment needed to be made on refurbishing the infrastructure and maintenance as a location of civic pride and green space for the city centre.

The Leader thanked Councillor D. Moore for the further questions and requested that the questions be sent to him, so he could provide a response.

During the discussion the following points were raised:-

- Directors and officers were thanked for their hard work in addressing the vast challenges needed to make savings for the financial year; and
- there had been many cuts made to local services and funding over the last decade, however, service expectations had not changed. It was disappointing that there had been another one-year settlement received from the Government, rather than a long-term plan to help the Council in delivering its services.

In response to a Member's question, the Director Finance advised that although part of the budget had been deferred as part of the re-profiling of the Capital Programme, Corporate Property had re-profiled £100,000 for the roof on Bradninch Place into this financial year.

The amendment to the recommendation was seconded by Councillor Wright, which was voted on, and unanimously supported.

RECOMMENDED that Council note the contents of the report and approve the principles of establishing a balanced Revenue Budget and Capital Programme.

8

COUNCIL TAXBASE AND NNDR 1 2023/24

The Executive received the report which set out the 2023/24 Council Tax base in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012. The report also sought approval to delegate the estimate of Business Rate Income (NNDR1) for the next financial year to the Director Finance.

Particular reference was made to the proposed Council Tax Base for 2023/24 of 38,247, which was an increase of 581 Band D equivalent properties which was considered to be a positive increase compared to the budgeted 1% increase over the past few years. Members noted that a system software update was required to produce the NNDR1, which would take place in later January 2023, and to meet the legal requirement to notify interested parties and Government accordingly, delegated authority was sought to approve the NNDR1.

The Chair enquired on the 581 Band D equivalent properties, and requested a breakdown of the properties, to see if they were new or existing homes.

In response to a Member's question, the Director Finance advised the money from Council Tax and Budget Strategy and Medium Term Financial Plan would be used to set balance budget.

RESOLVED that:-

- (1) in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, the amount calculated by Exeter City Council as its tax base for the year 2023/24 shall be 38,247; and
- (2) the responsibility to approve the Council's NNDR1 return by 31 January 2023 be delegated to the Section 151 Officer.

9

HOUSING RENTS AND SERVICE CHARGES 2023-24

Councillor Denning and Councillor D. Moore declared pecuniary interests and left the meeting during consideration of the following item.

The Executive received the report which set out the proposed changes to Council dwelling rents, garage rents and service charges with effect from 1 April 2023.

Particular reference was made to the Governments long term rent policy which enabled an annual rent increase of CPI plus 1% for a five-year period, which commenced in 2020. The CPI figure for September 2022 was 10.1%, which would have enabled the Council to apply a 11.1% increase on housing rent, however, the Government having reviewed the policy, had allowed a standalone 7% cap for 2023/24.

Members noted that the 7% rent increase was higher than anticipated in the HRA Medium Term Financial Plan at the start of the year. It was below the cost increases seen in the HRA and would support covering the cost of the challenges seen in the HRA budget.

The proposed garage and service charges were proposed to also be raised by 7%. The service charge was intended to cover the cost of providing services to support

balancing the account. One exception, however, was the 12% increase in contents insurance to reflect the anticipated increase in premiums.

During the discussion the following points were raised:-

- thanks were given to officers for the work and effort provided in supporting tenants. It was noted that, although the rent increase was capped at 7%, it was still below the rate of inflation of 11%;
- rental income could not be used to support other Council areas and could only be used to support housing; and
- the Portfolio Holder for Customer Services and Council Housing had previously spoken with tenants who had provided a positive response to the rent increases.

In response to a question raised, the Deputy Chief Executive advised that the Council was mindful of tenants going into rent arrears and additional support would be provided to tenants. The Council would continue to do all it could to support financial challenges faced by residents.

RESOLVED that the Executive approves:

- (1) the increase of Council dwelling rent by 7% from 1 April 2023;
- (2) the increase of garage rent by 7% from 1 April 2023; and
- (3) the increase of service charges by 7% from 1 April 2023, with the exception of charges specified in paragraph 11.3 of the report presented at the meeting.

10

LOCAL COUNCIL TAX SUPPORT SCHEME 2023

The Executive received the report which sought Member's agreement on the Local Council Tax Support (CTS) scheme for working age residents for 2023/24, which Members were required to approve annually.

Particular reference was made to maintaining the current local Council Tax support scheme for the financial year. A fuller review of the scheme would be undertaken by officers during the financial year to bring forward a new proposal for 2024.

Councillor D. Moore, as an opposition group leader, spoke on this item. She welcomed the report and the Equality Impact Assessment, which had provided a thoughtful response to each characteristic.

During the discussion the Portfolio Holder for Customer Services and Council Housing, commented on monitoring the level of support for residents going into arrears with their Council Tax. She advised that impact assessments would be undertaken and support would be provided to residents.

RECOMMENDED that Council approve that the Local Council Tax Scheme in place for the current year continues for 2023-24 without substantive changes.

11

REPORT ON MEMBER TRAINING

The Executive received the report which provided an update on the progress of work on the Members' training programme. The also report highlighted Members' attendance for the various training sessions, which had been held since August 2022 and feedback statistical data on training or briefing sessions attended. The report also highlighted attendance for the various tour and shadowing opportunities

made available to Members during the period and highlighted the number of completed certificates received for the new on-line training platform.

Particular reference was made to:-

- the report had been updated to provide a statistical breakdown of the attendance and feedback data, allowing the report to be presented in the public part of the meeting;
- since the report publication, the number of completed certificates for the online training platform had risen to 17 and Councillor records had been updated accordingly; and
- there had been fewer training events held in the period, due to cancellation and rescheduling following the death of Her Majesty the Queen. The attendance figures presented, were on par with the previous quarter and the trend showed that had the training events continued, there would have been a positive improvement in the attendance figures.

