

COUNCIL

Tuesday 17 October 2023

Present:-

The Right Worshipful the Lord Mayor Councillor Kevin Mitchell (Chair)
Councillors Asvachin, Allcock, Atkinson, Begley, Bennett, Bialyk, Branston, Denning, Foale, Fullam, Hannaford, Harvey, Holland, Jobson, Ketchin, Knott, Lights, Mitchell, M, Moore, D, Parkhouse, Patrick, Pearce, Read, Rees, Sheridan, Snow, Vizard, Wardle, Williams, M, Williams, R and Wright

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APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ellis-Jones, Leadbetter, Miller, Morse, Sparling, Warwick and Wood.

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MINUTES

The minutes of the Ordinary and Extraordinary meetings of the Council held on 18 July 2023 and of the Extraordinary meeting held on 8 August 2023 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 advised that he had attended the following:-

- a visit to the University of Exeter Summer Graduation Ceremony on 19 July 2023;
- the formal reopening on 20 July 2023 of the Guildhall Jury Room after three years of work, which was used for its first function later that week;
- the Force Charity Event on 25 July 2023;
- the Multi-Cultural Sports Fest at the ISCA Academy on 26 August 2023;
- the dinner in honour of the retirement of the Lord Bishop of Exeter on 7 August 2023;
- several visits to teams within the Council including a Home Visit to the outstanding Edwards Court facility on 10 August 2023, the Harbour Master and Harbour Patrollers team on 17 August 2023 and the Green Spaces team on 14 September 2023;
- the Royal Devon and Exeter Hospital and the Fire and Police Headquarters at Middlemoor Station as part of the 999 Emergency Day on the weekend of 7 and 8 September 2023;
- the St. David's Players performance of The Sorcerer at The Barnfield Theatre on 4 October 2023; and
- meeting with Mayor Senn of the City of Laurens, South Carolina who was visiting Exeter and who was provided a tour of the Guildhall and a visit to Exeter Cathedral. On behalf of the city, the Lord Mayor had received the key to the city of Laurens.

The Lord Mayor thanked the Deputy Lord Mayor and the past Lord Mayor for attending other events on his behalf.

The Lord Mayor reported the receipt of questions from members of the public.

Question from Carol Finning

The City Council is responsible for the monitoring of air quality in Exeter and the Devon County Council Active Street Trial has air quality comparison as a success measure. We know some roads affected do not have measures. How will you plug the gap ensuring comparable data and will the City Council or Devon County Council pay for increased monitoring?

Response

The Portfolio Holder for Corporate and Democratic Services and Environmental Health reported that it was not possible to measure air pollution on every road within Heavitree and around the trial area where traffic flows may be expected to be altered. The City Council implements national guidance in choosing locations that are representative of worst case exposure and where exceedences of the objectives are most likely to occur. Officers are confident that the current monitoring network includes locations which will allow them to continue to undertake the Council's statutory duties in respect of assessing compliance with the air quality objectives.

Additional monitoring is proposed along the Heavitree corridor, as part of a separate City Council project. This is funded by grant monies from DEFRA and has previously been reported on to Executive Committee. This data will be made available to Devon County Council to use for appraisal of the trial scheme. The City Council is not funding any further monitoring beyond this.

In asking a supplementary question, Carol Finning stated that the Exeter Highways and Traffic Orders Committee report had referred to a 27% increase in traffic on some arterial roads and therefore was it not important to measure air quality on these roads?

The Portfolio Holder for Corporate and Democratic Services and Environmental Health, in responding, reiterated that it was not possible to measure air pollution on every road within Heavitree. The Council was installing monitors using funding from DEFRA and matched by the City Council which would go some way to address the issue.

Question from Clive Hutchings

Can Exeter City Council confirm that Exeter Council Tax payers will not be picking up any costs for the policing of the current Active Street Low Traffic Neighbourhood (LTN) trial particularly any new Automatic Number Plate Recognition (ANPR) camera installations at the temporary bus gates?

Response

The Leader reported that the City Council had no powers with respect to enforcement for highway matters and would not therefore be picking up the cost of policing of the current Active Street LTN.

Mr Hutchings asked a supplementary question as to whether the Council would pick up the costs of the temporary bus gates.

The Leader advised that it was not a matter for the Council to fund the gates.

Question from Ian Frankum

Your data shows East Wonford Hill is the most polluted in Exeter, exceeding 40mg of Carbon Dioxide two years consecutively. Given this fact, does the Council agree that any wilful decisions that increases traffic and pollution on this arterial road, jeopardising the health of those on it is, at best, foolhardy, at worst negligent?

Response

The Portfolio Holder for Corporate and Democratic Services and Environmental Health reported that firstly, it was important to note that the data referred to was for nitrogen dioxide, not carbon dioxide.

East Wonford Hill is the area in the city which has historically had the highest levels of nitrogen dioxide in the air. This is caused by the poor dispersion of pollution emitted from slow moving traffic. The dispersion of emissions cannot be improved because it is caused by the narrow street, with buildings close to the back of the pavement. However, despite this constraint, the City and County Council's actions have been effective in bringing about a significant reduction in pollution levels over the period when monitoring has been undertaken. The levels measured in the last two years are substantially reduced on the level five years ago, which was 62 micrograms per cubic meter at East Wonford Hill.

Mr Frankum asked a supplementary question reiterating his point as to whether any wilful decisions that increases traffic and pollution on this arterial road, jeopardising the health of those on it, is at best foolhardy at worst negligent? Which is it?

