



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 18 OCTOBER 2022**, at 6.00 pm, at which you are hereby summoned to attend.

This meeting is open to the public and those addressing the Council under the public speaking provisions in agenda item 3, but any members of the public wishing to attend the meeting should contact the Democratic Services Team committee.services@exeter.gov.uk in advance. Priority will be given to those addressing the Council under the public speaking provisions.

The meeting will be live streamed on YouTube.

[Democratic Meetings - YouTube](#)

If you have an enquiry regarding any items on this agenda, please contact John Street, Corporate Manager Democratic & Civic Support on 01392 265106.

The following business is proposed to be transacted:-

	Pages
1 Minutes	
To approve and sign the minutes of the meeting held on 19 July 2022.	5 - 16
2 Official Communications	
3 Public Questions	
Details of questions should be notified to the Corporate Manager Democratic and Civic Support at least three working days prior to the meeting - by 10am on Thursday 13 October 2022. Further information and a copy of the procedure are available from Democratic Services (Committees) (Tel: 01392 265115) with details about speaking at Council to be found here: Public Speaking at Meetings .	

To receive minutes of the following Committees and to determine thereon:-

4 Planning Committee - 25 July 2022	17 - 40
5 Planning Committee - 5 September 2022	41 - 50
6 Strategic Scrutiny Committee - 29 September 2022	51 - 76
7 Customer Focus Scrutiny Committee - 6 October 2022	77 - 82
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10	Audit and Governance Committee - 28 September 2022	97 - 102
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13	Executive - 4 October 2022 Notice of Motion	119 - 128

14 Notice of Motion by Councillor Bennett under Standing Order No 6

Making Votes Count with Proportional Representation

Council notes:

- Within Europe, only the United Kingdom and authoritarian Belarus still use the archaic First Past the Post (FPTP) system for General and Local Elections. Whilst internationally, Proportional Representation (PR) is used to elect parliaments in more than 80 countries.
- The UK's First Past the Post voting system curtails voter choice, making millions of votes ineffective, and leaving millions feeling unrepresented and unheard.
- MPs and other elected representatives would better reflect their communities, leading to improved decision-making, wider participation and increased levels of ownership of decisions taken.
- PR is already used to elect the parliaments and assemblies of Scotland, Wales and Northern Ireland.

Council believes that:

- The FPTP system has contributed to dangerous levels of distrust and disillusionment with our democratic processes and politicians.
- It is essential that faith is restored in our democratic system and that the public see Parliament as fairly reflecting their views.
- Our First Past the Post voting system is a significant barrier to restoring this faith and all but guarantees that the balance of opinion among the electorate is not reflected in Parliament.
- A system of Proportional Representation in which seats match votes and all votes count equally would help to rebuild public trust by ensuring that all political views are represented in Parliament in proportion to their level of public support.

Council therefore resolves:

- 1 To write to His Majesty's Government calling for a change in our outdated electoral laws to enable Proportional Representation to be used for general and local authority elections.
- 2 To call upon Exeter's two MP's to push for a change to electoral law to permit Proportional Representation and to promote the matter for debate within Parliament.

15 Notice of Motion by Councillor Pearce under Standing Order No. 6

Cost of Living Emergency Declaration

This Council declares we are in a Cost of Living Emergency and calls on the Government to introduce an Emergency Budget, to take urgent action to protect the people of Exeter from further harm.

Council notes that:

- Energy costs have more than doubled since October 2021, from a unit cap of £1277 to £2500 currently for average households. Before this hike there were more than 6000 households in fuel poverty in Exeter.
- Food prices are soaring, some basic staples by as much as 20%.
- Inflation has soared above 10%, its highest level in 40 years.
- Personal Taxation is now at its highest level in 70 years yet public services continue to face a funding crisis.
- The real value of pay is falling at its fastest rate since records began.
- Universal credit has been slashed and there appears to be no prospect of an appropriate uprating of welfare payments for those most in need. Current proposals will see families, and others, plunged further in to hardship as they fail to keep pace with rising costs.
- In 2020/21 more than 4,000 children in Exeter lived in poverty.
- Meanwhile £11.8bn of public money has been lost to fraud through the Governments covid support schemes

Council therefore resolves to write to the Prime Minister, copying in our Exeter MP's, urging her to:

- Introduce an immediate Emergency Budget to protect children, families, and pensioners from the worst fall in living standards in generations.
- Cut business rates for small businesses.
- Cut the VAT rate on energy bills.
- Increase the support available to all claimants through the welfare and benefits system.
- Deliver on the calls made by UNISON, the NEU and other education unions to expand the free school meals programme to all families receiving universal credit or an equivalent benefit.

