

## COUNCIL

Tuesday 20 February 2024

### Present:-

The Right Worshipful the Lord Mayor Councillor Kevin Mitchell (Lord Mayor)  
Councillor Tess Read (Deputy Lord Mayor)  
Councillors Asvachin, Allcock, Begley, Bennett, Bialyk, Branston, Denning, Foale, Fullam, Hannaford, Holland, Jobson, Ketchin, Knott, Leadbetter, Miller, Mitchell, M, Moore, D, Parkhouse, Patrick, Pearce, Rees, Sheridan, Snow, Sparling, Vizard, Wardle, Warwick, Williams, M, Williams, R, Wood and Wright

### Apologies:-

Councillors Atkinson and Morse

### Also Present

Chief Executive, Director Corporate Services, Director Finance, Service Lead Legal Services, Democratic Services Manager and Democratic Services Officer (PMD)

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### MINUTES

The minutes of the Ordinary Meeting of the Council held on 12 December 2023, were moved by the Leader, Councillor Bialyk and seconded by Councillor Wright and taken as read, approved and signed as correct.

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### OFFICIAL COMMUNICATIONS

The Lord Mayor advised that he had attended a number of events:-

- several Carol Services over the Christmas period, which included: the Blue Light Carol Service attended and organised by Exeter's Emergency Services; the Exeter University Civic Carol Service with the Exeter Philharmonic Choir; and finally, on Christmas Eve, the Cathedral's Grandison Service where he had the honour of being invited to do a reading;
- in the New Year, a wide array of events: the Pinhoe Pantomime Society's Annual Production of Treasure Island; the Coronation and Crown Sound & Light Show; and the Exeter College Students Award.
- on 26 January, the lighting of a candle at the Holocaust Memorial Day Opening Ceremony which was held in the Cathedral. In the afternoon, the Lord Mayor had the honour of hosting the Closing Ceremony in the Guildhall where he lit a candle to commemorate those that lost their lives during the Holocaust, paying particular homage to the 15,000 members of the homosexual community;
- our affiliated Military Contingent's Exercise Janus Serpent Parade – a Flag changing Parade for 243 (Wessex) Field Hospital re-rolling into a Multi-Role Medical Regiment where the Lord Mayor had the honour of handing out the new flags;
- the Football Against Homophobia game at Exeter City Football Club;
- the Chinese New Year Celebrations with the Hongkonger community at the Exeter Phoenix.

He reminded Members of his forthcoming Coffee Morning.

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### **ADDITIONAL ANNOUNCEMENT**

The Leader informed Members that he had attended the funeral of Councillor Atkinson's late husband. On behalf of the Council, he expressed his best wishes to Councillor Atkinson.

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### **PUBLIC QUESTIONS**

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

Question from Mr Ian Frankum to the Leader, Councillor Bialyk

**“Exeter City Council are responsible for the collection of pollution data for the city. Devon County Council have now confirmed that traffic has increased on all arterial roads since the Low Traffic Neighbourhood (LTN) trial. I don't buy the assertion that more traffic, idling, doesn't mean more pollution. When will the newly installed monitors begin to give meaningful data on current pollution levels?”**

The Leader asked Councillor Foale, Portfolio Holder for Corporate and Democratic Services & Environmental Health, to answer Mr Frankum's question. Cllr Foale gave the following response:

*The monitors are now operational, and the data is being verified to make sure that reliable data is being obtained. Exeter City Council will report on the data from the new sensors as well as our existing monitoring network as part of our annual Air Quality Status Report. This is produced to a timetable set by DEFRA and has to be submitted to them for approval before it is published. The report is typically published in September each year.*

In a supplementary question, Mr Frankum asked the Portfolio Holder if he would consider sharing air quality data more frequently than once a year. Cllr Foale replied that this was indeed his intention and that he hoped this was the intention of Exeter City Council too.

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### **AUDIT AND GOVERNANCE 29 NOVEMBER 2023**

The minutes of the Audit and Governance Committee of 29 November 2023 were presented by the Chair, Councillor Wardle, and taken as read.

In respect of Minute No. 63 (External Auditors – Interim Audit Findings Report 2021/22), Councillor Moore asked when the Council would be informed of the full liability of the outstanding Exeter City Living debt. Minimum Revenue Provision. The Leader responded that the complete information would be given once available.