The Portfolio Holder for Corporate and Democratic Services and Environmental Health reported that it was worth noting that an increase in vehicle flow does not have a direct proportionate effect on pollutant concentrations. A 5% increase in traffic flows for example would not be expected to result in a 5% increase in nitrogen dioxide concentrations at the roadside, even if all other factors remained constant. This is because the local road traffic component in any measurement is added on top of other 'background' levels. The increase in pollution levels would therefore be smaller than the increase in traffic flows.

Question from Lucy Haigh

East Wonford Hill has breached air quality targets in 2022. Vehicles drive past homes or sit idling, as children walk to school twice a day along the corridor. Can Exeter City Council confirm what increased volume of traffic the Exeter Highways and Traffic Order Committee/seconded Councillors have notified Exeter City Council to expect on the corridors due to the Low Traffic Neighbourhood (LTN) trial (Heavitree and Whipton) and, accordingly, what contingency plan was implemented to monitor or mitigate further air quality problems?

Response

The Portfolio Holder for Corporate and Democratic Services and Environmental Health reported that, as has been discussed in the answer to previous questions, the monitoring site at East Wonford Hill does measure the highest levels of nitrogen dioxide of any of the sites in the city. The poor dispersion of pollution in this area cannot really be improved, because this is caused by the shape of the street itself.

However despite this, the City and County Council's actions have brought about a significant reduction in pollution levels.

The air quality team were not given an exact prediction of the change in the volume of traffic flows. However, as has previously been explained, this alone would not translate directly into an equal change in air pollution concentrations. A change in vehicle flow does not have a direct proportionate effect on pollutant concentrations. This is because the local road traffic component in any measurement is added on top of other 'background' levels. The increase in pollution levels would therefore be smaller than the increase in traffic flows.

The Lord Mayor ruled that a supplementary question raised by Lucy Haigh did not directly relate to the response given.

Question from Neil Martin

An October Freedom of Information has revealed Devon County Council's traffic flow change projections for post LTN, was an increase of between 2% to 27% on boundary roads. The County Council predicates 11,050 displaced extra vehicles each day on these four roads.

Who should the Exeter public hold responsible? The County Council for a poor scheme, or Exeter City Council and the four Members who all voted for it? Would Councillors prefer they had used their 33% share on the Exeter Highways and Traffic Orders Committee (HATOC), combined with 25% abstentions for others, to have saved thousands from increased pollution on their residential boundary roads?

Response

The Portfolio Holder for Corporate and Democratic Services and Environmental Health reported that the Members of the Exeter HATOC made their decision to support the LTN pilot schemes based on the best available information supplied to them.

The Lord Mayor ruled that a supplementary question raised by Ian Martin did not directly relate to the response given.

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PLANNING COMMITTEE - 31 JULY 2023

The minutes of the Planning Committee of 31 July 2023 were presented by the Chair, Councillor Knott, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 31 July 2023 be received.

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PLANNING COMMITTEE - 4 SEPTEMBER 2023

The minutes of the Planning Committee of 4 September 2023 were presented by the Chair, Councillor Knott, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 4 September 2023 be received.

LICENSING COMMITTEE - 12 SEPTEMBER 2023

The minutes of the Licensing Committee of 12 September 2023 were presented by the Chair, Councillor Asvachin, and taken as read.

RESOLVED that the minutes of the Licensing Committee held on 12 September 2023 be received.

STRATEGIC SCRUTINY COMMITTEE - 21 SEPTEMBER 2023

The minutes of the Strategic Scrutiny Committee of 21 September 2023 were presented by the Chair, Councillor Atkinson, and taken as read.

In respect of **Minute No. 67 (Scrutiny Work Plan and Forward Plan of Business)**, the Chair advised that the recommendation to Council was inaccurate. She explained the reasons for this and put forward an alternative recommendation. Councillor M. Mitchell, on a point of order, stated that the original recommendation in the minutes was a correct record.

The Lord Mayor ruled that the wording of Minute No 67 should be referred back to the next meeting of the Strategic Scrutiny Committee for the Committee to determine the accuracy or otherwise of the minute.

RESOLVED that the minutes of the Strategic Scrutiny Committee held on 21 September 2023 be received.

CUSTOMER FOCUS SCRUTINY COMMITTEE - 5 OCTOBER 2023

The minutes of the Customer Focus Scrutiny Committee of 5 October 2022 were presented by the Chair, Councillor Vizard, and taken as read.

In respect of **Minute No. 27 (Questions from Members of the Council under Standing Order No. 20)**, the Portfolio Holder for Place and City Management advised that she would respond to the query from a Member regarding the number of reports received relating to missed bins and food waste collections. In response to a query in respect of targets for food waste collection, she reported that food waste collection had now been rolled out to a third of Exeter properties. The amount of waste recycled was 278 kg per head per household per annum putting Exeter in the top ten authorities in the UK and top in Devon. A report would be submitted to the Executive on the upgrading of the Materials Recycling Facility, in line with Environment Agency requirements, which would help improve targets further.

Responding to a query from another Member, she advised that mechanisms were in place for residents and Members to feedback information on litter bin locations and that all ward Councillors had been consulted on the proposed changes. There remained 645 litter bins across the city and the change to the strategy enabled more litter picking to be undertaken.

Members made the following points:-

- there were licensing constraints and practical and logistical barriers which impacted on waste collection around the city; and
- figures for waste collection also reflected the lower rate of garden waste in comparison to rural districts, although Exeter still compared favourably.