The Council believes that the Emergency Budget must include real help for residents and local businesses in Exeter.

16 Questions from Members of the Council under Standing Order No 8.

A plan of seating in the Guildhall is attached as an annexe.

Date: Monday 10 October 2022

Karime Hassan MBE
Chief Executive & Growth Director

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COUNCIL

Tuesday 19 July 2022

Present:-

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

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MINUTES

The minutes of the Ordinary and Extraordinary meetings of the Council held on 19 April 2022 and of the Annual Meeting held on 17 May 2022 were moved by the Leader, seconded by the Deputy Leader, Councillor Wright, taken as read, approved and signed as correct.

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APOLOGIES

An apology for absence was received from Councillor Warwick.

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OFFICIAL COMMUNICATIONS

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

- a formal dinner at the Guildhall on 19 May 2022 to celebrate with Chief Crowfoot and his delegation, the repatriation of the sacred regalia of the Siksia nation in Canada;
- lighting of the Beacon at Exeter Quay as part of Her Majesty The Queen's Platinum Jubilee festivities on 2 June 2022 supported by the Exeter Sea Cadets, the La La Choirs and the Devon and Somerset Fire and Rescue Service Band;
- the University of Exeter Contemporary Choir Summer concert at St David's Church on 11 June 2022;
- her first Lord Mayor's Coffee Morning on 11 June 2022 to raise money for the Lord Mayor's chosen charity for this year, the Exeter Dementia Action Alliance, the next Coffee morning to be held on Saturday 23 July 2022;
- the 243 Field Hospital Freedom of the City Parade and Armed Forces Day at the Guildhall on 18 June 2022;
- congratulating Exeter College's Netball Academy 2021/22 Squad in the Lord Mayor's Parlour on 28 June 2022, on their success this season and achieving an unprecedented national treble; as well as the Exeter Chief's Ladies Rugby team who had achieved success in only their second competitive season, by winning the Allianz Cup;
- the Annual Formal Inspection of Royal Air Force Brize Norton on 29 June 2022;
- the Queen's Baton Relay on Exeter Quay on 4 July 2022, which passed through Exeter on its nationwide tour ahead of the Commonwealth Games in Birmingham later this month;
- the tradition of celebrating the Lammas Fair and the hoisting of the Lammas Glove on the balcony at the Guildhall on 7 July 2022;

- commemorating the 25 years' service of Alderman John Landers as a Trustee of Exeter Church Charities at the Lethbridge Almshouses on 15 July 2022; and
- the Freemanship Ceremony for Mr Philip Bostock OBE, DL, former Chief Executive of the Council on 18 July 2022.

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PUBLIC QUESTIONS

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

The Corporate Manager Democratic and Civic Support reported that, as Mrs Thompson was unable to attend the meeting to present her question and in accordance with Standing Order 19(4) (B) in the Council's Constitution, the question and answer would be published on the City Council website within five working days of the meeting. The question and answer is appended to the minutes.

Question from Mr Walton

Exeter's new Local Plan is an important document and we must get this right:

Can you confirm the timetable and process for how this consultation will take place, that we will follow Department for Transport guidance and incorporate the Local Cycling and Walking Infrastructure Plan as a Supplementary Planning Document in the Local Plan and that Council will ensure that transport policies will be updated and brought into the new Local Plan?

The Portfolio Holder for City Development provided the following response:-

The consultation on the Local Plan will be held for eight weeks from the end of September until November 2022. This will be in accordance with statutory requirements, the draft Statement of Community Involvement (which is to be considered for adoption by Council at this meeting) and the Consultation Charter. The detailed arrangements for the consultation are currently being put together, however discussion about potential approaches to consultation took place at the Customer Focus Scrutiny Committee on 30 June 2022 and we will take these into account. We will present the consultation via a new online platform to facilitate more interactive community engagement but will also organise more traditional activities such as exhibitions to widen public interest.

The planning team is involved in ongoing discussions with Devon County Council over the Local Walking and Cycling Infrastructure Plan (LCWIP). This has included discussion about policy format, content, potential walking and cycling proposals and consistent consultation. This will help to ensure the content of the LCWIP and Exeter Plan are consistent in terms of transport provision. However, the procedures and requirements for producing an LCWIP and Supplementary Planning Documents (SPD's) are not consistent. This, together with the proposals in the Levelling-up and Regeneration Bill to replace Supplementary Planning Documents with other forms of policy, mean that the Council is not proposing to adopt the LCWIP as an SPD.

Mr Walton, asked a supplementary question as to whether he understood correctly that the LCWIP would not be included in the Local Plan.