**RESOLVED** that the minutes of the Audit and Governance Committee of 29 November 2023 be received.

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### **PLANNING COMMITTEE - 5 DECEMBER 2023**

The minutes of the Planning Committee of 5 December 2023 were presented by the Chair, Councillor Knott, and taken as read.

In respect of **Minute No. 78 (Planning application no. 22/1145/FUL - Haven Banks Retail Park, Haven Banks, Exeter)**, Councillor Read enquired about the timeliness of the delivery of a strategic flood escape route for the Water Lane area

as set out in the conditions for approval. The Leader advised that the Portfolio Holder for City Development had unfortunately sent apologies for this meeting but assured Cllr Read that an answer would be given to her in a timely manner.

**RESOLVED** that the minutes of the Planning Committee held on 5 December 2023 be received.

7 **PLANNING COMMITTEE - 15 JANUARY 2024**

The minutes of the Planning Committee of 15 January 2024 were presented by the Chair, Councillor Knott, and taken as read.

**RESOLVED** that the minutes of the Planning Committee of 15 January 2024 be received.

8 **LICENSING COMMITTEE - 30 JANUARY 2024**

The minutes of the Licensing Committee of 30 January 2024 were presented by the Chair, Councillor Asvachin, and taken as read.

**RESOLVED** that the minutes of the Licensing Committee held on 30 January 2024 be received.

9 **CUSTOMER FOCUS SCRUTINY COMMITTEE - 30 NOVEMBER 2023**

The minutes of the Customer Focus Scrutiny Committee of 30 November 2023 were presented by the Chair, Councillor Vizard, and taken as read.

**RESOLVED** that the minutes of the Customer Focus Scrutiny Committee held on 30 November 2023 be received.

10 **CUSTOMER FOCUS SCRUTINY COMMITTEE - 1 FEBRUARY 2024**

The minutes of the Customer Focus Scrutiny Committee of 1 February 2024 were presented by the Chair, Councillor Vizard, and taken as read.

**RESOLVED** that the minutes of the Customer Focus Scrutiny Committee held on 1 February 2024 be received.

11 **STRATEGIC SCRUTINY COMMITTEE - 25 JANUARY 2024**

The minutes of the Strategic Scrutiny Committee of 25 January 2024 were presented by the Deputy Chair - and Chair for the meeting -, Councillor M Mitchell, and taken as read.

In respect of **Minute No. 6 Section 2 (Update or Commentary on Any Major Ongoing Programmes of Work)**, Councillor Read asked the Portfolio Holder for Climate and Ecological Crisis for an update on discussions between the Services Lead Net Zero & Business and the Planning team regarding the offsite biodiversity net gain. Councillor Parkhouse committed to respond to Councillor Read via email.

**RESOLVED** that the minutes of the Strategic Scrutiny Committee held on 25 January 2024 be received.

12                    **COMBINED STRATEGIC SCRUTINY AND CUSTOMER FOCUS SCRUTINY  
COMMITTEE - 7 FEBRUARY 2024**

The minutes of the Combined Strategic Scrutiny and Customer Focus Scrutiny Committee of 7 February 2024 (with the exception of minute numbers 4, 5, 6 and 7, which had been considered at the Extraordinary Council meeting immediately preceding this meeting) were presented by the Chair for the meeting, Councillor Vizard, and taken as read.

Responding to a query on a matter of process from Councillor Moore, Councillor Vizard clarified that the recommendation at **Minute No. 5 ('Capital Strategy 2024-25')** was for the Executive and not Council.

**RESOLVED** that the minutes of the Combined Strategic Scrutiny and Customer Focus Scrutiny Committee held on 7 February 2024 be received.

13                    **EXETER HARBOUR BOARD - 14 DECEMBER 2023**

The minutes of the Harbour Board of 14 December 2023 were presented by the Chair, Councillor R Williams, and taken as read.

In respect of **Minute No. 66 (Exeter Port Users Group Update)**, Councillor Read asked if the Portfolio Holder for Climate and Ecological Crisis was aware of the concerns raised by the Exeter Port Users Group regarding the Exeter Plan Consultation and the Water Lane Supplementary Planning Document. Councillor R Williams asked Councillor Read to email the question to Councillor Parkhouse and copy her in.

