COUNCIL

Tuesday 15 October 2019

Present:-

The Right Worshipful the Lord Mayor Councillor Peter Holland Councillor Mrs Yolonda Henson (Deputy Lord Mayor)
Councillors Atkinson, Begley, Bialyk, Branston, Buswell, Foale, Foggin, Ghusain, Hannaford, Harvey, Leadbetter, Lyons, Mitchell, K, Mitchell, M, Moore, D, Moore, J, Morse, Newby, Oliver, Owen, Pattison, Pearson, Quance, A, Quance, I, Sheldon, Sills, Sutton, Vizard, Wardle, Warwick, Williams, Wood and Wright.

50 MINUTES

The minutes of the Ordinary meeting of the Council held on 23 July 2019 were moved by the Leader, seconded by Councillor Sutton, the Deputy Leader, taken as read, approved and signed as correct.

51 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors DJ Henson, Lamb, Packham and Pierce.

52 OFFICIAL COMMUNICATIONS

The Lord Mayor passed on his condolences, and those of Council Members, to Councillors Sills and Sutton, both of whom had recently lost a parent.

The Lord Mayor advised of the following two events he had recently attended:-

- the 999 Emergency Service held at the Guildhall which recognised the work of the Blue Light Services including the Police and Fire and Ambulance Services as well as the Dartmoor and Exmoor Rescue Services; and
- the presentation of a loaf of bread from Waitrose at St. Nicholas Priory as part of the annual rent, subsequently given to St Petrocks.

The Lord Mayor received two petitions. The first, a petition of 107 signatures from Exeter Halt 5G Group, seeking to postpone the rollout of 5G in Exeter pending the outcome of an independent investigation. This was passed to the Lord Mayor by the Leader of the Council who had received notification of the petition from Devon County Council.

The second, containing 31 signatures from Alphington Allotment Holders and Residents and presented by Stephen Scaife, requesting enforcement action against a developer who had repositioned a bank including the removal of trees, which was felt to be encroaching on the allotments.

Both petitions would be presented to the relevant Scrutiny Committee.

PLANNING COMMITTEE - 22 JULY 2019

The minutes of the Planning Committee of 22 July 2019 were presented by the Chair, Councillor Lyons, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 22 July 2019 be received.

53

PLANNING COMMITTEE - 29 JULY 2019

The minutes of the Planning Committee of 29 July 2019 were presented by the Chair, Councillor Lyons, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 29 July 2019 be received.

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PLANNING COMMITTEE - 2 SEPTEMBER 2019

The minutes of the Planning Committee of 2 September 2019 were presented by the Chair, Councillor Lyons, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 2 September 2019 be received.

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PLANNING COMMITTEE - 30 SEPTEMBER 2019

The minutes of the Planning Committee of 30 September 2019 were presented by the Chair, Councillor Lyons, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 30 September 2019 be received.

57

LICENSING COMMITTEE - 16 JULY 2019

The minutes of the Licensing Committee of 16 July 2019 were presented by the Chair, Councillor Owen, and taken as read.

RESOLVED that the minutes of the Licensing Committee held on 16 July 2019 be received.

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LICENSING COMMITTEE - 17 SEPTEMBER 2019

The minutes of the Licensing Committee of 17 September 2019 were presented by the Chair, Councillor Owen, and taken as read.

RESOLVED that the minutes of the Licensing Committee held on 17 September 2019 be received.

59

PEOPLE SCRUTINY COMMITTEE - 5 SEPTEMBER 2019

The minutes of the People Scrutiny Committee of 5 September 2019 were presented by the Chair, Councillor Vizard and taken as read.

RESOLVED that the minutes of People Scrutiny Committee held on 5 September 2019 be received.

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PLACE SCRUTINY COMMITTEE - 12 SEPTEMBER 2019

The minutes of the Place Scrutiny Committee of 12 September 2019 were presented by the Deputy Chair, Councillor Buswell and taken as read.