The Portfolio Holder for City Development confirmed that this was the case.

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PLANNING COMMITTEE - 25 APRIL 2022

The minutes of the Planning Committee of 25 April 2022 were presented by the Chair, Councillor Morse, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 25 April 2022 be received.

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STRATEGIC SCRUTINY COMMITTEE - 16 JUNE 2022

The minutes of the Strategic Scrutiny Committee of 16 June 2022 were presented by the Chair, Councillor Hannaford and taken as read.

In respect of **Minute No. 9 (Questions from the Public Under Standing Order No 19)**, the Portfolio Holder for Climate Change, in response to a Member's question, advised that the initial membership of the Exeter Transport Working Group had been agreed at the Annual Council meeting on 18 May 2021 and that the terms of reference had been presented and noted at the inaugural meeting of the Group on 16 February 2022. It was up to the respective Groups if they wished to change the membership. He confirmed that he had requested a date for the next meeting and that the focus of future meetings would be to seek solutions to the city's huge transport problems. He stated that he had made an error at the Strategic Scrutiny Committee in saying that the minutes would be published as it was not a public meeting. The minutes would only be available to those attending the meeting.

In respect of **Minute No. 10 (Questions from Members of the Council Under Standing Order No 20)**, the Portfolio Holder for City Development advised that she had been unable to answer the questions relating to the planning team at the Scrutiny Committee meeting on 16 June 2022 as she had been absent due to Covid and the answers had been provided by the Leader.

In respect of **Minute No. 11 (Progress Report from Exeter City Futures and the City of Exeter Greenhouse Gas Inventory)**, the Chair, in response to a Member's query, confirmed that it was the intention to establish a Standing Overview Group and that it would have a role in monitoring progress towards targets set for Net Zero 2030 and would seek to ensure progression on what was set out in the report within available resources. It would be undertaken in collaboration with the Portfolio Holder for Climate Change and this approach had been welcomed by the Chief Executive & Growth Director.

The Portfolio Holder for Climate Change, in response to a Member's concern that not all of the University of Exeter's key monitoring targets were replicated in the Council's report, advised that this related to the Scope 3 element which covered materials with a carbon legacy being brought into the city. Whilst the City Council and its major partners could set a quality mark in respect of known materials and markets, a city wide greenhouse inventory was complicated because of the vast number of individuals, businesses, community groups and charities etc. who utilised materials from a huge range of sources. The scale of the challenge was illustrated by households being responsible for some 35% of greenhouse gas production in the city.

RESOLVED that the minutes of the Strategic Scrutiny Committee held on 16 June 2022 be received.

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CUSTOMER FOCUS SCRUTINY COMMITTEE - 30 JUNE 2022

The minutes of the Customer Focus Scrutiny Committee of 30 June 2022 were presented by the Chair, Councillor Vizard and taken as read.

In respect of **Minute No. 14 (Questions from Members of the Council under Standing Order No 20)** and the answer provided to the question relating to the recycling league table, the figures, although correctly recorded, should read “In Exeter this is 296kg (not 300kg) per person per year compared with the Devon target of 416kg (not 413 kg).” These would be amended at the next meeting of the Scrutiny Committee.

In respect of **Minute No. 16 (The Exeter (Local) Plan – Community Engagement 20)**, the Portfolio Holder for City Development undertook to respond in writing to a Member who asked when the second round of consultation on the Local Plan would occur in relation to the final draft version of the Plan being published.

RESOLVED that the minutes of the Customer Focus Scrutiny Committee held on 30 June 2022 be received.

34 **COMBINED STRATEGIC SCRUTINY AND CUSTOMER FOCUS SCRUTINY COMMITTEE - 27 APRIL 2022**

The minutes of the Combined Strategic Scrutiny and Customer Focus Scrutiny Committee of 27 April 2022 were presented by the Chair, Councillor Vizard, and taken as read.

RESOLVED that the minutes of the Combined Strategic Scrutiny and Customer Focus Scrutiny Committee held on 27 April 2022 be received.

35 **COMBINED STRATEGIC SCRUTINY AND CUSTOMER FOCUS SCRUTINY COMMITTEE - 6 JUNE 2022**

The minutes of the Combined Strategic Scrutiny and Customer Focus Scrutiny Committee of 6 June 2022 were presented by the Chair, Councillor Hannaford, and taken as read.

RESOLVED that the minutes of the Combined Strategic Scrutiny and Customer Focus Scrutiny Committee held on 6 June 2022 be received.

36 **HARBOUR BOARD - 23 JUNE 2022**

The minutes of the Harbour Board of 23 June 2022 were presented by the Chair, Councillor Williams, and taken as read.