**RESOLVED** that the minutes of the Harbour Board held on 14 December 2023 be received.

14                    **STRATA JOINT SCRUTINY COMMITTEE - 16 JANUARY 2024**

The minutes of the Strata Joint Scrutiny Committee of 16 January 2024 were presented by the Chair, Councillor Knott, and taken as read.

**RESOLVED** that the minutes of the Strata Joint Scrutiny Committee held on 16 January 2024 be received.

15                    **STRATA JOINT EXECUTIVE COMMITTEE - 30 JANUARY 2024**

The minutes of the Strata Joint Executive Committee of 30 January 2024 were presented by Councillor Wood, substituting for Councillor Bialyk on the day of the meeting, and taken as read.

In respect of **Minute No. 18 (2024/25 Strata Business Plan)**, Cllr Moore asked for an update on the carbon impact of Strata activities and how this was being incorporated into their business plan. Councillor Bialyk replied that he would respond to her but felt that the correct forum for her question would be the standing item from the Strata Joint Executive Committee, "Questions from Members of the Councils Under Procedure Rules". Under Standing Order 10(5)(f), Councillor Moore clarified the reason for her original question. Councillor Bialyk advised that this was covered under paragraph 4.3.1 of the proposed 2024/25 Strata Business Plan.

Councillor Wood moved and Councillor Bialyk seconded the recommendation and, following a vote, the recommendation was carried.

**RESOLVED** that the minutes of the Strata Joint Executive Committee held on 30 January 2024 be received.

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### **EXECUTIVE - 9 JANUARY 2024**

The minutes of the Executive of 9 January 2024 (with the exception of minute number 11, 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. 5 (City Wide Net Zero)**, Councillor Moore enquired about :-

- support for the community group in the light of funding for Exeter Connect ending; and
- the alignment of the commercial objectives mentioned in the report with the objectives of the community group.

Councillor Parkhouse responded that she was proud of the Council's achievements on Net Zero and that the approval of the recommendation would enable the appointment of a paid two-year post within the Council to address external Net Zero. She further advised that she would be meeting up with partners, directors and community groups across the city.

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

In respect of **Minute No. 6 (Update Briefing on the Governance Review Working Group)**, Councillor Mitchell sought reassurance that Members would still be able to have an influence on future amendments to the Constitution. The Leader responded that the Constitution made it clear that Members had the final say on amendments.

In respect of **Minute No. 8 (Tenancy Policy and Strategy Review)**, Councillor Hannaford commented that, while he opposed their previous iterations when he was the Portfolio Holder for Housing, he now welcomed the adoption of the new, revised Tenancy Strategy and Tenancy Policy and praised Councillor Denning for her work on the matter.

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

In respect of **Minute No. 9 (Council Housing Strategy 2023 – 2027)**, the Leader moved and Councillor Wright seconded the recommendation and, following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 13 (Approval of Devon Districts Procurement Strategy (DDPS))**, the Leader moved and Councillor Wright seconded the recommendation and, following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 15 (Review of Policy for Dealing with Unacceptable Customer Behaviour)**, the Leader moved and Councillor Wright seconded the recommendation and, following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 16 (Review of Equality and Diversity Policy)**, Councillor Moore welcomed the policy and stressed the importance of monitoring how it made a difference, suggested this be reported to Full Council or to Scrutiny. Councillor

Wright agreed with her. The Leader clarified that this was an internal policy for Exeter City Council staff.

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 9 January 2024 be received and, where appropriate, adopted.

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### **EXECUTIVE - 22 JANUARY 2024**

The minutes of the Executive of 22 January 2024 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 18 (Safeguarding Policy)**, the Leader moved and Councillor Wright seconded the recommendation and, following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 19 (Community Grants Programme Proposal 24/25)**, Councillor Rees recognised the constraints around Wellbeing Exeter but called for a commitment for its implementation in every ward of the city as well as a stronger sense of objectives set linked to funding. Councillor Moore welcomed the fact that the programme would continue and sought clarity on:-

- assurances on good governance and accountability;
- the embedding of key aspects of the Exeter Connect contract;
- Lottery income;
- the aim of the community buildings review;
- the arrangements of the decision-making for the allocation of Community Grants.

