

## **COUNCIL**

Tuesday 21 February 2023

### **Present:-**

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

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### **MINUTES**

The minutes of the Extraordinary and Ordinary meetings of the Council held on 13 December 2022 were moved by the Leader, those of the Ordinary meeting seconded by the Deputy Leader, Councillor Wright, and those of the Extraordinary meeting seconded by the Portfolio Holder for City Development, Councillor Morse taken as read, approved and signed as correct.

In response to a Member's query on Min. No 67 of the Ordinary Council meeting in respect of the undertaking of the Portfolio Holder for Climate Change to provide a separate written response on the absence in the Devon Carbon Plan's Equality Impact Assessment of the role of religious organisations in improving their buildings, the Portfolio Holder advised that the response would be circulated with the minutes of this meeting.

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### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Allcock, Leadbetter, Newby, J. Moore and Parkhouse.

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### **OFFICIAL COMMUNICATIONS**

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

- the Wonford Community Carols by candlelight evening at the Wonford Community Centre on 13 December 2022;
- the Blue Light Carol Service at Exeter Cathedral on 15 December 2022;
- the annual Christmas with the Lord Mayor on 16 December 2022 to raise money for the Lord Mayor's Charity - Exeter Dementia Action Alliance;
- the Salvation Army Temple Annual Carol Service on 18 December 2022;
- the Annual Jewish Communities Chanukah celebrations at Bedford Square on 19 December 2022;
- the Grandison Service at Exeter Cathedral on 24 December 2022, attended on her behalf by the Deputy Lord Mayor;
- the Exeter College Student Awards at the Rougemont Hotel on 19 January 2023;
- the opening and closing ceremony of the Holocaust Memorial Day at the Guildhall on 27 January 2023; and
- a coffee morning to raise money for the Exeter Dementia Action Alliance on 28 January 2023.

## PUBLIC QUESTIONS

The Lord Mayor reported the receipt of questions from members of the public. Mrs Thompson was unable to be in attendance. Her question and response are listed below:-

### **Question from Cynthia Thompson to Councillor Bialyk, Leader**

As decision notice of 4 February 2020 regarding Planning Application 19/1105/FUL to create a hub on Council owned Station Road, Playing Fields, Pinhoe states that consent expires after three years, will an updated business plan, and/or Planning consent be required before Council funding approved in 2016 or any subsequent approved funding can be released?

### **Response**

The release of funding and pathway is as outlined in the public document that was agreed before Council.

### **Question from Peter Cleasby to Councillor Bialyk, Leader.**

**When will final proposals for the design and implementation of the Exeter Development Fund be brought to the Council for approval?**

### **Response**

No date has been set for implementation of the Fund. This would require Council approval and only once a Full Business Case (FBC) has been prepared and presented to Members. The work to develop a FBC is complex and will require 12-18 months to complete.

*Mr Cleasby, asked a supplementary question as to how the time period required to produce the FBC would impact on the delivery of the Liveable Exeter Housing Programme?*

### **Response**

The Leader reiterated the complexity of the process and that implementing the Development Fund would depend on the involvement of partners and the availability of necessary funding.

## LICENSING COMMITTEE - 31 JANUARY 2023

The minutes of the Licensing Committee of 31 January 2023 were presented by the Chair, Councillor Foale, and taken as read.

**RESOLVED** that the minutes of the Licensing Committee held on 31 January 2023 be received.

## STRATEGIC SCRUTINY COMMITTEE - SPECIAL - 12 DECEMBER 2022

The minutes of the Special Strategic Scrutiny Committee of 12 December 2022 were presented by the Chair, Councillor Hannaford, and taken as read.

In respect of **Minute No. 32 (Community Infrastructure Levy: Partial Review Consultation)**, the Portfolio Holder for City Development undertook to respond to a

Member's query as to whether the Executive would be supporting a public examination of evidence rather than just receiving written submissions.