During the discussion the following points were raised:-

- the City Council had been awarded the Carbon Literacy Bronze Award status based on the number of staff and Members who had undertaken the training;
- the report reflected the significant improvement in attendance, which was supported by the different ways in which training was undertaken. Thanks were given to all the officers who provided training, tours and shadowing opportunities to Members;
- it was encouraging to see Members undertaking the training opportunities provided and thanks were given to the Democratic Services team for their work on expanding and improving the training programme; and
- The Councillor Development Steering Group would be looking to contact more experienced Members to help with training new Councillors, following the election in May 2023.

In response to a question raised, the Democratic Services Team Leader advised that at the time of writing the report, the data for the Carbon Literacy training was not available, but would be included as part of the figures in the next quarterly report.

The Chair welcomed the work being undertaken by the Councillor Development Steering Group and recognised the need to have training available to develop Councillor skills and using experienced Members to support new Members.

RESOLVED that the Executive note the Members' Training report.

(The meeting commenced at 5.30 pm and closed at 6.27 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

Questions and Responses - Executive Tuesday 10 January 2023

Item	Question	Response	Submitted by
Exeter City Living Business Plan Progress Update	In regards to the process of producing the Business Plan had it been produced internally by Exeter City Living and would there be any cost to the Council for producing the Business Plan?	The cost of the production of the business plan will be met by the company and not the City Council and was the normal practice.	Councillor D. Moore
Exeter City Living Business Plan Progress Update	On 8.2. of the report, reference is made to evaluation being completed by end of December - is there likely to be an update available at Executive?	Meetings will be held month and a paper will be coming to the Executive in February, with the information.	Councillor Jobson
Exeter City Living Business Plan Progress Update	Is there anything missing as it seems to read OK but goes from 8.5 on line 1 to 8.6 on line 4 of the report.	It is a draft and print issue.	Councillor Jobson
Exeter City Living Business Plan Progress Update	On 8.9 of the report 3rd bullet point refers to car parks, there are plans during the year to close one, but this does not appear to have been accounted for.	The car park data demonstrates that there is sufficient capacity in our other car parks to offset the loss of one. Therefore it is anticipated that there will be minimal impact on the income generated from Car Parks. This of course will be monitored closely as and when the closure is initiated	Councillor Jobson
Exeter City Living Business Plan Progress Update	On Appendix 1 - New Revenue Bids (Recurring) only appears in 2023/24 column. Why is it only appearing in one year as they described as recurring?	Once an amount is added as a pressure, it then becomes part of the base budget for future years, so is only shown in the year it is added. If an amount is a one-off, it is shown as a negative in the year it is no longer required.	Councillor Jobson
2023/24 Budget Strategy and Medium Term Financial Plan	For the leisure property enhancements, how much of this £2,126,804 budget is allocated to SSP?	Zero	Councillor D. Moore
2023/24 Budget Strategy and Medium Term Financial Plan	For the leisure Equipment replacement programme: how much of this is allocated to SSP?	This is a general pot for Leisure as a whole – nothing specific for any building	Councillor D. Moore

Item	Question	Response	Submitted by
2023/24 Budget Strategy and Medium Term Financial Plan	Why has Mallison Bridge and Northernhay Gardens been removed?	As members are aware, the Capital Programme has been reviewed in light of the costs of borrowing and higher construction costs. This draft programme represents Officers professional assessment of the highest priority schemes. The final programme is of course a matter for members.	Councillor D. Moore
2023/24 Budget Strategy and Medium Term Financial Plan	Are the improved recycling containers a new budget line in addition to what has previously been approved, are these general recycling or food waste?	This is the existing budget line which was deferred from the current programme at quarter 2.	Councillor D. Moore
2023/24 Budget Strategy and Medium Term Financial Plan	There is no budget associated with fleet replacement. Is this the dustbin lorry replacement? Are there no more electric bins lorries planned for purchase and no more lorries for food waste collection?	This is the draft programme. The fleet programme for next year has not yet been finalised and will be added shortly.	Councillor D. Moore

Questions raised at the meeting of the Executive Tuesday 10 January 202 from Cllr D. Moore

Agenda Item 8 – 2023/24 Budget Strategy and Medium Term Financial Plan

- 1. It would be useful for the budget report to have clarity on what projects had been removed and which had been completed.**

Response

The information was provided at the Member's Briefing.

- 2. There was an increase in the Capital Budget for IT, with a recurring cost of £200,000 a year to Strata. Was the Council getting value for money from this service?**

Response

The question isn't related to finance, and is for the Strata Client.

- 3. Was there a specific maintenance budget for equipment at St. Sidwells Point?**

Response

No, there is a global figure for Leisure as a whole

- 4. The removal of Mallison Bridge from the budget especially with partner commitment to match funding was a concern. Discussions had been held about including Mallison Bridge for either CIL or Section 106 funding which needed to be addressed.**

Response

The Leader would discuss the matter and respond.

- 5. Northernhay Gardens had been closed for several months and investment needed to be made on refurbishing the infrastructure and maintenance as a location of civic pride and green space for the city centre.**

Response

This was an officer based proposal based on Health & Safety and cost.

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EXECUTIVE

Tuesday 7 February 2023

Present:

Councillor Bialyk (Chair)

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

Also present:

Councillor Jobson (as an opposition group Leader); and

Councillor D.Moore (as an opposition group Leader).

Apologies:

Councillor K. Mitchell (as an opposition group Leader)

Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Director Corporate Services, Director Net Zero Exeter & City Management, Director of City Development, Director Finance, Service Lead Net Zero & Business, Service Lead Housing Needs & Homelessness, Asset Management Lead, Organisational Transformation Programme Lead and Democratic Services Team Leader

12

MINUTES

The minutes of the meeting held on 10 January 2022, were taken as read, approved and signed by the Chair as a correct record.

