

## EXECUTIVE

Date: Tuesday 6 September 2022

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Officer on 01392 265477.

Entry to the Civic Centre can be gained through the rear entrance, located at the back of the Customer Service Centre, Paris Street.

### *Membership -*

Councillors Bialyk (Chair), Wright (Deputy Chair), Denning, Ghusain, Morse, Parkhouse, Pearce, Williams and Wood

## Agenda

### Part I: Items suggested for discussion with the press and public present

#### 1 Apologies

To receive apologies for absence from Committee members.

#### 2 Minutes

To approve and sign the minutes of the meeting held on 5 July 2022.

(Pages 7 -  
22)

#### 3 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

#### 4 Local Government (Access to Information) Act 1985 - Exclusion of Press and Public

**RECOMMENDED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of

items 13 and 14 on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2, and 3 of Part I, Schedule 12A of the Act.

## 5 **Questions from the Public Under Standing order No. 19**

To receive questions relating to items on the Agenda from members of the public and responses thereto.

Details of questions should be notified to the Corporate Manager Democratic and Civic Support by 10.00am at least three working days prior to the meeting. Further information about speaking at a committee can be found here: [Speaking at a Committee](#)

## 6 **Urgent Item - Household Support Fund extension - General Scheme**

To note the urgent decision for the Household Support Fund extension, which runs for 6 months from April 2022, with funding from DWP delivered to Devon County Council. Through Team Devon an element of the funding is passed to Devon district councils for delivery as a General Scheme. Exeter City Council has been allocated up to £122,838 to support low income families by the end of September 2022. For the Household Support Fund General scheme the group identified for a direct award was working age Council Tax Support recipients whose households include a dependent child or young person. This group was likely to have received help from the other DWP cost of living payments, paid at a flat rate regardless of household composition. It is reasonable to conclude that families will face a higher burden from rising costs of food, utilities and household essentials than a single person. The additional payment would go some way to addressing this imbalance for that group.

Due to the timescales involved it would not be possible to convene a meeting of the Council in advance of the implementation date. In accordance with the Council's Constitution, the matter was discussed and agreed by the Portfolio Holder for Customer Services & Council Housing and the Chair of Customer Focus Scrutiny Committee who agreed that this was an urgent decision. The Executive is now invited to note the Household Support Fund extension, which had been treated as an urgent matter.

Further information on this scheme and background to the reasons for the decision will be included in the upcoming Scrutiny Bulletin.

## 7 **Urgent Item - Council Tax Energy Rebate Discretionary Scheme policy**

To note the urgent decision for the Council Tax Energy Rebate allocation £188,700 for Exeter City Council households. The scheme agreed for Energy Rebate Discretionary Fund provides for support to:

- Households in council tax bands E (not with a disablement band reduction to band D applied) to H as at 1 April 2022 receiving council tax support.
- Households in council tax bands E (not with a disablement band reduction to band D applied) to H as at 1 April 2022 getting a 25% council tax discount as

a sole occupier.

- With a small proportion of funding being reserved for exceptional hardship cases not fitting the criteria above or the criteria for the mandatory scheme.

Due to the timescales involved it would not be possible to convene a meeting of the Council in advance of the implementation date. In accordance with the Council's Constitution, the matter was discussed and agreed by the Portfolio Holder for Customer Services & Council Housing and the Chair of Customer Focus Scrutiny Committee who agreed that this was an urgent decision. The Executive is now invited to note the Council Tax Energy Rebate allocation, which had been treated as an urgent matter.

Further information on this scheme and background to the reasons for the decision will be included in the upcoming Scrutiny Bulletin.

## 8 **Proposed adoption of Community Asset Transfer policy**

To consider the report of the Programme Manager Communities. (Pages 23 - 60)

## 9 **Food Law and Health and Safety Enforcement Service Plan 2022 - 2023**

To consider the report of the Director Net Zero Exeter & City Management. (Pages 61 - 106)

## 10 **Air Quality Annual Status Report**

To consider the report of the Director Net Zero Exeter & City Management. (Pages 107 - 212)

## 11 **Northbrook Wild Arboretum: Project Initiation and Funding**

To consider the report of the Director Net Zero Exeter & City Management. (Pages 213 - 236)

## 12 **Exeter Plan: Outline draft consultation**

To consider the report of the Director of City Development. (Pages 237 - 344)

## **Part II: Items suggested for discussion with the press and public excluded**

Representations have been received in respect of item 14 in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, in that the items of business should be determined in the public section of the meeting for the following reasons:-

### **Item 14 - Exeter City Living 6 Month Update - Financial Year 2022/2023**

"This item should be heard in public as it relates to proposed development by Exeter City Living Limited for which Exeter City Council, as both local planning authority and owner of Exeter City Living Limited, may grant itself planning permission or permission in principle pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

"As such, Paragraph 9 of Schedule 12A of the Local Government Act 1972 prevents this information from being exempt information by virtue of Paragraph 3, so it should be disclosed to the public.

"The scope of Paragraph 9 is not restricted to applications for planning permission, but to all information which relates to proposed development for which the local planning authority may grant itself planning permission

"Paragraph 10 does not apply to this information as it is prevented from being exempt by virtue of Paragraph 9.

"The public interest test described in Paragraph 10 only applies to the application of an information exemption which falls in any of paragraphs 1 to 7 if that information is not prevented from being exempt by virtue of paragraphs 8 or 9.

"As the information is prevented from being exempt by virtue of Paragraph 9, a public interest test does not apply and the information cannot be exempt.

"In addition, the scope of information exemption described by Schedule 12A of the Local Government Act 1972 is limited by the Freedom of Information Act 2000 and subsequent judgements.

"Information described by Paragraph 3 is not exempt information unless the sensitivity of that information has been demonstrated in detail with substantive reference to the probability of specific economic harm to specific commercial or industrial interests that would result from disclosure.

"Unless that sensitivity has been demonstrated the information is not exempt."

The report does not relate to an application for planning development or to a proposed development. The report is a half yearly update, for information only, which will contain information relating to the financial or business affairs of Exeter City Living, as described in paragraph 3 of Part 1 of Schedule 12 A to the Local Government Act 1972.

Paragraph 10 of Part 2 Schedule 12A of the Local Government Act 1972, states that information which falls into paragraphs 1-7 of Part 1 Schedule 12A of the Local Government Act 1972 is exempt information if, and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The proposed reason for the exemption is that it is in the public interest to maintain the confidentiality of the company's business matters. Therefore our view is that the report will contain exempt information and that the exemption should be kept on this basis and therefore the recommendation that the item be taken under Part 2, will be maintained.

In accordance with Regulation 5, Paragraph 5, Part 2 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 concerning the procedures prior to private meetings, the details of the representation received have been included on the agenda with the statement of response to representations. The agenda has been published within five clear working days ahead of the meeting, in line with legislation.

### **13 Member Training**

To consider the report of the Director Corporate Services.

(Pages  
345 - 382)

### **14 Exeter City Living Six Month Update - Financial Year 2022/2023**

To consider the report of the Managing Director, Exeter City Living Ltd.

(Pages  
383 - 406)

### **Date of Next Meeting**

The next scheduled meeting of the Executive will be held on **Tuesday 4 October 2022** at 5.30 pm in the Civic Centre.

**A statement of the executive decisions taken at this meeting will be produced and published on the Council website as soon as reasonably practicable.**

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265115 for further information.

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