The Chair advised that a full update on the service would be made to the February Scrutiny Committee meeting.

In respect of **Minute No. 29 (Homelessness Strategy)**, Members made the following points:-

- the problem of homelessness was very evident around the city and was appearing to get worse and therefore the need for sufficient funding to provide for 100 units of supported accommodation for rough sleepers and young people was vital; and
- it was hoped that all national political parties would recognise the need to change the Local Housing Allowance which was the most important factor in holding people back from securing decent housing.

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

RESOLVED that the minutes of the Customer Focus Scrutiny Committee held on 5 October 2023 be received and, where appropriate, adopted.

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AUDIT AND GOVERNANCE COMMITTEE - 26 JULY 2023

The minutes of the Audit and Governance Committee of 26 July 2023 were presented by the Chair, Councillor Wardle, and taken as read.

In respect of **Minute No. 51 (Annual Audit Governance Statement 2022/23)**, Councillor Wardle moved and Councillor Jobson seconded the following amendment to point (2) of the recommendation:-

- (2) a request for the Executive or appropriate body to provide an explanation of the reasons for disbanding the Governance Review Board, to consider the reinstatement of the Board and for the minutes of the meetings to be published.

The Leader referred to the reason for the inception of the Board and its purpose and confirmed that a report would be submitted to Executive as had been the original intention.

The motion was voted upon and carried unanimously as amended.

RESOLVED that the minutes of the Audit and Governance Committee held on 26 July 2023 be received.

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AUDIT AND GOVERNANCE COMMITTEE - 27 SEPTEMBER 2023

The minutes of the Audit and Governance Committee of 27 September 2023 were presented by the Chair, Councillor Wardle, and taken as read.

RESOLVED that the minutes of the Audit and Governance Committee held on 27 September 2023 be received.

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STRATA JOINT SCRUTINY COMMITTEE - 27 JUNE 2023

The minutes of the Strata Joint Scrutiny Committee of 27 June 2023 were presented by Councillor Knott, and taken as read.

RESOLVED that the minutes of the Strata Joint Scrutiny Committee held on 27 June 2023 be received.

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HARBOUR BOARD - 25 SEPTEMBER 2023

The minutes of the Exeter Harbour Board of 25 September 2023 were presented by the Chair, Councillor Williams, and taken as read.

In respect of **Minute No. 57 (Exeter Port User Group Update)**, and in response to a question regarding the concerns of the Exeter Port Users Group about lack of information regarding harbour dues following the Harbour Revision Order, the Portfolio Holder for Place and City Management provided reassurances that there were no plans to charge canoeists, kayakers and paddle boarders to use the waters of the River Exe and the Canal following passing of the Harbour Revision Order. She further advised that this position had been widely advertised.

In respect of **Minute No. 58 (Exeter Ship Canal and Heritage Harbour Route Map)**, and in response to a question about how the Harbour Board proposed to link with the Friends of the Ship Canal and Exeter Canal and Quay Trust Ltd. in order to progress the Heritage Harbour Route map for the good of the city of Exeter, the Chair advised that she was in regular touch with the Chair of the Exeter Ship Canal and the Harbour Master and that she and the Harbour Master attended both the Heritage Harbour Group and the Exeter Canal and Quay Trust Ltd. meetings. She further stated that the Harbour Board would be holding a Visioning Day in January 2024 to discuss the route map.

RESOLVED that the minutes of the Exeter Harbour Board held on 25 September 2023 be received.

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EXECUTIVE - 5 SEPTEMBER 2023

The minutes of the Executive of 5 September 2023 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 83 (Review of the Corporate Risk Register)**, the Leader, in response to a Member's request for the inclusion in the register of a fuller analysis of risks relating to climate change and carbon reduction, advised that he would discuss this with officers to see if it would be appropriate and beneficial.

In respect of **Minute No. 84 (Council Tax Exemption for Care Leavers)**, Members made the following points:-

- work on this important change for care leavers had been ongoing for some two years in collaboration with the County Council and Devon Districts, also involving the City Council's Portfolio Holder for Communities and Homelessness Prevention and the Portfolio Holder for Council Housing Development and Support Services;
- the role of the Council and others as corporate parents was vital to support young, often vulnerable, care leavers by reducing Council Tax liabilities to enable them to progress in other areas such as employment and securing housing; and
- whilst the unified County wide scheme would commence in April 2024, the City Council's contribution was effective up to the end of March and then from April onwards.

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

In respect of **Minute No. 85 (Members' Training)**, a Member praised the level of Member attendance at the 18 training events held since May 2023 and thanked the officers for delivering the training.

RESOLVED that the minutes of the Executive held on 5 September 2023 be received and, where appropriate, adopted.

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EXECUTIVE - 3 OCTOBER 2023

The minutes of the Executive of 5 October 2023 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 89 (Overview of General Fund Revenue Budget 2023/24 - Quarter 1)**, the Leader, in response to Members' queries regarding identified risks that not all areas would meet the income generating targets, including the potential loss of car parking income, advised that he, with all Portfolio Holders, reviewed budget performance at weekly meetings including ongoing assessment of future budgets. Regarding car parks, he referred to changing social habits such as working from home which could impact on income from this source.

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

In respect of **Minute No. 90 (2023/24 General Fund Capital Monitoring Statement - Quarter 1)** the Leader, in response to a Member's query regarding whether sufficient progress was being made on outstanding projects rather than taking on new projects, suggested that, notwithstanding the ability to identify specific preferred projects which could be progressed at the expense of others, it was still necessary to operate within financial constraints. The quarterly reports to Executive set out progress on all projects.