13

DECLARATIONS OF INTEREST

A Member declared the following interest:-

- Councillor Wright - Minute No. 25.

14

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

15

UPDATE ON THE RECRUITMENT APPOINT A NEW CHIEF EXECUTIVE AND HEAD OF PAID SERVICE

The Leader advised that a report for noting would be presented to Council on 21 February 2023, which would outline the process for recruiting a new Chief Executive and Head of Paid Service. He confirmed that, in accordance with Standing Orders, the post would be internally advertised from 8th February 2022, with interviews expected to take place in March 2023. A report on the appointment would be brought to Council for approval.

16

URGENT MATTER - RESPONSE TO THE DRAFT EAST DEVON LOCAL PLAN UPDATE CONSULTATION

The Executive noted the urgent matter of the response from Exeter City Council to the Draft East Devon Local Plan Consultation, run by East Devon District Council until 15th January 2023.

Members were advised that due to the timings of the consultation and Exeter City Council's meeting dates it was not possible for the Executive to consider a draft response in advance of its submission and that the response to the consultation was treated as an urgent matter. In accordance with the Council's Constitution, it had been discussed with the Council Leader, the Portfolio Holder for City Development and Planning and the Chair of the Strategic Scrutiny Committee.

Members noted that the response letter identified concerns relating to East Devon having consideration to Exeter City Council's proposed development Strategy for brownfield sites to protect surrounding greenspaces. All other local District Councils were also being asked to consider the implications of large scale development on the edge of Exeter to ensure sustainable development.

RESOLVED that the urgent matter be noted.

17

GENERAL FUND / HRA ESTIMATES AND CAPITAL PROGRAMME 2023/24

The Executive received the report on the proposed General Fund revenue estimates for 2023/24 and recommending the Band D level of Council Tax for 2023/24. This report also included the proposed Capital Programme for 2023/24 and future years, and the proposals in respect of the Housing Revenue Account.

Particular reference was made to the following:-

- The provisional settlement for the General Fund Revenue position was received in December 2022 and final settlement was received on 6th February 2023, which indicated that the final settlement was the same as the provisional settlement for the city.
- The New Homes Bonus was confirmed as £672,000 for its final year. An announcement was expected from the Government on a new replacement scheme for future years.
- There had been considerable financial pressures faced by the Council, with a significant funding gap following additional budgeting for the national staff pay awards. The reductions required were over £6 Million, however funds set aside during the Covid Pandemic had been used to reduce the impact for the financial year, leaving a £3 Million saving to be made to balance the budget.
- The One Exeter programme had been set up to help address the funding shortfall, the outcome of the work had enabled the Council to propose a balanced budget which identified additional sources of income and service reductions totalling £3.7 Million.
- The Government had extended its non-domestic energy support package, which the tariff had been set below the level budgeted for.
- The Council had previously supported another Council in its claim that Leisure services should be classified as non-business for VAT. It had been widely reported that HMRC were expected to announce that they accept Leisure services being classified as non-business for VAT, which would mean much of the Leisure income would no longer attract VAT.
- The Council Tax being proposed for Exeter City Council was £175.13 for Band D properties which was a rise of £5.08, at 2.99%, which was the maximum amount allowed before triggering a Referendum.

- There were similar cost pressures for the HRA. The Government had announced a limitation on rent increase to 7%, which was lower than 11.1% inflation rate. A balanced budget had been set, however the amount of minimum reserves for the HRA had been reduced.
- Borrowing costs for the General Fund Programme had significantly risen during the previous six months. The Capital Programme had been reviewed by the Corporate Property team and Engineering team to identify the highest priority projects for Health and Safety matters and a revised programme had been submitted. The work involved had been in-depth and the proposals presented to Members were based on officer recommendations.
- The Capital Programme was monitored on a quarterly basis and there was a process for Members to request projects being put back onto the programme once affordable funding has been identified.
- The HRA Capital Programme was significant, totalling £19.3 Million, of which £11.8 Million would be used to make improvements of existing housing stock, whilst £7.5 Million would be put toward the provision of new Council homes.

The Leader highlighted the officer recommendations, which would be supported and emphasised the need for the Capital Programme to be reviewed. The Leader moved an additional recommendation to the Capital Programme as follows:-

- That Council approve £100,000 for the refurbishment of St. Thomas Splashpad, enhancing its life and ensuring that it is available for use as soon as possible. As with other proposed replacements of play equipment, it is proposed to fund the project using CIL.

It was explained that the reason for the additional recommendation was that the facility was an important asset to the residents in St. Thomas and other Wards in the city.

Councillor D. Moore, as an opposition group leader, spoke on this item. She acknowledged the serious impact of the budget cuts on both discretionary and statutory services and enquired on what engagement and information will be undertaken with the public on the proposed budget cuts?

The Leader advised that he would provide responses to the questions raised.

During the discussion the following points were raised:-

- thanks were given to the Director Finance for the work on the report, Members briefings and information provided to all Councillors.
- the Council Tax rate for Exeter would be lower than other areas and the work undertaken to date was commended;
- thanks were also provided to the officers, Directors, and Service Leads, for undertaking difficult decisions to help set a balanced budget;
- the inclusion of the St. Thomas Splashpad onto the Capital Programme was welcomed and would be a benefit for residents and communities;
- it was a difficult period for the HRA but a fair budget had been set which would continue to support providing decent homes for tenants; and
- The budget would enable the Council to continue to provide an affordable and quality service to its residents.

In response to a Members' question, the Director Finance advised that when the HMRC make the announcement on removing VAT from leisure services, then any reclaim of VAT would be back dated to 2021 when leisure services were brought in-house.