Addressing these comments, Councillor Pearce highlighted:-

- the praise received by Wellbeing Exeter's citywide model and the context of the withdrawal of funding from Devon County Council and the NHS;
- the changing landscape of funding in the city;
- the ongoing nature of the priority-setting process;
- the importance of training, which can be given by Community Builders;
- the administrative cost involved in running the Lottery;
- the sustainability of the networks developed by Exeter Connect;
- the need to have one central register of community buildings;
- the continuation of the current process for deciding on the allocation of Community Grants.

Councillor Hannaford clarified that the changing rooms in St Thomas were still being used to that effect despite of the state of the building and damage caused by vandalism.

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

**RESOLVED** that the minutes of the Executive held on 22 January 2024 be received and, where appropriate, adopted.

**EXECUTIVE - 6 FEBRUARY 2024**

The minutes of the Executive of 6 February 2024 (with the exception of minutes numbers 24, 25, 26 and 27, 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. 23 (Annual Review of One Exeter Programme)**, the Leader moved and Councillor Wright seconded the recommendation and, following a vote, the recommendation was carried.

In respect of **Minute No. 28 (Housing Benefit Modified Scheme policy)**, the Leader moved and Councillor Wright seconded the recommendation and, following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 29 (Local Council Tax Support Scheme for 2024-25)**, the Leader moved and Councillor Wright seconded the recommendation and, following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 30 (Council Tax Empty Homes and Second Homes Premiums from 2024-25)**, the Leader moved and Councillor Wright seconded the recommendations and, following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 31 (Gender Pay Gap Report)**, the Leader moved and Councillor Wright seconded the recommendation and, following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 32 (Annual Pay Policy Statement 2024/25)**, the Leader moved and Councillor Wright seconded the recommendation and, following a vote, the recommendation was carried.

In respect of **Minute No. 33 (Review of the Article 4 Direction)**, Councillor M Mitchell welcomed the review but raised concerns around three areas directly adjacent to the university campus and called for:-

- the proactive monitoring of houses in multiple occupation (HMOs); and
- a detailed breakdown of HMOs by ward and by area.

Councillor Pearce noted that the 1995 legislation was a retroactive document. The Leader clarified the process and reminded Members of the legal requirement for a full public consultation. The Leader moved and Councillor Wright seconded the recommendations and, following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 35 (Application to join South West Audit Partnership)**, 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 6 February 2024 be received and, where appropriate, adopted.

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

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

*Box shifting is a practice whereby businesses “occupy” a commercial premises by means of some boxes and so trigger zero business rates relief for up to 6 months. Businesses return sporadically to shift the boxes creating sufficient proof of occupation meaning that zero rates relief remains applied. In practice, businesses employ other companies to do this. Companies which specifically advertise their capacity to carry this out and indeed in many cases this “box shifting” is their only trade. It is well known to this Council that there are several businesses of this type operating in Exeter, working with multi chain operating businesses to deprive this Council of vital funds. An internal estimate is that Exeter City Council is losing out by around £150,000 a year because of this practice. Meanwhile, premises stand empty disfiguring our city centre and depriving charities and community art projects or similar of what could be useful community-centred space.*

***This Council notes that:***

*- Box Shifting is a well-established business rates avoidance practice which enables landlords and multi chain operators to exploit legal loopholes triggering 3-6 month rate relief and deprive the Councils of England an estimated £250mn annually, according to the charity Ban Box Shifting. Exeter City Council is aware that the practice occurs in our city, depriving the Council of much-needed funds.*

*- Ethical rates mitigation, i.e. the offering of rent-free spaces of charities creates benefits to local communities, landlords and charities.*

*This Council further notes that box shifting could be prevented by:*

- 1. extending the period of occupation which activates rates exemption from six weeks to six months.*
- 2. Giving councils more powers in deciding when empty rates relief can legitimately be granted.*

***This Council resolves to***

*request the Chief Executive write to Exeter’s two MPs to draw this to their attention and to the Secretary of State for Levelling Up, Housing and Communities to ask for implementation of these points to prevent box shifting, and promotion of ethical rates mitigation.*

The Leader moved an amendment, under Standing Order 6(5) to refer the matter to the relevant Scrutiny Committee. The amendment was seconded by Councillor Wright, put to the vote and CARRIED. The Leader advised that he was committed to bringing the matter back to Full Council as a priority.