**RESOLVED** that the minutes of the Special Strategic Scrutiny Committee held on 12 December 2022 be received.

7 **STRATEGIC SCRUTINY COMMITTEE - 19 JANUARY 2023**

The minutes of the Strategic Scrutiny Committee of 19 January 2023 were presented by the Chair, Councillor Hannaford, and taken as read.

**RESOLVED** that the minutes of the Strategic Scrutiny Committee held on 19 January 2023 be received.

8 **CUSTOMER FOCUS SCRUTINY COMMITTEE - 2 FEBRUARY 2023**

The minutes of the Customer Focus Scrutiny Committee of 2 February 2023 were presented by the Chair, Councillor Vizard, and taken as read.

In respect of **Minute No. 7 (Review of Exeter City Council's Homelessness Service – Report of the Homelessness Task and Finish Working Group)**, Councillor M. Mitchell, the Chair of the Task and Finish Working Group, reported that the Group had met with a number of witnesses who were practitioners in this field, working either locally in Exeter or regionally and nationally, the Group making a number of recommendations relating to external bodies and to City Council responsibilities. He thanked the Portfolio Holder for Communities and Homelessness who had attended a number of the sessions, Councillor Denning who had requested the review and the Housing Team for their contributions. A report back on progress to the Scrutiny Committee would be made in six months.

A Member welcomed in particular recommendation 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. Many young people on leaving care were placed in unsatisfactory houses in multiple occupation and to help with their finances, he advocated free travel for care leavers to be extended up to the age of 21.

The Chair moved and Councillor Sutton seconded the recommendations and following a vote, the recommendations were carried unanimously.

**RESOLVED** that the minutes of the Customer Focus Scrutiny Committee held on 2 February 2023 be received and, where appropriate, adopted.

9 **COMBINED STRATEGIC SCRUTINY AND CUSTOMER FOCUS SCRUTINY COMMITTEE - 9 FEBRUARY 2023**

The minutes of the Combined Strategic Scrutiny Committee and Customer Focus Scrutiny Committee of 9 February 2023 were presented by the Chair for the meeting, Councillor Hannaford, and taken as read.

**RESOLVED** that the minutes of the Combined Strategic Scrutiny Committee and Customer Focus Scrutiny Committee held on 9 February 2023 be received.

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**EXETER HARBOUR BOARD - 15 DECEMBER 2022**

The minutes of the Harbour Board of 15 December 2022 were presented by the Chair, Councillor Williams, and taken as read.

**RESOLVED** that the minutes of the Harbour Board held on 15 December 2022 be received.

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**STRATA JOINT SCRUTINY COMMITTEE - 5 JANUARY 2023**

The minutes of the Strata Joint Scrutiny Committee of 5 January 2023 were presented by Councillor Knott, one of the City Council's three representatives on the Committee, and taken as read.

**RESOLVED** that the minutes of the Strata Joint Scrutiny Committee held on 5 January 2023 be received.

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**STRATA JOINT EXECUTIVE COMMITTEE - 17 JANUARY 2023**

The minutes of the Strata Joint Executive Committee of 17 January 2023 were presented by Councillor Bialyk, and taken as read.

In respect of **Minute No. 6 (Strata Business Plan)**, the Leader, in response to a Member's query on the progress of achieving the Business Plan's Net Zero ambitions, undertook to provide a written response.

The Chair moved and Councillor Sutton seconded the recommendation and following a vote, the recommendation was carried.

**RESOLVED** that the minutes of the Strata Joint Executive Committee held on 17 January 2023 be received and, where appropriate, adopted.

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**EXECUTIVE - 10 JANUARY 2023**

The minutes of the Executive of 10 January 2023 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 6 (Exeter City Living Business Plan Progress Update)**, the Leader moved, and Councillor Wright seconded an amendment to the recommendation for the words "in due course" to replace the words "on 4<sup>th</sup> April 2023 and the Council meeting on 18<sup>th</sup> April 2023" at the end of the recommendation. In response to a Member's query, he advised that, as a result of changes in the construction environment, it had not been possible to report on the originally intended dates but that work on the Business Plan was progressing.