Following the discussion, the Leader moved and was seconded by Councillor Wright to amend the first recommendation in the report which was voted for unanimously and supported.

RECOMMENDED that Council:-

- (1) approve the overall spending proposals in respect of its revenue and capital budgets;
- (2) approve the Council Tax for each Band be submitted to the Council as set out in section 8.19.3 of the report, subject to Devon County Council, the Office of the Devon and Cornwall Police and Crime Commissioner and the Devon and Somerset Fire Authority confirming their Band D levels respectively;
- (3) approve the revised Council Tax levels submitted to Council on 21 February 2023, when the actual Council Tax amounts for Devon County Council, Devon and Cornwall Police and Crime Commissioner and the Devon and Somerset Fire Authority are set; and
- (4) that Council approve £100,000 using CIL funding, for the refurbishment of St. Thomas Splashpad, to enhance its life and ensuring that it be available for use as soon as possible.

18

CAPITAL STRATEGY 2023-24

The Executive received the report which sought approval of the Capital Strategy 2023/24. The report provided Members with details on the longer-term policy objectives and the resulting Capital Strategy requirements, governance procedures and risk to the Capital Programme.

Particular reference was made to the main change in the financial year that the increase in borrowing and amended approach to setting the Capital Programme, with a focus on health and safety has been stressed in the Strategy.

RECOMMENDED that Council approve the Capital Strategy as set out in Appendix 1 of the report presented at the meeting.

19

THE PRUDENTIAL CODE FOR CAPITAL FINANCE IN LOCAL AUTHORITIES (INCORPORATING THE ANNUAL STATEMENT OF MINIMUM REVENUE PROVISION)

The Executive received the report on the proposed 2023/24 Prudential Indicators for capital finance for adoption by the Council and set the annual statement of Minimum Revenue Provision (MRP), which would be incorporated within the Budget Book for approval at the full Council meeting as per the statutory requirement.

Particular reference was made to the following:-

- The Minimum Revenue Provision statement provided an analysis of how the Council sets aside a statutory amount for the repayment of debt. The Council opted to use the Asset Life Annuity method, which allowed the Council to repay the cost of borrowing in a similar manner to a repayment mortgage. The Council only had to set aside an amount which relates to borrowing for capital assets.

- The MRP payments allowed for voluntary repayments of debt and as of 2023, the Council still had over payments of £3.86 Million. The proposal in the report would result in a MRP charge for 2023/24 of £1.783 Million.
- The Prudential Code provided a range of indicators to allow Members to analyse Capital expenditure and the amount of debt. The code was split between the MRP indicators for the Capital Programme and Treasury management.
- The Capital Financing requirement set out how much the Council needed to borrow to finance the Capital Programme, the operational boundary indicator was the amount of borrowing the Director Finance was allowed to make and the authorised limit was the total amount of debt allowed to be borrowed.

Councillor D. Moore, as an opposition group leader, spoke on this item. She enquired at what point would financing costs be considered unsustainable for the General Fund.

The Leader advised that he would provide responses to the question raised.

RECOMMENDED that Council approve the adoption of:-

- (1) the Prudential Indicators set out in Appendices A-C of the report presented at the meeting; and
- (2) the Annual Statement of Minimum Revenue Provision for the Council.

20

TREASURY MANAGEMENT STRATEGY REPORT 2023/24

The Executive received the report which sought the adoption of the Treasury Management Strategy Report and the incorporated Annual Investment Strategy 2023/24, as required under section 15(1) (a) of the Local Government Act 2003.

Members noted that the Department for Levelling Up, Housing and Communities (DLUHC) Guidance on Local Authority Investments required the Council to approve an investment strategy before the start of each financial year, which included both financial and non-financial investments.

There were no significant changes to report, however Members were provided an overview of the liability benchmarking included with Appendix 1 of the report, which highlighted the new indicators from the Prudential Code for the Treasury Management Strategy on analysing borrowing.

Councillor D. Moore, as an opposition group leader, spoke on this item and enquired that the report stated there were no Net Zero or climate change implications, but investments were being made in certain banks such as Barclays and what advice was being received in relation to achieving Net Zero targets?

The Leader advised that he would provide responses to the questions raised.

RECOMMENDED that Council adopt the new Treasury Management Strategy and delegations contained therein.

21

EXETER COUNCIL TAX PREMIUMS 2024/25

The Executive received the report which sought Member's agreement to the levying of Council Tax premiums within the City, which would take affect from 1 April 2024, subject to the Levelling Up and Regeneration Bill (Bill 169 2022-23) receiving Royal Assent.

The policy was designed to encourage taxpayers to use or allow others to use premises as their main residence and enable empty properties to be brought back into use, while providing funding to the collection fund which will be shared between the Council and the major precepting authorities in line with their share of the Council Tax.

Particular reference was made to the following:-

- The changes outlined in the report would allow the Council to charge a premium for empty properties after one year and further premiums for properties which have been empty for more than five years.
- Although the Levelling Up and Regeneration Bill was pending Royal Assent, the Council needed to approve the recommendations before March 2023, to provide the required 12-month notice period in respect of the proposed changes.
- It was estimated that there would be an additional £1.5 Million in income from Council Tax, of which around 8% would be received by the City Council.

Councillor D. Moore, as an opposition group leader, spoke on this item. She welcomed the proposals. She advised that she would welcome a discussion with the Leader about a proposal to potentially increase the supply of housing by retaining single person relief for those renting out rooms.

Members welcomed the report and clarification was given that owners of empty homes were contacted to bring them back into use.

The Leader advised that there was a Housing Strategy being undertaken and homes was a focus in the potential Tier 2 devolution model. He further advised that the Council Tax premiums were specific to the proposal and an additional recommendation on single person relief was a separate matter to recommendations in the report.