In respect of <u>Minute No. 45 (Minutes)</u>, a Councillor raised issues in respect of Exeter's Energy Recovery Facility and the District Heating system. The Leader requested that these be discussed later in the meeting under Min. No. 94 of the Executive meeting of 8 October - Carbon 2030 Roadmap - and this was agreed.

RESOLVED that the minutes of Place Scrutiny Committee held on 12 September 2019 be received.

61 CORPORATE SERVICES SCRUTINY COMMITTEE - 26 SEPTEMBER 2019

The minutes of the Corporate Scrutiny Committee of 26 September 2019 were presented by the Chair, Councillor Sheldon and taken as read.

RESOLVED that the minutes of Corporate Scrutiny Committee held on 26 September 2019 be received.

AUDIT AND GOVERNANCE COMMITTEE - 18 SEPTEMBER 2019

The minutes of the Audit and Governance Committee of 18 September 2019 were presented by the Chair for that meeting, Councillor Hannaford, and taken as read.

RESOLVED that the minutes of the Audit and Governance Committee held on 18 September 2019 be received.

EXECUTIVE - 10 SEPTEMBER 2019

The minutes of the Executive of 10 September 2019 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of <u>Minute No. 86 (Corporate Property Health and Safety Compliance)</u>, the Leader moved and the Deputy Leader seconded the recommendation and it was carried unanimously.

In respect of <u>Minute No. 88 (Advertising and Ethical Framework Adoption)</u>, the Leader, responding to a Member who was concerned that adverts displayed across the city might not be in line with the Council's ethical advertising framework, confirmed that the new system would be kept under review with a report brought back to Members, in due course.

The Leader moved and the Deputy Leader seconded the recommendations and they were carried.

RESOLVED that the minutes of Executive held on 10 September 2019 be received and, where appropriate, adopted.

EXECUTIVE - 8 OCTOBER 2019

The minutes of the Executive of 8 October 2019 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of Minute No. 92 (Council House Building Programme), a number of Members spoke in favour of the recommendations. One summarised the history of council house building over the last 100 years and how authorities under differing political control had, for much of this period, been committed to providing social housing. However, he believed that the last 30 years, which had witnessed a commitment to private sector housing rather than council housing, allied to a lack of rental control, had been a retrograde step leading to many social ills. He also criticised the inability of Councils to reinvest receipts from Right to Buy sales in the housing system. Other Members supported these views.

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In respect of the interest rate rise in the public works loan board loans and in response to a Member, the Leader stated that the rate remained at an historic low and that borrowing was only one strand of potential funding for building council houses. He also referred to Exeter having submitted the biggest bid outside London for this programme and the encouragement the Council gave to other social provider partners.

The Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of <u>Minute No. 93 (Options for investment in Exeter Kerb Side</u>

<u>Recycling Scheme)</u> the Chair of the former Place Scrutiny Committee welcomed the proposed investment in the Materials Reclamations Facility. He and other Members, praised the commitment and passion of the staff working there and it was hoped that the Council would witness a rise in the recycling rate.

The Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of <u>Minute No. 94 (Carbon 2030 Roadmap)</u>, a Member welcomed the engagement activities proposed, suggesting that these could go further to achieve greater participation in the democratic process and urged meaningful consultation, for example, through a citizens assembly. She also stated that issues around the Energy Recovery Facility, carbon emissions and the District Heating hub should also be covered within the consultation process.

Another Member believed that the Road Map was the appropriate way forward to achieve carbon neutrality and that the Council was fully engaged with other stakeholders including Exeter City Futures Community Interest Company, University, Exeter College, the Royal Devon and Exeter Trust and Oxygen House.

The Leader referred to the Council's commitment within the Roadmap to achieve carbon neutrality by 2030 and explained some of the ambitious measures the Council would be taking to address the severe challenges being faced.

The Leader moved and the Deputy Leader seconded the recommendation which was carried unanimously.

In respect of <u>Minute No. 96 (Overview of the General Fund Revenue Budget)</u>, the Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of <u>Minute No. 97 (General Fund Capital Monitoring</u>), the Leader moved and the Deputy Leader seconded the recommendations and they were carried.