The Leader moved and Councillor Wright seconded the recommendation, as amended, and following a vote the amended recommendation was carried as set out below.

**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 Executive and Council meetings in due course.

In respect of **Minute No. 7 (2023/24 Budget Strategy and Medium Term Financial Plan)**, the Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried.

In respect of **Minute No. 10 (Local Council Tax Support Scheme 2023)**, and in response to a Member's reference to the need to lobby for further changes to the Council Tax Exemption Scheme, in particular to seek to achieve additional support for care leavers, he undertook to raise the issue at the next meeting of the Devon Districts Forum and to report to Executive.

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 10 January 2023 be received and, where appropriate, adopted.

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### **EXECUTIVE - 7 FEBRUARY 2023**

The minutes of the Executive of 7 February 2023 (with the exception of minute numbers 17, 18, 19 and 20 which had been considered at the Extraordinary Council meeting immediately preceding this meeting) were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No.16 (Urgent Matter – Response to the Draft East Devon Local Plan Update Consultation)**, the Leader, in response to a Member's query, advised that discussions were ongoing with the Leaders and senior officers of neighbouring authorities regarding the implications of large scale housing developments on the fringes of Exeter. Another Member remarked that he had forwarded his concerns regarding the impact these developments would have on the city's infrastructure and services to the neighbouring authorities.

In respect of **Minute No. 21 (Exeter Council Tax Premiums 2024/25)**, the Leader, in response to a Member's query, stated that there were currently 505 empty properties on which the Council could charge a premium.

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

In respect of **Minute No. 22 (One Exeter – Annual Review)**, the Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried.

In respect of **Minute No. 23 (Annual Pay Policy Statement 2023/24)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 24 (Gender Pay Gap Report)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 25 (Exeter Homelessness and Rough Sleeping Prevention Strategy 2023-2027)**, the Leader, in response to a Member's queries, advised that the minutes of the proposed Homelessness Housing Forum would be published if appropriate and that, where funding was available, it would be used to progress many of the initiatives set out in the Action Plan.

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

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

In respect of **Minute No. 26 (National Portfolio Organisation Funding 2023 to 2026)**, the Leader, in response to a Member's question relating to the impact of the reduction in funding to organisations, advised that it was regrettable that some bodies would not now be supported, but that the Council remained committed to supporting arts and culture as part of its overall offer to the city. He stated that the organisations who continued to be supported understood the rationale behind the funding decisions.

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

In respect of **Minute No. 27 (Parking Tariffs 2023)**, the Leader, in response to a Member's query, undertook to investigate a potential discrepancy in the chart within the report to Executive, and advised that the decisions on the tariffs had already been agreed.

In respect of **Minute No. 30 (One Exeter – Cost Reduction Proposals)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 31 (City Centre Parking)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 32 (Vaughan Road Development Site)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

**RESOLVED** that the minutes of the Executive held on 7 February 2023 be received and, where appropriate, adopted.

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

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

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 Levelling Up, Housing and Communities 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.

In presenting his Motion, Councillor M. Mitchell made the following points:-

- the Motion aimed to restore some fairness within the Council tax regime, so that Councils could determine spending priorities in their areas. Successive Governments had viewed Council Tax as the main source of local government funding with Councils increasingly required to compete with other local