RECOMMENDED that Council:-

- (1) approve the application of the current premium of 100% for all dwellings which are unoccupied and substantially unfurnished (empty dwellings) from a period of one year with effect from 1st April 2024;
- (2) approve the application of a premium of 100% for all dwellings which are unoccupied but substantially furnished with effect from 1st April 2024; and
- (3) grant delegated authority to the Section 151 Officer to implement the policy in line with the Council's requirements and any guidance given by the Secretary of State.

The Executive received the report on the annual review of the One Exeter work programme and the plans for the next 12 months. The One Exeter work programme was initially agreed by Executive in February 2021 and aimed to deliver a fit for purpose organisation and meet the requirements of the Medium-Term Financial

Plan (MTFP). This report focusses on those elements of the work programme that aim to deliver a fit for purpose organisation.

Members noted that significant work had been undertaken by the Strategic Management Board (SMB) and Operational Management Board (OMB) and the One Exeter team and also noted the involvement of the Trade Unions. A Staff Sounding Board has also been established to give employees from every service a voice on the programme. The work had also included discussion and oversight from the Leader and Deputy Leader.

Particular reference was made to the work undertaken over the previous 12 months, which included:-

- The formation of an employee wellbeing framework which was developed with staff, and informed by a recent staff survey. The framework would be reported to SMB in February 2023.
- A draft values and behaviours framework had been developed to reflect what staff feel is important for the organisation in the future. It is intended that the new framework will help to advance joined up and cross service working. The draft values and behaviours will be shared with Members.
- Performance and development reviews were being introduced and will enable employees to reflect on their performance and how they have demonstrated the values and behaviours.
- Service reviews were undertaken to identify opportunities to deliver a fit for purpose organisation and identify a 15% budget reduction over the life of the Medium Term Financial Plan. Proposals identified for 2023/24 were included as part of the budget setting process. The reviews have also identified potential proposals for subsequent financial years.

Going forward, over the next four months there will be a focus on developing the customer access strategy to establish a vision for how the Council will interact with and support customers in the future. The strategy will be presented to Members in due course. Work was also being undertaken for an organisational re-structure, which was scheduled for April 2024

Councillor D. Moore, as an opposition group leader, spoke on this item. She welcomed the report and noted the large amount of work involved, welcoming staff involvement. She enquired about the customer access strategy and addressing the widening inequality in Exeter and how it would affect customer needs. The Leisure service review showed leisure services as being cost neutral, and she asked whether there was a timescale attached to this.

The Leader advised that he would look at issues of widening inequalities but issues will be picked up as the work progressed.

During the discussion the following points were raised:-

- Staff who have led and engaged with the programme were commended, particularly ahead of the Covid Pandemic, which allowed staff to work remotely and introduce hybrid options to continue dealing with the needs of the city; and
- Services are being continually reviewed and change is difficult, however, staff have been positive with engaging with the process to help develop efficient systems and address implications of budget cuts.

In response to questions raised by Members, the Deputy Chief Executive advised that the Council would be working to create a new culture for how it interacts with customers but that there will be channels and support available for customers without access to online services or who have complex needs. Work would be undertaken to improve accessibility of the Council website and customer insight would be used to test ideas and changes.

RECOMMENDED that Council note the progress with the programme.

23

ANNUAL PAY POLICY STATEMENT 2023/24

The Executive received the report on the Council's Annual Pay Policy Statement 2023/24, which was a statutory requirement requiring approval by Full Council each financial year in line with legislation, which the Council was obliged to publish.

Members were advised that there were three statutory Chief Officers at the Council - the Chief Executive and Head of Paid Service, the Council's Monitoring Officer and Section 151 Officer. Members were referred to the remuneration for the Chief Officer roles in the Appendix 1 of the report, which outlined the pay grades for the Chief Officers and the median relationships between the pay earnings.

Members noted that the Pay Policy stated that the pay multiple of the Chief Executive would be monitored annually and should it fall between the annual salary paid to a full time employee on the lowest spinal column point or if the annual full time salary payable to the Chief Executive became greater than 10, then a report would be brought to full Council for Member's consideration.

RECOMMENDED that Council:-

- (1) approve the Pay Policy and Appendices for publication in accordance with the legislation; and
- (2) grant delegated authority to the Director - Corporate Services to make necessary amendments to the pay policy statement following any changes in legislation or subsequent increases in pay.

24

GENDER PAY GAP REPORT

The Executive received the report on the Gender Pay Gap, which was a statutory requirement of the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, for local authorities who employed over 250 or more employees.

Members noted that the average rate of pay for females was higher than males at Exeter City Council and the difference had decreased from 5% in the previous year to 3.91%. Members also noted that there were nearly three times the number of males working in lower quartile earnings than female staff.

Particular reference was made to the national survey on gender pay gaps from the Office of National Statistics (ONS), which highlighted that the median pay was 8.3% less for females than males, which was the opposite at Exeter City Council. The ONS survey also highlighted that the overall gap between female and male pay had been decreasing since 1997, but showed the overall average female pay gap for part time working was 2.9% higher than that of males.

During the discussion the following points were raised:-

- The Council should be proud that women were paid more, compared to the national trend; and
- Due to the historic nature of certain jobs, male staff were in lower paid jobs, while there were more female staff in management roles, which was welcomed.

The Leader commented on the ONS data, which showed the pay rise issues across the country and reflected on the cost-of-living crisis. He was pleased the Council supported its staff and honoured pay rises and working with the trade unions.

RECOMMENDED that Council:-

(1) note the Findings and Observations as follows:

- the average rate of pay for females is higher than males across the Council;
- the difference had decreased slightly since last year from 5.00% to 3.91%; and
- there were nearly three times more males in the lower quartile of earnings than females.

(2) approves the publication of the Gender Pay Gap Report on the Exeter City Council website, as well as on the centrally held database on gov.uk; and

(3) approves the annual review of the report to track the relationship between both female and males earnings.