In respect of <u>Minute No. 98 (HRA Budget Monitoring Report)</u>, The Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of <u>Minute No. 99 (Statutory Review of Polling Districts and Places)</u>, the Leader, in response to a Member referring to the recent inclusion in the Queen's speech of a proposal to introduce a requirement under electoral reform to show ID photos to vote, gave an assurance that, should proposals come forward on electoral reform, the Council would make representations to make voting easier not harder.

The Leader moved and the Deputy Leader seconded the recommendations and they were carried unanimously.

In respect of Minute No. 100 (Update on the review of the Governance Arrangements), the Leader, together with Councillor Hannaford as Chair of the Governance Review Working Party, presented the recommendations. The latter highlighted the change in culture the proposals would bring aimed at making the Council more accountable and transparent. Responding to the concerns of some Members that the opposition parties had not been offered the Chairs of the two Scrutiny Committees, he stated that a proactive approach was expected of both the Chairs and Deputies and that it was anticipated that Task and Finish Groups and Spotlight Reviews would be brought forward by them and the Scrutiny Members. He also welcomed the new opportunity for the public to submit questions to both the Executive and Council which would allow greater participation in the Council's decision making process. The Leader also referred to the removal of the practice of pre-scrutinising reports destined for the Executive.

Other Members also supported the proposals, stating that the Scrutiny process would be more flexible and focussed with specific roles that could be developed by Deputy Chairs.

Another Member felt that the new arrangements reduced the opportunity for Councillors to bring Executive to account with a limited lead in time after agenda publication. She also called for a review of the Council relationship with the various types of outside bodies including officer roles. Responding to these comments, another Member stated that the Scrutiny Committees would have the role of informing and helping direct Council policy.

The Leader recommended the proposals as appropriate for an ambitious Council looking to enhance the democratic process in the city to meet growing public expectations. He also stated that he would discuss the query raised in respect of outside bodies.

The Leader moved and the Deputy Leader seconded the recommendations 1 to 18 and they were carried.

The Leader also presented proposals for the membership of the Executive; changes to the number of Portfolio Holders and Member Champions; and membership and Chair and Deputy Chair appointments of the Customer Focus Scrutiny Committee, the Strategic Scrutiny Committee and the Scrutiny Programme Board. The Leader moved and the Deputy Leader seconded the proposals as set out in the Appendix to these minutes and they were carried.

In respect of <u>Minute No. 102 (Treasury Management Strategy Amendments)</u>, the Leader moved and the Deputy Leader seconded the recommendation which was carried unanimously.

In respect of <u>Minute No. 104 (RAMM Lift – Part II)</u>, the Leader moved and the Deputy Leader seconded the recommendation which was carried unanimously.

RESOLVED that the minutes of Executive held on 8 October 2019 be received and, where appropriate, adopted.

The Council adjourned for a ten minute comfort break.

65 NOTICE OF MOTION BY COUNCILLORS WILLIAMS AND HARVEY UNDER STANDING ORDER NO. 6

Councillor Williams, seconded by Councillor Harvey, moved a Notice of Motion in the following terms:-

Council notes:

- the increasing evidence of the dangers to both human health and biodiversity of continuing use of glyphosate weed killer
- glyphosate is deemed "probably carcinogenic to humans" by the World Health Organisation's International Agency for Research on Cancer (IARC). The exposure route (breathing in or by absorption through the skin) is currently unclear. Two recent high profile court cases in the United States have resulted in Monsanto which manufactures glyphosate under the trade name 'Roundup' being successfully sued by individuals for causing their cancers:
- in 2018 the GMB Union called for the UK Government to immediately ban glyphosate;
- glyphosate is currently used by the City Council in Exeter's parks and green spaces and under contract from Devon County Council on highways;
- whilst glyphosate is a cheap and effective herbicide (sometimes inaccurately described as a pesticide), emerging evidence of health and environmental implications is driving trials of alternatives for effective alternative solutions for the treatment and control of weeds:
- discussions about the use of this weed killer by local authorities have, until recently, been more concerned with the financial considerations of alternatives rather than the health and safety and biodiversity implications. However, this is now changing and a number of cities and local authorities in this country and abroad have taken a variety of measures to limit or exclude the use of glyphosate herbicide for the treatment of weeds;
- other local authorities, notably Glastonbury and Shaftesbury, in the South West have banned the use of glyphosate, and Lyme Regis and Wadebridge have declared they are pesticide-free. Bristol City Council are actively considering the introduction of a phased reduction in glyphosate use;
- Exeter City Council parks and green spaces team are currently trialling alternative methods of weed control to glyphosate; Exeter City Council fully supports this course of action:
- Devon Wildlife Trust, who are working in partnership with Exeter City Council
 particularly with regard to the Valley Parks, do not use glyphosate because
 of the detrimental effect it has on insects (bees) and biodiversity;