- authorities for Government funding for projects. As a result, some Councils had used other income sources such as establishing property companies;
- although Governments over the years had introduced exemptions and discounts through a Council Tax support scheme, each local authority was impacted differently. An example was the Government reimbursing local authorities for the loss of council tax on the annexe or 'granny flat.' Exeter had just six such annexes with a total of £7,632 income recovered. In East Devon there were 107 such annexes or granny flats exemptions and accordingly the District Council received a greater amount;
  - one of the principles behind the Motion was that each local authority should be fully reimbursed by the Government for the losses of council tax income due to nationally determined exemptions and discounts;
  - in Exeter there were currently 7,500 exempt properties and the loss of Council Tax from these amounted to approximately £13 million a year to the precepting authorities. Over 20,000 people in Exeter received discounts largely the 25% single occupier discount and the total sum involved is nearly £9 million, and 4,450 individuals are assisted by the means tested local support scheme which equates to £7 million;
  - whilst there was an element of Government grant funding formula, it was not a recognisably accountable system; and
  - an equitable Council Tax system should be a means to ensure proper accountability.

The Portfolio Holder for Communities and Homelessness Prevention, in supporting the Motion, referred to previous lobbying for reforms of the Council Tax system. Introduced some 20 years ago it was no longer fit for purpose and, whilst it was appropriate that there continued to be exemptions for those needing support, there should be greater Government support for local authority financing.

Councillor Jobson, as leader of an opposition group, stated that the Government should also be lobbied in respect of commercial operators of Houses in Multiple Occupation (HMO's) and Purpose Built Student Accommodation (PBSA) whose properties were occupied by students who were one of the exempt classes. In respect of HMOs, a change in the system might encourage some landlords to rent to a wider range of tenants than students.

The Leader, stated that he would be supporting the Motion and advised that Council Tax exemptions had originally been put in place to support families sending their children to university and living away but that it was now a scheme that was being abused.

Councillor M. Mitchell, in concluding, hoped that the premise of the Motion would offer a practical and deliverable system to improve local authority accountability. He agreed with the Member's comments in respect of commercial operators.

Councillor M. Mitchell commended the Motion to Council.

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

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**NOTICE OF MOTION BY COUNCILLOR READ UNDER STANDING ORDER NO.**

**6**

Councillor Read, seconded by Councillor Rees, moved a Notice of Motion in the following terms:-

### **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 River 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. Ask Exeter City Council to 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 Exeter City Council 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 Exeter City Council 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 Exeter City Council to request that 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 Levelling Up, Housing and Communities to ban sewage discharges into swimming areas and where protected wildlife lives.



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

- the River Exe was an enormous asset to Exeter and was recognised to have a huge benefit to the health and wellbeing of Exeter's residents and of great importance to wildlife;
- the Exe catchment area has 77 sewage pumping stations taking away wastewater from homes and businesses. It has both separate (foul or surface water) and combined (foul and surface water) networks. When there was severe rainfall, storm overflows of both types act as built-in pressure relief valves and allow flows to be discharged into rivers and seas. Storm overflows were permitted by the Environment Agency;
- there were 299 overflows in the Exe catchment area and 167 Event Duration Monitors installed to monitor spill frequency. South West Water's Level 2 Draft Drainage and Wastewater Management Plan for the Exe 2020-2025 did not provide details about the volume of raw or treated sewage discharged into the waterways. Also, this report provided the number of 'pollution events' but no details on the impact on wildlife. In addition to this, agricultural runoff, badly managed septic tanks, road runoff and misconnected domestic drains all impacted adversely on the health of rivers in general and the Exe specifically;
- there was very little data published by South West Water on biological monitoring of the health of the Exe. An Exeter City Council report on 'Naturalising Exeter's Rivers' produced in October 2021 focused on the Northbrook stream, which flowed directly into the Exe. A baseline survey found that water quality in the stream is damaged by sewage entering it from misconnections, storm overflows and leachate from the landfill site. The Environment Agency agreed to monthly monitoring of the Northbrook from May 2022 and this sort of survey was needed for the whole of the Exe catchment as a matter of urgency;
- in 2021 at Dunsford Road there were 44 discharges into the River Exe over 62 hours; at Countess Weir there were 47 discharges over 123 hours and at Lower North Street there were 71 discharges into the Higher Leat over 214 hours;
- there was no way of knowing the volume of sewage discharged. Moreover, there were also many overflows of treated and untreated sewage and domestic misconnections which are not measured or recorded at all. In addition, there was frequent spillage into the river from agricultural chemicals;
- the Environment Act 2021 made it a statutory obligation for the Environment Agency to monitor water quality up and downstream of sewer overflows and make annual reports on storm overflow discharges. South West Water had over 1,600 storm overflows to monitor and so at present they are concentrating on Combined Sewage Overflows that spill more than 10 times a year. They had agreed a target with the Environment Agency to reduce spill frequency below this by 2045;
- the population of the Exe catchment in 2020 was 283,000 and was projected to grow to 373,000 by 2050. The catchment was also impacted by the influx of tourists during the summer, with an increase of 37,000 or 13 % over the existing resident population. Planning applications needed careful scrutiny so that the projected discharge of sewage is taken into account in all new developments; and
- Exeter deserves a clean, biodiversity-rich river, canal and estuary with healthy populations of many different species of birds, a thriving mussel industry, returning salmon and lots of people coming to the area for ecotourism. This would create new jobs and income for the area. Reducing and eventually eliminating sewage from the river could be an important step on this journey.