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

In respect of **Minute No. 91 (2023/24 HRA Budget Monitoring Report – Quarter 1)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 92 (Net Zero Exeter Update)**, Councillor Moore moved and Councillor M. Mitchell seconded the following two additional recommendations:-

- (1) Council reaffirms its commitment to tackling climate change and the goal of Net Zero for the city and to work collaboratively with communities, other organisations and local business to achieve this; and
- (2) Review of the Net Zero Plan 2030 with stakeholders and communities to prioritise those actions most impactful and develop a delivery plan.

Councillor Moore, in speaking to the amendment to the recommendations, made the following points:-

- the additions were to strengthen the proposals being put forward;

- whilst reference is made to the city's institutions also working on the Net Zero target, it is essential that communities, charities and other businesses are involved in this challenge to work on solutions with the existing partners; and
- the second amendment sets out a constructive way of moving forward by prioritising actions that can be most impactful allied to an action plan.

During the discussion the following points were made:-

- the amendments did not add anything substantive to the recommendation;
- there was a concern that, whilst not disagreeing with the initial four recommendations, their tone might not convince the public that sufficient progress was being made to achieve the Council's Net Zero 2030 goal. The additions were therefore sought to enhance the Council's aspirations.

The amendment was put to the vote and LOST.

During the discussion on the original recommendations the following points were made:-

- actions with partners were set out in the recommendations as an inclusive approach with key stakeholders, businesses etc.;
- working with local partners would be key, including the County Council who had led on a Citizens Assembly and also possessed a Carbon Reduction Plan for the whole of Devon and the wider Devon community;
- the recommendations were presented to build on the work of both Exeter City Futures and officers and to set out the next steps;
- a joined up approach would be championed by the Chamber of Commerce following on from the Exeter Transport Summit held on 17 October 2023;
- the recommendations were not strong enough and did not contain mechanisms that lead to actions. Outputs from Exeter City Futures (ECF) were non-existent and the Exeter Data Centre was wound down in September 2002 with no information provided. The recommendations were not sufficient to progress actions that can be done locally such as planting more trees and more focused planning conditions;
- outputs from the work of ECF, whilst not an easy thing to do, were not sufficient to move the work on, such as prioritising the District Heating Network and developing a greenhouse gas inventory. No assessment has been made of the carbon emissions of any future developments, as discussed during consideration of the Exeter Development Fund;
- further scrutiny of how proposals for achieving Net Zero was important in order to inform the public of progress and this should have included oversight of Council representatives on Exeter City Living (ECL) and other bodies the Council is represented on; and
- commend the proposal to extend retrofitting across the city and will support the recommendations and work with others in a constructive way.

The Leader moved the recommendations stated that there was much work to be done following the closure of ECF and that discussions would be held with Portfolio Holders. It would be important for all Members to work together on this emotive issue.

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

The meeting adjourned at 19:56 and reconvened at 20:10.

In respect of **Minute No. 93 (Review of Exeter City Living)**, Councillor Moore moved and Councillor M. Mitchell seconded the following amendments:-

Recommendation (3) to read

that, notwithstanding the recommendation from Local Partnerships to wind down the operations of ECL, officers recommend that the company be retained for the limited purpose of holding and managing property and a mechanism for the oversight of the shareholder's representative to be set up;

Recommendation (4) to read

The Chief Executive and Section 151 Officer report to the Executive the shortfall, it's implications and recommendations for decision with regard to the writing off of the debt.

Items (a), (b) and (c) would remain the same.

Recommendation (8) to read

agree that SMB reflect on the Local Partnerships report as well as work being undertaken by the District Councils Network on commercial companies owned by local authorities to produce a report in due course setting out principles for how the Council will enter into any commercial ventures in the future to reflect on the auditor's report which highlighted the lack of oversight of the shareholders representative to Exeter City Living (ECL) and consider the necessity for oversight of the shareholders representative on all Council connected companies.

Recommendation 10 to read:-

agree to receive a report setting out a site disposal strategy in the likely event of a shortfall on the ECL loan after the Council acquires ECL's assets by the end of December 2023.

Councillor Moore, in speaking to the amendment to the recommendations, made the following points:-

- oversight of the shareholders representative to ECL was important to ensure that the management agreement with ECL was undertaken in a proper way and, even if the company winds down, the Council would still need to ensure that the necessary oversight continues in respect of the six leasehold flats in the Guildhall Shopping Centre. Even with a much reduced capacity, the company would need to operate properly;
- removing the delegated authority as reporting back to Executive and Council was necessary so that decisions on any winding up and property disposal were clearly understood; and
- item 10 reinforced the need for a report on this important matter.

In response, the Leader referred to the importance of retaining a collegiate approach and assured Members that they would be advised of decisions made under delegated powers. He stated that the Group Leaders had been kept apprised of developments with ECL and that it was not possible to change recommendations at this late change.

The amendment was put to the vote and LOST.

During the discussion on the original recommendations a number of Members acknowledged that the difficulties faced by ECL was highly regrettable noting that causes had included the Pandemic, the cost of living crisis as well as the current difficult economic circumstances. Other authorities had also encountered difficulties in respect of private companies engaged to provide badly needed solutions to the housing crisis. The City Council decision to set up ECL had been taken with the right intentions to provide housing for the city and to retain an element of control rather than leaving private developers to maintain their hold on the housing market which often led to further student housing rather than homes for families.