This Council believes:-

- this Council has a duty of care to its citizens and staff; and
- the use of such glyphosate has a detrimental effect on biodiversity and the environment in general.

Council resolves:-

 to investigate and trial alternative safe and cost effective methods of weed suppression and management;

- to use the results of these trials to inform Council processes over the next three years; and
- to assess the success or otherwise of the planned reduction strategy in glyphosate use with regular progress reports to the appropriate Scrutiny Committee.

In presenting the Notice of Motion, Councillor Williams referred to the toxic nature of glyphosate and existing evidence highlighting its potential danger to human health and damage to the biodiversity. She stated that the motion presented a structured approach to addressing concerns by gradually reducing its use and trialling and monitoring alternatives, including the costs with a view to a phased introduction. She detailed the three proposals for Council to consider.

A Member highlighted the purchase of weed-killers by the public from garden centres etc., many of whom he suggested did not follow precautionary instructions. Action by the Council could therefore bring issues into the public domain and help engender change. Members supported a structured approach to this issue without a specified time limit and noted that further discussions would take place with Devon County Council in respect of the work the City Council currently undertook on County Council land.

Other Members urged a bolder and more urgent response to the issue to safeguard the public with one referring to the existing use by South West Water of suitable alternatives all year round.

Councillor D. Moore moved, and Councillor J. Moore seconded, the addition of the following amendments:-

To cease the widespread use of glyphosate within a year or as soon as the current contract allows.

In exceptional circumstances and only when no alternatives exist, use of glyphosate may be permitted on a case-by-case basis, for example to tackle invasive alien species, as defined by EU legislation.

The amendments were put to the vote and lost.

In summarising, Councillor Williams stated that it remained unclear the extent to which the human body absorbed the harmful elements but that it was important to carefully assess alternatives and the impact of these on other Council policies.

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

66 NOTICE OF MOTION BY COUNCILLOR M MITCHELL UNDER STANDING ORDER NO. 6

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

Council notes:

Exeter City Council urges HM Government as a part of any ongoing review of the Business Rates system to lift the exemption that currently applies to Purpose Built Student Accommodation (PBSA), thereby ensuring that local authorities and local communities benefit from a broadening of the local tax base.

The Council is encouraged to promote this view through its Members of Parliament and the Local Government Association.

In presenting his motion, Councillor M. Mitchell explained that PBSA's were not deemed a business for the purpose of business rates and that, as students were exempt from Council Tax, neither Central Government nor Councils received any income. Since the introduction of the 1992 Council Tax Regulations full time student numbers had increased from approximately 984,000 to 1.87million in 2016, a very significant increase in a potential untapped revenue. It had been estimated that the student accommodation market was worth £45 billion nationally and that this sector was largely run by national and international companies. For example, in Exeter, Renslade House could generate some £200,000 per annum. It was also a misconception amongst the public that student accommodation contributed to Council income streams. Although a Government review had been conducted in December 2018, the Government Minister had advised that there were no plans to change the current regime.

Other Members spoke in support of the motion.

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

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

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

Question – The Children's Burial Fund

Families grieving the loss of a child through death or stillbirth are to be given up to £2,000 to help cover funeral costs, under a new government scheme.

Every year an estimated 4,350 children die under the age of 18 and grieving parents can face thousands in council fees for burial or cremation costs.

There is also considerable variation in charges, with some councils waiving fees altogether.