25

**EXETER HOMELESSNESS & ROUGH SLEEPING PREVENTION STRATEGY
2023 - 2027**

The Executive received the report requesting approval of new homelessness and rough sleeping prevention strategy 2023-2027, to note the achievements of the previous 2016-2021 strategy and the findings of the 2022 homelessness needs assessment. The Strategy, would cover a five-year period until 2027 and contained five high level priority areas, which were outlined in report presented.

Particular reference was made to the Strategy and priorities, which were based on evaluation feedback from various stakeholders, outcomes from the previous strategy, the findings and data from the needs analyses from 2022, stakeholder feedback and representation from partnership agencies who were involved with the Homelessness Task and Finish Group.

A draft of the Strategy document went out to public consultation between November and December 2022, with nearly 90% of the feedback in support of the priorities with some concerns regarding ultimate delivery. However, action plans would be co-designed with stakeholders with a completion date for the delivery plans set for the end March 2023 to be implemented from 1st April 2023.

Members noted that the strategy was not an Exeter City Council document per se but a wider joint working document to incorporate partners and joined-up work streams. Actions of the strategy would look to include the recommendations from the Homelessness Task and Finish Group, plans for which would be integrated into the Strategy action planning. Members further noted that there was a priority on establishing a board focussing on homelessness reduction, which would consist of a range of stakeholders and partners.

Councillor D. Moore, as an opposition group leader, spoke on this item. She welcomed the report and enquired on the partnerships and whether the report would be submitted to the various partners for signing off? She further enquired how

the strategy would relate to the Council Housing Advisory Board for matters relating to tenants and mediation on Council services.

During the discussion the following points were raised:-

- the report was welcomed and thanks were given to the team for the work undertaken;
- thanks were also given to the Portfolio Holder for Customer Services & Council Housing for requesting the formation of the Homelessness Task and Finish Group, during their time as the Chair of the Strategic Scrutiny Committee;
- the Government's short term approach to funding would make delivering an end to rough sleeping by 2024 difficult; and
- homelessness was a challenging area with many constraints, however the Strategy was a great opportunity to bring a level of excellence to the city and working with partners would support bringing the ambitions forward.

The Leader commented on the volume of work undertaken between 2019-2022 with various partners and stakeholders and recognised the work they had undertaken with communities.

RECOMMENDED that Council approve the strategic priorities for the new Homelessness Strategy and the proposed governance arrangements.

26

NATIONAL PORTFOLIO ORGANISATION FUNDING 2023 TO 2026

Councillor Wright presented the recommendations of the report and declared a non-pecuniary interest and left the meeting during consideration of the following item.

The Executive received the report which sets out the recommendations for £147,000 per annum of funding to the National Portfolio Organisations (NPO's), following the announcement of Arts Council's England's investment programme.

Exeter City Council had previously supported grant funding to the National Portfolio Organisations over a three-year period, which was due to end in March 2023. The report sought approval of funding to the four organisations listed in the report for a total of £147,000 split between the four organisations.

Particular reference was made to the funding allocations making a reduction of £100,000 a year; however the funding would be reviewed on an annual basis, to monitor the impact the funding has had on the organisations.

Councillor D. Moore, as an opposition group leader, spoke on this item. She enquired on the annual time frame for funding reviews. The organisations as charities, would require notice of any future funding cuts. Assurance was sought from the Portfolio Holder, that the organisations would be notified in the autumn period each year.

The Leader advised that the timing of future funding reviews for the National Portfolio Organisations was partially out of the Council's control and that organisations would be notified accordingly.

During the discussion the following points were raised:-

- arts and culture was important for the city and the decision to cut back on funding was difficult, though it was noted that Exeter City Council had continued to fund organisations where other authorities had ceased funding; and

- during times of uncertainty for residents, having access to arts and culture was very important.

RECOMMENDED that Council approve:-

(1) approve the funding in accordance with the table below:

Organisation	Annual Funding
Exeter Phoenix	£75,000 plus £51,000 rent grant
Exeter Northcott Theatre	£57,000
Exeter UNESCO City of Literature	£5,000
Libraries Unlimited	£10,000
TOTAL	£147,000 plus £51,000 rent grant

- (2) approve the new service level agreements for 2023-26 based on the agreed National Portfolio Organisations business case for delivery; and
- (3) note the three year commitment and annual reviews to take into account the Council's financial position.

27

PARKING TARIFFS 2023

The Executive received the report on the proposed amendments under the Parking Places Order to improve the regulation of Council car parks and to support the aims of reducing traffic congestion and addressing the goal of a carbon neutral Exeter by 2030.

The recommendations in the report were developed and researched as part of the One Exeter programme and it was anticipated that they would support generating an annual income of over £10 Million to the Council. This would include sales from existing daily car park tickets, parking permits, Penalty Charge Notices and rental income. As part of the proposed changes, what the parking fees funded would be presented to customers of the car park.

Members noted that car parking had not recovered to pre-Covid figures, with some commuters still working from home, either full time or part time, which would have a longer term impact on car parking across the city. However, footfall in the city had increased by 0.1% from the 2019 figures.

Particular reference was made to the income being set aside for maintenance and a schedule of work to improve the look of car parks, safety and carbon reduction was being undertaken. Members also noted that body cameras for the enforcement team would be purchased through the Shared Prosperity Fund.

The next stage of work would be focussed on the implementation of the car parking strategy review to encourage the use of electric vehicles and decarbonising car parks. Work would also begin on attaining a Parking Places Order.

The Director Net Zero and City Management expressed his thanks to the Service Lead Net Zero & Business for the work undertaken and the consistent approach taken.

Councillor D. Moore, as an opposition group leader, spoke on this item. She sought clarification on the charge periods outlined in the report.