A Member referred to the need for mechanisms to ensure that the Council and Executive has proper oversight of all Council controlled and Council connected companies. Oversight of the shareholder representative to ECL to ensure that the management agreement with ECL therefore remained an important consideration. The importance of appropriate checks and balances had also been referred to in the Audit and Governance Committee. Another Member commented that the creation of ECL and its subsequent work should have been subjected to greater scrutiny through the Council's Committee structure.

Other Members praised the original vision for bringing forward ambitious plans for additional housing in the city, noting that a pragmatic approach had been adopted to retaining Northbrook for open space rather than pursuing housing for this area. Providing quality housing remained a key strategic priority with 53 flats for affordable rent provided at Edwards Court, 21 new Passivhaus flats at Hamlin Gardens and proposals for 92 flats at The Gardens Whipton, and the continuation of the Vaughan Road scheme through the HRA as evidence of this.

The Leader, in concluding, referred to the original decision to proceed with a housing development company on part of the Clifton Hill site with much of the green space also retained, for which there had been corporate support and reiterated the comments of Members regarding the Council's achievements in delivering new houses. It remained the aspiration to bring more homes forward for the people of Exeter. He reassured Members that the appropriate mechanisms were in place to ensure robust scrutiny with report back to Members.

The Leader moved and Councillor Wright seconded the recommendations and, following individual votes on each recommendation as set out below, all were carried as indicated.

RECOMMENDED that Council:-

- (1) note the findings of the Local Partnership LLP report presented at the meeting - carried unanimously;
- (2) note ECL's achievements to date - carried unanimously;
- (3) that, notwithstanding the recommendation from Local Partnerships to wind down the operations of ECL, officers recommend that the company be retained for the limited purpose of holding and managing property - carried unanimously;
- (4) grant delegated authority to the Chief Executive, in consultation with the Leader of the Council to facilitate recommendation in (3) above to reduce ECL's activities as follows:
 - a) the Council enters into a business sale agreement with ECL, whereby the Council acquires all of ECL's assets (with the exception of the six leasehold flats in the Guildhall Shopping Centre), including any work in progress in return for proper consideration, in the form of a release of ECL from its obligations under the Loan Agreements. The sale agreement shall include a

novation of all contracts save those that may be terminated by ECL with the Council's agreement;

- b) in the likely event that the value of the assets to be acquired from ECL is not sufficient to repay the loan to the Council, then delegated authority be granted to the Chief Executive, in consultation with the Leader and Section 151 officer, to write off any shortfall; and
- c) thereafter, ECL, in a much reduced capacity shall continue for the purpose of holding and managing property and, in particular, the six Guildhall flats.
Carried;
- (5) agree that any staff implications are dealt with in accordance with its Organisational Change Policy - carried unanimously;
- (6) extend the ECL appointments of the Interim Managing Director and the two non-Executive Directors until such time as they are no longer required to assist with the reduction of the company's activities, with the termination of those appointments delegated to the Chief Executive - carried unanimously;
- (7) grant delegated authority to the Service Lead - Legal Services to amend the Management Agreement to reflect the changes to the remit of ECL - carried unanimously;
- (8) agree that SMB reflect on the Local Partnerships report as well as work being undertaken by the District Council's Network on commercial companies owned by local authorities to produce a report in due course setting out principles for how the Council will enter into any commercial ventures in the future - carried unanimously;
- (9) agree that the Chief Executive be tasked to liaise with One Public Estate to negotiate an amendment to the grant conditions with the aim of retaining the Brownfield Land Release Funding (BLRF) funding where possible - carried unanimously; and
- (10) agree to receive a report, if necessary, setting out a site disposal strategy in the likely event of a shortfall on the ECL loan after the Council acquires ECL's assets - carried.

In respect of **Minute No. 94 (Consultation of the Local Council Tax Support Scheme for 2024/25)**, the Portfolio Holder for Council House Development and Support Service welcomed the work undertaken, particularly in respect of support for care leavers, as discussed in Min. No. 64 above.

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

In respect of **Minute No. 98 (Food Law and Health and Safety Enforcement Service Plan 2023/24)**, a Member commended the City Council's Enforcement team for their very rigorous approach to assessments and noted that the City Council had a 99% compliance level with food hygiene law.

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

In respect of **Minute No. 99 (Air Quality Annual Status Report)**, 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 4 October 2022 be received and, where appropriate, adopted.

NOTICE OF MOTION BY COUNCILLOR KETCHIN UNDER STANDING ORDER NO. 6

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

This Council notes:

1. That while there is a general downward trend in air pollution Exeter has areas of poor air quality. Air pollution in parts of the city regularly exceed the limits for NO₂ set by both national legislation and the World Health Organisation. Much of this pollution derives from emissions from vehicles.
2. That the Royal College of Physicians estimates that 40,000 deaths a year are linked to air pollution with engine idling contributing to this.^[1]¹
3. That Government guidance as early as 2018 and reiterated annually since states that: "Poor air quality is the biggest environmental risk to public health in the UK."^[2]² That every minute, an idling car produces enough exhaust emissions to fill 150 balloons with harmful chemicals, including cyanide, NO_x and PM_{2.5}. The microscopic pollutants can result in a range of health problems - from heart and lung disease to strokes and cancer and have been shown to be particularly damaging to children.
4. That idling increases the amount of exhaust fumes in the air. These fumes contain a number of harmful gases including carbon dioxide, which is bad for the environment and contributes towards climate change, as well as a range of other harmful gases including nitrogen dioxide, carbon monoxide and hydrocarbons which are linked to asthma and other lung diseases.
5. That the Department of Transport stated in 2019 that « Putting a stop to idling is an easy way to drive down dangerously high levels of pollution, reducing its impact on the environment and our health. »^[3]³
6. That Exeter city Council has declared an area of the city to be an Air Quality Management Area, and the Council states it is « taking steps to reduce air pollution. » and that Exeter City Council's Air Quality Action Plan is due for review in 2024 having run since 2018.
7. That air pollution has a very significant impact on health, quality of life and mortality. That air pollution has a disproportionate impact on the health of children, vulnerable adults and the socially disadvantaged. That Public Health England states « Children are particularly vulnerable to the effects of air pollution. Exposure to air pollution in early life can have a long-lasting effect on lung function. There is evidence that the process of normal lung function growth in children is suppressed by long-term exposure to air pollution. »^[4]⁴
8. That the government's health standards body the National Institute for Health and Care Excellence has since 2017 recommended action to reduce idling as a significant measure to improve air quality.^[5]⁵ That each incremental improvement in air quality delivers immediate health benefits.
9. That Public Health England recommends that « local authorities, as part of their local Review of interventions to improve outdoor air quality and public health 15 air quality management assessments, consider a range of

interventions including working with children and their parents to implement no-idling zones outside schools. »^[6]⁶

10. That research from the RAC has found that 26% of those caught idling are spotted doing so outside schools^[7]⁷
11. That there are identifiable 'hotspot' idling areas in Exeter where people are regularly parked or informally pulled up. Many of these are in public places where vulnerable groups gather, including schools.
12. That idling initiatives already exist on NHS premises and isolated schools in Exeter, but would benefit from a consistent messaging approach across the city.
13. That vehicle idling has been an offence since 1988, incurring a £20 fine (£40 if not paid promptly) under the Road Traffic (Vehicle Emissions) Regulations 2002.
14. That many Councils in England and the UK of different political persuasions have already put in place non idling measures including media campaigns, signs placed at hotspots and enforcement of fines.

This Council resolves to:

1. Develop and run an anti-idling campaign for Exeter which brings together a range of approaches to tackle known idling hotspots. This will include a range of elements to be explored further including:
 - a. A City Council branded campaign which sends a message about the Council's commitment to reducing air pollution and specifically idling.
 - b. Collaboration with local businesses through the Chamber of Commerce and business bodies and other means to encourage businesses to sign up to an Engines Off pledge or similar.
 - c. Anti-idling signage in known hotspots, including schools, parks, car parks and hotspot streets, requesting location agreement with Devon County Council when necessary.
 - d. An idling reporting tool on the ECC website for members of the public to help identify problem areas.
 - e. An attractive, easy to understand web page providing quality information about idling, to allow members of the public understand the positive rationale and engender engagement in change.
 - f. Links and free downloadable materials that can support businesses, non-commercial premises including schools, care homes, where vulnerable people and children are present, and members of the public whose streets suffer from the impacts of idling.
2. Liaise with Devon County Council Public Health and Devon and Cornwall Police to agree on collaboration to reduce idling.
3. To report back through the Air Quality status reports to assess effectiveness.

Councillor Ketchin, in presenting the Motion through his maiden speech, made the following points:-

- reducing idling has many benefits - for the public in reducing damaging exhaust emissions and for car owners through savings on fuel, maintenance, and extending vehicle life;
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- Rule 123 of the Highway Code stated that “a driver must not leave a vehicle engine running unnecessarily while the vehicle is stationary on a public road” and the Road Traffic Act 1988 enshrined Rule 123 into law with the Road Traffic Regulations of 2002 enables fixed penalty notices to be issued. There is, however, a lack of awareness that idling is against the law;
- vehicle exhausts emit many harmful gases including nitrous oxides, carbon monoxide, sulphides, benzenes, cyanide and penetrating particulate matter. The health evidence is ever building that serious harm is caused. National data on air pollution extrapolated to Exeter suggests that one death every four days occurs as a result of pollution in the city;
- the local Emergency Department treats a number of people for all of the diseases that air pollution is known to drive including emphysema, asthma, cancers in non-smokers, asthma in all ages and heart disease etc.;
- the Council has acknowledged that the problem is fixable and that intervention can be effective. Taxi and bus company drivers are advised to stop idling in the city centre;
- schools, such as the Ladysmith Junior Schools have trialled modest campaigns and the hospital is also supportive with anti-idling notices already existing on the main site;
- regionally, Labour in Bristol, the Liberal Democrats in Bath and North Somerset, and the Conservatives in Cornwall are tackling idling, as are other District Councils throughout the UK;
- whilst the Council’s statutory role is the monitoring and reporting of air quality there is no obligation that the Council must remain passive in its approach to air pollution. The Council has already begun the transition of its vehicle fleet to electrification and supports health and inclusion in other initiatives including its leisure facilities, parks and through the facilitation of active travel;
- public information campaigns work such as HIV/needle sharing, seatbelts, anti-smoking and pedestrian road safety;
- a pragmatic approach was proposed to empower and educate drivers. This motion aimed to protect the public and the most vulnerable should be the priority - school children at the school gates and the elderly in public spaces; and
- even little reductions have measurable health benefits. Each step towards cleaner air should therefore be welcomed by all.