The Children's Funeral Fund (CFF) aims to bring an end to this and provide families with the support they need.

The scheme aims to reduce the financial burden for families by reimbursing burial authorities, cremation authorities and funeral directors directly.

The fund will be available regardless of the family's income, and will also include a contribution of £300 towards the cost of a coffin.

Under the scheme, parents will no longer have to meet the costs of burials or cremations.

Fees will be waived by all local authorities and met instead by government funding.

The intervention brings England in line with Wales and follows a cross-party campaign by bereaved parents to remove fees for funerals for those under the age of 18.

- 1. Can the portfolio holder please confirm how this scheme is working in Exeter?
- 2. What work has been done to amend and alter the policies and practices of the council?
- 3. How many local families have been helped and supported by the new scheme so far?
- 4. What work are we doing with other key stakeholders to publicise and promote this scheme?

The Leader replied that the Children's Funeral Fund came into effect nationwide on the 23 July 2019. This scheme allows those that provide elements of a funeral (in our case an interment plot within our cemeteries) to claim back the costs so that parents do not need to worry about managing these expenses themselves. The scheme is available regardless of a family's income, and covers costs for children under 18 and stillbirths after the 24th week of pregnancy.

- When a case comes in that meets the above criteria then the arrangements will be made with the funeral director as normal but no charge will be made if they require the Exclusive Right of Burial or Memorial Rights (we have not charged a burial fee for children for a number of years). We will then contact the Funeral Fund and request funds from them to cover these costs.
- 2. All members of the team have been made aware of these new practises when dealing with cases such as this.
- 3. So far we have had no applications for interment that have met the criteria and no claims have yet been made to the fund.
- 4. No advertisement of this scheme has been undertaken directly by ourselves. This is a nationwide scheme that is open to all and was well publicised in the national press when it was launched. All reputable funeral providers will be aware of this new scheme and will advise families accordingly who find themselves in these tragic circumstances.

Councillor Hannaford asked a supplementary question requesting that the scheme be published in the Exeter Citizen.

The Leader agreed to ensure that this was looked into.

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

Neighbouring Teignbridge District Council has announced a top to toe review of its existing planning policies to ensure they have enough weight to facilitate the Councils aim of being carbon neutral by 2025. How confident are we that our existing policies will facilitate our aim of being carbon neutral by 2030 and will we be undertaking a similar review?

The Leader responded that Teignbridge District Council commenced work to update the Teignbridge Local Plan two years ago and will consult on a draft plan in Spring 2020. Subject to public consultation, the plan will include policies that enable Teignbridge District Council to achieve its target of 'zero carbon emissions by 2025'.

In order to introduce new planning policies that enable us to achieve our zero carbon target, we first need to adopt a new Exeter Local Plan (or the Greater Exeter

Strategic Plan). The process for adopting a new Local Plan is time consuming and involves several statutorily required stages, including public consultation, i.e.

- Issues consultation
- Draft Plan consultation
- Publication (Proposed Submission)
- Submission to the Secretary of State
- Hearings
- Adoption following receipt of Inspector's report

Due to the process involved, it is unlikely that a new Exeter Local Plan can be in place until towards the end of 2023 at the earliest.

In the meantime, the adopted Core Strategy contains a number of policies that are conducive to achieving the Council's environmental/zero carbon ambitions, e.g.

- Policy CP11: requires development to be located and designed so as to minimise and if necessary mitigate against environmental impacts.
- Policy CP13 sets out the Council's ambitions regarding Decentralised Energy Networks, including requiring new development of 1000+sqms to connect to an existing or proposed DEN.
- Policy CP14 requires new development of 1000+sq ms/10+ homes to use decentralised and renewable or low carbon energy sources.
- Policy CP15 requires new development to incorporate sustainable design and construction methods, be resilient to climate change and to optimise energy and water efficiency. As part of this, the policy requires all new homes built from 2016 onwards to be zero carbon (i.e. Code for Sustainable Homes Level 5), but the Council is currently unable to implement this due to a 2014 Government statement that limits carbon reduction targets in Local Plans to Code Level 4.