Councillor Rees, in seconding the Motion, welcomed the shared vision for a clean and healthy River Exe and hoped that the actions proposed would lead to an improvement in the river's biodiversity and help reverse the decline in the quality of the water.

Councillor Williams, as the Portfolio Holder for Recycling, Waste Management and Waterways, supported the Motion and referred to an event she had attended in 2022 entitled "Our Water: From the City to the Sea" involving a number of groups campaigning for cleaner water.

Councillor D Moore, as co-leader of an opposition group, welcomed the Motion and referred to the provision in the Flood and Water Management Act 2010 in respect of the adoption of drainage systems. She emphasised the importance of ensuring that the planning system was sufficiently robust to ensure the right connections for surface water to run off into public sewers as part of conditions for housing developments before construction commenced.

A Member, in supporting the Motion, referred to a failed amendment prior to the passing of the Environment Act 2021 to place a legal duty on water companies in England and Wales to undertake improvements to the sewerage systems.

Councillor Read, in concluding, thanked Members for their support stating that she looked forward to the responses from the bodies identified and suggested that the issue could be considered at a future Scrutiny Committee.

Councillor Read commended the Motion to Council.

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

## 17 **APPOINTMENT OF NEW PERMANENT CHIEF EXECUTIVE AND HEAD OF PAID SERVICE**

Following on from his announcement at the Extraordinary Council meeting on 20 December 2022 regarding the Senior Management Change Proposal and the update provided to Executive on 7 February 2023, the Leader reported the process to recruit, select and appoint to the new permanent post of Chief Executive and Head of Paid Service.

In response to Members' queries he confirmed that the process had been discussed with representatives of the Local Government Association and that the Selection Committee would be balanced in accordance with the Local Government and Housing Act 1989.

**RESOLVED** that, subject to successful selection and any handover, the following planned schedule of activity and associated timelines for the appointment of the new Chief Executive and Head of Paid Service be noted:-

- Internal Advert - 8 February 2023, closing on 28 February 2023;
  - a Selection Committee will be formed;
  - Selection Day - 7 March 2023;
  - Selection Committee recommendation to Executive on 8 March 2023;
  - Chair of Selection Committee recommendation to Council on 13 March 2023;
  - Ratification at Extraordinary Council meeting on 13 March 2023;
  - Offer, Acceptance and Appointment in the week commencing 13 March 2023;
- and

- New Chief Executive and Head of Paid Service starts 1 April 2023.

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

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

The Lord Mayor reported that no questions had been received from Members.

(The meeting commenced at 8.10 pm and closed at 9.50 pm)

Chair

DRAFT