Councillor Jobson, as an opposition group leader, made the following points:-

- she did not condone idling by vehicles that were waiting but not those in traffic. The Motion did not distinguish between the two and seemed to punish all motorists, many of whom had no choice but to idle as they sit in Exeter’s traffic jams, caused in part by the introduction of an experimental Low Traffic Neighbourhood (LTN). This motion sought to penalise those for whom a car is a necessity and who were currently not in a position to afford an electric/hybrid or less polluting vehicle;
- Members who supported the introduction of the LTN at the Exeter HATOC now seek to punish motorists stuck in the traffic jams that they have helped create. Forcing those people onto circuitous and far lengthier journeys would not help address climate change. It was not reducing but increasing emissions. Everyone wanted to see emissions reduced and want steps taken to assist in achieving Net Zero 2030. The introduction of the LTN would not achieve that;
- steps should be taken to work with the community, local businesses, the taxi and private hire trade, delivery vehicles and trades to come up with a proper solution that would work to assist reduce emissions.

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

- it is not about idling in traffic but when cars were stationary. No one was in doubt about the impact of idling when cars were parked and which was an offence;
- every bit of pollution causes health problems and was a potential killer; and
- there were several hot spots – many outside schools and some schools were trying to tackle the issue but in a disjointed manner so leadership was required.

During the discussion the following points were made:-

- evidence from the DEFRA funded project at East Wonford Hill, which sought to gain a better understanding of the data and modelling of the locality, showed that idling on the surrounding suburban streets did not contribute significantly to pollution levels at East Wonford Hill. A campaign to prevent idling would not therefore have an impact at this priority location and would therefore be an inefficient use of resources;
- Devon County Council should be requested to provide no idling signs for schools and where there are temporary road works and temporary traffic lights. The Motion was welcome but it would have been more appropriate to have raised it through the scrutiny process;
- car manufacturers were providing solutions with 60% of all new vehicles incorporating automatic stop/start systems;
- the Devon County Council Exeter Transport Strategy 2020 to 2030 grouped together interventions that would achieve the largest reduction in carbon including shared vehicles, electrification, public transport, walking and cycling improvements. The issue could more appropriately be addressed by the Exeter Highways and Traffic Orders Committee; and
- the issue could be referred to the Exeter Transport Working Group.

Councillor Ketchin, in concluding, welcomed the general desire to combat pollution levels and the recognition regarding the adverse impact on peoples' health. He noted that 26% of illegal idling occurred outside schools and suggested that there was value in using officer resources to help schools with initiatives such as signage. Councillor Ketchin commended the Motion to Council.

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

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

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

Will the Leader confirm what actions the Council and the relevant Portfolio Holder are taking to support Devon County Council regarding the Heavitree and Whipton Active Streets trial to ensure the best outcomes for the city and its residents, to tackle the climate emergency and air pollution and to make Exeter a city where safe active travel can be a reality?

Response

Officers, the Portfolio Holder and many elected Members from Exeter City Council attended the public engagement events in Heavitree and Whipton during August and September. This involved listening to around 2,000 local residents over four

events. All would continue to listen to residents' views and would await the findings of the review of the Low Traffic Neighbourhood (LTN) trial.

Councillor Bennett, asked a supplementary question as to whether the Leader would support the residents of Heavitree and Whipton as part of the LTN project in the same manner as the support given to the County Council during the Newtown Travel Campaign?

The Leader responded that the Active Streets proposals as part of the Live and Move initiative in the Newtown area was a separate issue being developed with Sport England, details of which would come forward in due course. There was no influence on the LTN trial at this stage other than through City Council Members on Devon County Council's Exeter Highways and Traffic Orders Committee.

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

Valuations:

Are the valuations only for the land sold to Exeter City Living or will the valuation also include the green space, ski slope and golf driving range which are still owned by the City Council?

Response

Officers are preparing a range of valuations to give Members all the information required to make an informed decision. It is not the role of officers to self-censor the information that Members see when taking a decision. Decisions around future Affordable Housing provision is a matter for the Planning Authority to determine as and when a new scheme comes forward.

Will the Council ensure that 35% of the housing on the site is affordable in line with the Council's own planning policy?

Response

Decisions around future Affordable Housing provision is a matter for the Planning Authority to determine as and when a new scheme comes forward. The Council policy is 35% affordable housing, including social housing, but will depend on the Section 106 Agreement as part of any development.

Will the homes still be built to passivhaus standard?

Response

Decisions around future design standards is a matter for the Planning Authority to determine as and when a new scheme comes forward.

Site uses:

Can you confirm that the site will only be sold for development of housing for long term residential occupancy?

Response

Officers are preparing a range of valuations to give Members all the information required to make an informed decision. It is not the role of Officers to self-censor the information that Members see when taking a decision. Decisions around future Affordable Housing provision is a matter for the Planning Authority to determine as and when a new scheme comes forward. It is not the intention to provide anything other than homes.

Viability:

Given your previous personal commitment not to allow the construction of PBSA on the site - please can you state which type of viability assessment will be used to assess viability of the site?

Response

A range of housing types and tenures are normally modelled when testing viability of housing sites for comparative purposes.

The viability issues on the Clifton Hill scheme had been agreed through the Planning process, so the scheme had been approved with no requirement for affordable housing to be provided, so this had facilitated the eligibility of the 11 flats on the scheme, to bid for Homes England grant - subject to complying with the grant requirements.

Councillor Ketchin, asked a supplementary question that, as the monies related to Homes England did not relate to PBSA, can the Leader provide an undertaking that PBSA would not be a focus for the site.

The Leader responded that proposals for the site would be brought forward for consideration. The site had been sold to ECL following approval by the Secretary of State. It was advantageous that the site now had planning permission.