The Planning and Energy Act 2008 allowed Local Planning Authorities to set standards for energy performance of buildings.

In 2012 Exeter City Council adopted the Core Strategy including Policy CP15 which staircased Carbon Emissions down to "zero carbon" by 2016. This definition of zero carbon is equivalent to Code For Sustainable homes Level 5.

In 2015 Ministerial Statements which are a material consideration in decision making, limited by Local Planning Policy no more than CSH4 (equivalent to a 19% additional abatement above B' Regs 2013), even where those policies were already in place.

The Deregulation Act 2015 included provisions to legislate to this effect, however these were not been implemented.

The Government's stated intention at that time was that a zero carbon policy would be introduced through the Building Regulations 'later in 2016'.

Exeter City Council have been mindful of those Ministerial Statements and have since 2015 only required new dwellings to achieve CSH4.

No tightening of Building Regs part L beyond 2013 levels or a National Zero Carbon homes standard has been introduced as was stated would be the case in 2015 Ministerial Statements.

Following announcements in April 2019 a consultation on a proposed 'Future homes Standard 2025' was launched in October 2019. This consultation draft would reduce emissions by 20-30% from current position by 2020 and by 80% by 2025. This consultation includes provisions to formally remove the ability of Local Planning Authorities to require standards higher than those in the Building Regulations.

Councillor K. Mitchell asked a supplementary question – can an assurance be given that all schemes within the Liveable Exeter programme will be Carbon Neutral developments.

The Leader reiterated the Council's declaration on 23 July 2019 to achieve carbon neutrality by 2030 and to be energy independent by 2022 which also applied to Liveable Exeter, referring also to the Council's ambitious house building programme. His vision was for Exeter to be an exemplar in these areas.

In accordance with Standing Order No. 8, the following questions were put by Councillor D. Moore to the Leader.

1. In light of the Government's recent decision to raise the public works loan board interest rate by 1%, what impact will that have on the viability and affordability of projects that are in the Councils pipeline that require borrowing that has not yet been taken out?

The Leader responded that the Council will have to take into account the rates in the market when assessing future business cases. However it important to remember:

- Rates are close to a historic low, so the increase merely reverts rates to the level they were at in 2018;
- The decision of the Government to increase their margin, will likely attract new lenders back into the market, for example the private sector and the Municipal Bonds Agency, so the loan rates available may still be lower than the PWLB rates on offer.

Councillor D. Moore asked a supplementary question that, in light of the increase in the business rate, would the Council agree to no longer supporting free car parking on Thursday evenings.

The Leader responded No.

2. Council approved a budget of £52.8m for the bus station and leisure centre in 2018. In light of the interest rate rise for public works loan board loans how will this affect the project budget and by how much will annual loan repayments be increased by?

The Leader responded

- To explain the budget for both the Bus Station and Leisure Complex was £51.8m of which £18.15m is the borrowing requirement, not £52.8m which the question could lead people to think.
- The original business case for the Leisure Complex provided for an interest rate of 4.5% and was updated in November 2018 using a rate of 2.8% (which is broadly the same as the rate today). At no point has the business case used a rate as low as they were before the PWLB increase;
- Regardless, the Council borrowed £49.45m from the PWLB a week before the increase was announced. This tied in loans at the following:
 - o £36m 1.8%
 - £8.8m 1.71%

- £4.65m 1.61%
- The amount borrowed, whilst not directly attributed to the Leisure Complex, will ensure the Council has sufficient cash available to deliver the project without needing to take out any further long term borrowing. This has had a positive impact on the medium term financial plan by reducing costs by about £350,000 a year.
- 3. I am pleased to hear the amazing archaeological finds under the new bus station will not delay the progress of the project. However, please can you provide an undated on if and by how much these works will add to the project budget and if these are archaeological works are covered by insurance.

The Leader responded that the budget for the bus station and leisure complex included sums for anticipated archaeological works and the build plan included assumptions for archaeological works. At present there are no concerns regarding the critical path or the budget.

(The meeting commenced at 6.00 pm and closed at 9.18 pm)

Chair