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

Councillor Jobson, seconded by Councillor Leadbetter, moved a Notice of Motion in the following terms :-

*Nearly 1600 people have now replied to the Conservative organised survey and over 85% are clear - this scheme is not working. It is causing social isolation and increasing the vulnerability of many within the scheme area. It is causing additional*



*pollution on the arterial roads and on North Street in particular. It is adversely affecting local trades and businesses.*

*There are 8 Members of the Exeter HATOC Committee that also sit on this Council. Those members are urged to:*

*Either*

*(i) request in writing that the Exeter HATOC Chairman calls an urgent meeting of Exeter HATOC to pass a motion to suspend the Heavitree and Whipton Active Travel Scheme at the earliest opportunity.*

*Or*

*(ii) write to the DCC Committee secretariat demanding that such a meeting is called to suspend the scheme. Only 4 signatures are required.*

The Lord Mayor consulted the Deputy Monitoring Officer, who advised as follows:-

“The motion seeks to direct members of the Exeter Highways and Traffic Orders Committee to act and vote in a certain way and thereby takes away their discretion. The ability of Members to act and vote as they chose cannot be fettered by Full Council. Accordingly, the motion will not be put to Members.”

Councillor Jobson, while expressing disagreement with this interpretation of the Motion, stated that he fully respected the Lord Mayor’s decision to DEFER the Notice of Motion.

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

Councillor Jobson, seconded by Councillor Leadbetter, moved a Notice of Motion in the following terms :-

*It is understood that Exeter that the introduction of a car charging - ULEZ style scheme is being considered for Exeter. It is to be hoped that this is not the case.*

*Such a scheme would penalise many of the less wealthy motorists and would adversely affect trade and business.*

*This Council resolves to oppose any attempt to introduce such a scheme in Exeter.*

The Lord Mayor, under Standing Order 49, decided to DEFER this matter until further information was received from Devon County Council.

22 **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 Rees to the Leader:

**“Other local authorities, such as East Devon, have a cross party committee looking at planning policy development (distinct from the scrutiny process). South Oxfordshire and Vale of White Horse even have a joint committee developing policy for their local plan. Here in Exeter, the Planning Member Working Group doesn’t perform that function. Now that the draft local plan is**

**nearing its final stages, how will the local plan be finalised on a cross party basis by Councillors?”**

The Leader responded to Councillor Rees making the following points:-

- the Exeter City Council constitution made provision for the Planning Member Working Group to undertake various functions, including to ‘discuss issues relating to planning policies or briefs’, which included the Exeter Plan;
- he had agreed with the co-leader of the Progressive Group that, once the consultation had been completed, there would be an opportunity for Councillors, as elected representatives of the public, to formally convey the opinions of their communities on the local plan;
- he had already spoken to the Chief Executive to this effect.

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**SENIOR LEADERSHIP REVIEW**

The Leader proposed an additional recommendation as follows:-

“(3) [That Council] in ensuring appropriate leadership focus is given to the administration of the City Council, and Police and Crime Commissioner Elections in May 2024, during the Senior Management restructure consultation, agree that the Chief Executive be designated as the Council’s Returning Officer and Electoral Registration Officer with immediate effect and that the Constitution be amended accordingly.”

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

**RESOLVED** that Council:-

(1) note the content of the report, the rationale for the restructure, the process to be followed and an indicative timescale for implementation;

(2) note that a detailed report containing details of the existing and proposed structure and the indicative costs will be shared as a Part 2 item (Minute No. 25), which included a number of detailed recommendations; and

(3) in ensuring appropriate leadership focus is given to the administration of the City Council, and Police and Crime Commissioner Elections in May 2024, during the Senior Management restructure consultation, agree that the Chief Executive be designated as the Council’s Returning Officer and Electoral Registration Officer with immediate effect and that the Constitution be amended accordingly.

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

The Leader moved and Councillor Wright seconded the recommendation to move into Part II to exclude the press and public and, following a vote, the motion was carried unanimously.

**RESOLVED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of item 24 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph’s 1, 2, and 3 of Part 1, Schedule 12A of the Act.

**SENIOR LEADERSHIP REVIEW**

*The minutes of this item are restricted.*

(The meeting commenced at 8.40 pm and closed at 10.39 pm)

Chair

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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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