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

St. Thomas Library is due to close this Saturday after many years providing not just literary services to the community west of the Exe, but also many social support services that are essential now that Devon County Council under this Conservative Government, have made so many cuts to funded social services.

What can the Leader tell me about any efforts the City Council have made to work with the County Council and Libraries Unlimited to find an alternative accommodation for St Thomas Library?

Response

The St. Thomas Library is about far more, than just lending books. Their work with local children and a range of community groups is fantastic. The Library also serves as a warm space and community meeting point, as well as providing important facilities for the community to hire.

I very much support all of the work that everyone connected with the library does, and I appreciate the important role it continues to play at the heart of the local

community in St. Thomas. That is why I am anxious for your current situation to be resolved and for the library to be able to secure new premises. Libraries Unlimited is in contact with Devon County Council, who I believe have some responsibility in this matter to assist your organisation.

I have received an update from our City Surveyor who advises me that the City Council, as a landlord in the city, is of course open to accommodating the library if suitable premises become available. I know that senior officers from the Council have met with Libraries Unlimited to discuss property requirements. Although we do not currently have anything suitable in the neighbourhood, officers have indicated to Libraries Unlimited that we could consider the practicalities of a temporary pop up at the Riverside, should it be necessary ahead of securing longer-term premises. One unit we were able to offer, in Cowick Street, was not progressed and that has now been let to the Exeter Food Bank.

I hope this answers the question, and I remain hopeful that suitable long-term premises can be secured in the near future, which is something that everybody wants to see especially residents to the west of the River Exe.

Councillor Wright, advised that Exeter Estate Holdings had offered a three year lease to Devon County Council in respect of the property they were currently occupying at double the existing rent but which had been rejected. Could the Leader consult with the Leader of Devon County Council to clarify this issue to help secure the future of this much loved Library?

The Leader confirmed that he would raise this matter with the County Council Leader on 19 October 2023.

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

Can the Leader of the Council explain whilst meeting all the criteria and matching exemplars contained in the Council's recently updated Public Consultation Charter his administration decided not to proceed with a Public Consultation about the changes in service provision impacting the whole of the city regarding waste bins?

Response

The recommendation to reduce the number of litter bins provided by the Council was agreed at Executive and Full Council in February 2023. This formed part of a number of proposals submitted to reduce costs over the life of the Medium Term Financial Plan.

The rationale for the removal of these bins was that there were a number of legacy litter bins placed in areas of low demand and that this was drawing unnecessary resources away from high litter, high demand locations, reducing the effectiveness of street cleansing in those areas. It was therefore agreed to reduce and consolidate litter bin stocks based on current demand requirements, an approach outlined as a necessary consideration in the Waste Resources Action Programme (2020) - Right Bin, Right Place.

The Strategic Management Board discussed whether it was necessary to consult on these proposals and decided that it was not necessary to undertake a large-scale consultation because the proposal related to a logistics matter. The litter bin service is universal and was not being withdrawn, just made more efficient and the bins

identified for removal were in areas of low demand. It was, however, agreed to discuss the proposal with the affected Ward Councillors. The proposal was also discussed with Portfolio Holders as part of the budget setting process.

I acknowledge that the Consultation Charter is silent on the issue of what constitutes a logistical matter in relation to universal services this will be included in the next revision of the Charter. The Portfolio Holder for Place and City Management and officers will be responding to the large number of emails received on this issue.

Councillor M. Mitchell, asked a supplementary question relating to a comment of the Plymouth City Council Leader on his Council's consultative processes.

The Leader stated that decisions on changes to the cleansing regime had been agreed by Executive and Council with due regard to budget considerations. He would also be meeting with the Plymouth City Council Leader on the 19 October 2023.

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

Has the Portfolio Holder for Place and City Management approached South West Water regarding their timeframe of 10 years being an unacceptable length of time to wait for them to install equipment to record real time data on volume of sewage outlets into the River Exe and the Canal?

Response

The Leader advised that the Portfolio Holder letter and response had been circulated on 14 August 2023.

In asking a supplementary question, Councillor Read enquired if the Leader thought that the public would consider 10 years an acceptable time to wait?

The Leader advised that the City Council did not have a responsibility on this matter but that if the question could be sent to him again he would consider the appropriate action to be taken.

Response

Please can the Portfolio Holder for City Development set out what reply has been received from South West Water regarding Exeter City Council's request for an evidence base to be compiled that assesses the cumulative impact of sewage discharge on ecological river health, and the impact of polluted water on wildlife and biodiversity on the river banks? (As stated in the Notice of Motion 21 February 2023)

Response

The Leader advised that, in relation to the impact of any overflow spills on wildlife and biodiversity, South West Water had stated that it undertook impact assessments for storm overflows using the Storm Overflow Assessment Framework developed jointly between the Environment Agency and the Water Industry. South West Water was set to embark on over 300 of these assessments by 2025.

Councillor Read, asked a supplementary question enquiring if the impact on river bank biodiversity could be raised with South West Water?

Response

The Leader asked Councillor Read to confirm her question in an email for it to be followed up with South West Water.

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HOWARD BASSETT

The Lord Mayor reported that this would be Howard Bassett's (Democratic Services Officer) last Council meeting prior to his retirement.

The Lord Mayor, Council Leader and Members thanked Howard for his long service to the Council and wished him well on his retirement.

(The meeting commenced at 6.00 pm and closed at 10.00 pm)

Chair