The Leader advised that the chart outlined in the report was the correct charge period.

During the discussion the following points were raised:-

- advertising what the car parking fees contributed to the city would be welcomed by residents;
- the report was welcomed and added a fresh approach to car parking, notably the allocation of money to improve security and cleansing of car parks; and
- the report moved car parks away from premium car parks and zoning additional car parks centrally would also support reducing the number of vehicles in the city centre whilst improving the footfall figures.

RESOLVED that the Car Park Places Order 2014 be amended as follows:-

- (1) to change the zoning of a number of City Centre car parks;
- (2) to change the 'Premium' zone to 'Central';
- (3) to extend the charge period from 8am - 6pm to 8am - 10pm for all Central and Zone 1 Car Parks, and for Car parks located in Topsham from 9am - 5pm to 8am - 6pm;
- (4) to increase the fee to purchase a seasonal parking permits and increase the number of city centre car parks that accept a seasonal parking permits;
- (5) to increase the fee to purchase a discounted business and residential parking permit;
- (6) to charge for events held in City Council car parks;
- (7) to introduce a fee for electricity use through Electric Vehicle charge points in City Council car parks;
- (8) to charge owners of electric vehicles that qualify for a residential parking permits; and
- (9) to set aside £72,000 from the additional income for maintenance and improvements to city centre car parks and carbon reduction measures.

28

ONE EXETER – COST REDUCTION PROPOSALS

The Executive received the report on the One Exeter Cost Reduction Proposals to reduce costs across the Council in 2023/24 to deliver a fit for purpose organisation and meet the requirements of the Medium Term Financial Plan (MTFP).

The report responded to the challenges to identify a balanced budget for 2023/24 by reducing the Council's costs. The outlined proposals had been formed through a detailed review of discretionary services, a review across all services and additional proposals identified by the Strategic Management Board. The full details were contained in Appendix B. Appendix A of the report was a Part 2 item due to containing information which may identify individual staff.

The Deputy Chief Executive expressed her thanks and commended the Strategic Management Board, Operational Management Board, Trade Unions and Portfolio Holders and all who had worked on delivering the proposals in addition to their regular responsibilities.

Particular reference was made to the following:-

- The proposals would amount to over £3.9 Million of savings but there would be an impact on staff. A large proportion of the General Fund is staff costs and where cost reductions have been made.

- The Organisational Change Policy had been followed to form a carefully scrutinised business case and consultation with staff had commenced.

The Leader advised that the meeting would need to be moved into Part 2 in order to discuss and vote on the business change proposals contained in Appendix A of the report.

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

In accordance with Regulation 5, Paragraph 5, Part 2 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 concerning the procedures prior to private meetings. The details of the representation had been included on the agenda with the statement of response to the representation.

The Leader advised that the reason for the exemptions was that it was in the public interest to maintain the exemption as the report was making a recommendation to Council and therefore the 28 day notice period did not apply.

The Leader moved and was seconded by Councillor Wright to move the meeting into Part 2, was voted for unanimously and supported.

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 items on the grounds that they involved the likely disclosure of exempt information as defined in paragraph's 2, 3 and 4 of Part 1, Schedule 12A of the Act.

30 **ONE EXETER – COST REDUCTION PROPOSALS**

The meeting was moved into Part 2 to allow a full discussion on the details contained in Appendix A of the report.

The Chair opened the debate for discussion with Members and Opposition Leaders. Councillor D. Moore, as an opposition group leader, spoke on this item. She enquired on whether there would also be public engagement on the budget cuts.

It was confirmed that appropriate statutory consultation had been undertaken. The challenging timescales to develop proposals for cost reductions as a result of the increased financial challenge for the Council has meant that it was not possible to do meaningful public consultation for setting the budget for 2023/24 but public consultation would be an area of focus for setting future years' budget.

Members debated the report and thanked the Directors and Officers for the report and addressing a difficult matter in a fair manner.

RECOMMENDED that Council approve:-

- (1) the initial Organisational Change Business Case proposals set out in Appendix A of the report, which was a Part 2 item, containing personal information identifying members of staff; and
- (2) the cost reduction proposals set out in paragraphs 8.4 to 8.8 and detailed in Appendix B of the report presented at the meeting.

31 **CITY CENTRE PARKING**

The Executive received the report on terminating the existing lease on the Exeter Market Street car park, for the City Council's own use. The proposal would provide a new income stream to the City Council, to support our Medium Term Financial Plan and address issues of anti-social behaviour within this particular car park.

There would be a cost to terminate the lease, to compensate NCP of £100,000, as well as an income of £55,000 to the City Council. Members were provided with an overview of the one off costs required to bring the car park in house.

The car park was expected to generate an annual income of between £96,000 and £170,000 a year. Members noted that a business case would be brought forward on refurbishing the car park as a secure city centre car park, which would include the results of a public consultation for views on requirements for a secure city centre car park.

In response to a Member's question, the Director Corporate Services advised that parking tenants were entitled to an automatic renewal and a longer term notice would need to be provided on compensation in order to terminate the tenancy.

RECOMMENDED that Council approve:-

- (1) for the City Surveyor to take the necessary steps to terminate the existing lease of the Exeter Market Street car park, on the grounds that it is required for the Council's own use, as a public car park;
- (2) that the Market Street car park be included in the Council's Parking Places Order and placed within the Central zone; and
- (3) for the Service Lead for Net Zero & Business to write a business case to re-develop the car park into a city centre secure car park.

32

VAUGHAN ROAD DEVELOPMENT SITE

The Executive received the report on the financial position, viability and the capital and grant requirements to deliver the first phase of the Vaughan Road development scheme, following received tenders for the first phase. The report also outlined the procurement arrangements for the next phases and overall cost expectations for the entire scheme.

Members noted that the Brownfield site viability had been a challenge, but would provide 35 new affordable homes for the HRA as part of Phase 1, which would be covered through existing borrowing funds. Phases 2 and 3 would look to provide 91 homes in total.

Members welcomed the report and thanked officer for their hard work and engagement with tenants.

RECOMMENDED that Council:-

- (1) note the content of the report and the funding arrangements to deliver phase A of the scheme;
- (2) agree for up to £5 Million of capital spend to be retained from Right to Buy receipts to deliver the first phase of the scheme, to deliver 35 new homes (and a community room) into the Housing Revenue Account (HRA). This is in addition to the £9.2 Million already borrowed and approved for the scheme;
- (3) note that there would be an expected additional budget (borrowing) of £13 Million required to deliver the remaining 56 homes on the site, across two

- phases, and further reports would be submitted to Members on each of these phases; and
- (4) approve that a Development Agreement be entered into with Exeter City Living Limited, to carry out and complete the first phase of Development together with the second and third Phases being conditional upon further Council approval.

(The meeting commenced at 5.30 pm and closed at 7.52 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 21 February 2023.

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REPORT TO COUNCIL

Date of Meeting: 21st February 2023

Report of: The Leader

Title: Appointment of new permanent Chief Executive and Head of Paid Service

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the Report about?

Further to the Director, Corporate Services' Report to Council in December of 2022 regarding the exit of the current Chief Executive & Growth Director / Head of Paid Service, the appointment of an interim Deputy Chief Executive and the subsequent appointment of a new Chief Executive / Head of Paid Service, this Report sets out the process to recruit, select and appoint into that new permanent post.

2. Recommendations:

That Council notes - that, subject to successful selection and any handover - the planned Schedule of Activity and associated timelines detailed below:

- Executive Briefing 7th February
- Internal Advert 8th February (closing 28th Feb)
- Form balanced Selection Committee
- Selection Day 7th March
- Selection Committee Recommendation > Executive 8th March
- Chair of Selection Committee Recommendation > Council 10th March
- Ratification at Extraordinary Council meeting 13th March
- Offer, Acceptance & Appointment w/c 13th March
- Start 1st April

In the event a successful appointment is **not** made as a result of this process, the Selection Committee will make a proposal as to an alternative way forward.

3. Reasons for the recommendation:

- 3.1 As set out in the December 2022 Report, the Leader of the Council committed to a wider restructure of the Strategic Management Board (SMB) through 2023, and this appointment is the second step in that restructure journey.
- 3.2 In order to provide stability and to oversee the handover from the exiting Chief Executive & Growth Director, Council planned to appoint an Interim Deputy Chief Executive pending recruitment into a permanent role.

3.3 However, things have moved on very quickly in the New Year so that all Directors now report into the Deputy Chief Executive. In addition, the Deputy Chief Executive has retained the sponsorship of the One Exeter Programme.

3.4 As such, it is illogical to delay the start of the recruitment of the new Chief Executive until after the current post-holder has left the Council i.e. after 31st March

3.5 Whilst it is noted that this is an ambitious Plan in terms of timeline, it is so designed in order that the organisation is not left uncertain as to what is happening for any longer than is absolutely necessary

4. What are the resource implications including non-financial resources

None as all issues were dealt with in the 2022 Report

5. Section 151 Officer comments:

Not appropriate as the current postholder is a Consultee in this process

6. What are the legal aspects?

The process outlined herein is in compliance with the relevant Standing Orders [(50 (a1) and 51(1))], and therefore there are no issues arising.

7. Monitoring Officer's comments:

Not appropriate as the current postholder is a Consultee in this process.

8. The Background details:

8.1 Council is in the midst of a fundamental business transformation process designed to:

- Deliver a customer focused organisation fit for the future
- Modernise service delivery through channel shift and digitisation, driving out wasteful processes focused on customer needs
- Respond positively to an increasingly challenging financial climate

8.2 The Council's financial shortfall is significant. Whilst SMB, the Operational Management Board ("OMB") and members have been working hard to address a deficit of £2.3 million for 2023, this deficit has increased by an additional £2 million as a direct result of the energy crisis.

8.3 Working with the LGA, SMB recognise that the appointment of the permanent Chief Executive is imperative in order that the post holder is able to play a key role in the planned restructure of both SMB and OMB.

9. The legal background:

9.1 Standing Order 51(1) affords the Council the option of recruiting internally if it so wishes

9.2 Standing Order 50(a) requires that a Selection Sub-Committee is formed and this Plan defers to that requirement

10. How does the decision contribute to the Council's Corporate Plan?

This appointment will enable the organisation to focus on the new skills needed to take the council forward in financially challenging times and will contribute greatly to the Strategic Objective of delivering a "well run council".

11. What risks are there and how can they be reduced?

Councillors can choose not to address this issue and not appoint a permanent Head of Paid Service at this juncture. This could potentially lead to the demoralisation of its Senior Management Teams (SMB and Operational Management Board (OMB)) - and the rest of the organisation of course - at such a critical time.

12. Equality Act 2010 (The Act)

12.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding

12.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

12.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

12.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act.

13. Carbon Footprint (Environmental) Implications:

There are no direct carbon/environmental impacts arising from the recommendations.

14. Are there any other options?

- Do nothing
- Wait for the outcome of the LGA proposals in relation to the SMB restructure

15. This Report is for information only

The Leader of the Council

Author: Service Lead, HR

Local Government (Access to Information) Act 1972 (as amended)

Background Papers used in compiling this report:

The Director, Corporate Services' Report to Council in December of 2022 regarding the exit of the current Chief Executive & Growth Director / Head of Paid Service, the appointment of an interim Deputy Chief Executive and the subsequent appointment of a new Chief Executive / Head of Paid Service refers.

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

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	TABLE	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)		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