RESOLVED that the minutes of the Harbour Board held on 23 June 2022 be received.

37 **EXECUTIVE - 31 MAY 2022**

The minutes of the Executive of 31 May 2022 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 57 (Appointments to Outside Bodies)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 59 (Exeter Skills Strategy)** and during discussion the following points were made:-

- the retrofit programme should be an important part of the Building Greater Exeter programme with an emphasis on using local building contractors and providing training opportunities for young people;
- whilst Exeter had benefitted from the Government Levelling Up Funds of £1,4 million with Devon County Council receiving £3.1 million towards an Adult Numeracy Programme, additional support from the Government would be beneficial, for example in funding apprenticeship training between the ages of 16 and 18 in the same way as A level funding; and
- greater encouragement should be given to Small and Medium Size Enterprises (SME's) to take on apprenticeships.

The Leader referred to the following:-

- the retrofit programme was an important ambition of the Council as, apart from transport, houses were the biggest contributors to greenhouse gases;
- the Council was seeking, with the other Devon Districts, to create a Retrofit Company to extend retrofitting to private homes and it is the intention to submit a report on a feasibility study on setting up such a company to the Executive;
- 600 Council houses were to be brought up to Level B in the Government's Standard Assessment Procedure for Energy Rating of Dwellings (SAP) by the end of the year;
- the City Council had chosen to work with the University of Exeter and Exeter College to develop green construction skills in Exeter; and
- local contractors were used in the construction of the eco-friendly St. Sidwell's Point.

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

In respect of **Minute No. 60 (New Statement of Community Involvement: Proposed Adoption)**, the Leader responded as follows to Members' queries:-

- the level of support for communities wishing to prepare a neighbourhood plan, similar to the St James' Neighbourhood Plan, would be dependent on available resources within the Planning Department; and
- issues raised on planning matters by residents of Topsham would be addressed.

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

In respect of **Minute No. 62 (Summerland Street)**, the Leader, in response to a Member's question, stated that, although it was not possible to predict the nature of occupants, co-living provided opportunities for Exeter residents to rent homes and that the forthcoming Local Plan would address issues of unit sizes of properties.

RESOLVED that the minutes of the Executive held on 31 May 2022 be received and, where appropriate, adopted.

The minutes of the Executive of 5 July 2022 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 66 (Proposed Changes and Re-Procurement of Outreach-Led Rough Sleeping Services)**, the Portfolio Holder for Communities and Homelessness Prevention responded as follows to Members' queries:-

- it would be sensible, if possible, to dovetail the re-procurement process with the review of homelessness currently being undertaken by the Homelessness Task and Finish Working Group and that he would respond further to the Member in writing on this matter; and
- the widespread use of the "no fault" Section 21 Notice under the Housing Act 1988 by Landlords was the leading cause of the rise in homelessness and that, whilst those evicted did not necessarily become rough sleepers, it was highly regrettable that the Government was yet to implement its undertaking to outlaw this practice.

Another Member referred to the current Devon Home Choice Waiting List with approximately 3,000 people on the Exeter register (a small proportion of whom lived outside the city boundary) and the lack of Government funding to enable Councils to build more houses which was also contributing to the abhorrent rough sleeping crisis in the country. The Leader undertook to secure the support of Exeter's two MP's in contacting the relevant Government Minister to ensure that the Government honoured its pledge to outlaw this practice.

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

In respect of **Minute No. 67 (Allocation of the One Off Net Zero Budget)**, the Leader, in response to the following Member questions as to whether:-

- the carbon and biodiversity impact of current and future Council policies would be assessed; and
- a rigorous value for money exercise would be undertaken on all elements of the budget to ensure value for money,

would keep Members updated on the progress of the many initiatives within the budget as part of the Council's commitment to achieving a greener city, a commitment which would be reflected in many of the policies embedded within the forthcoming Exeter Plan (the Local Plan)

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

In respect of **Minute No. 68 (UK Shared Prosperity Fund)**, the Leader, responding to a Member's request for decisions on how Exeter's allocation of £1,403,000 would be utilised to be both accessible and transparent, confirmed that decisions on the use of the fund would be made by the Executive and that it was appropriate to consult the business community through the Liveable Exeter Place Board as the chosen consultative body. He also suggested that the Bus Station and St. Sidwell's Point developments and Council plans for the Guildhall Shopping Centre were examples of Exeter undertaking its own Levelling up process.

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

In respect of **Minute No. 70 (Progress Update from Exeter City Futures and City of Exeter Greenhouse Gas Inventory)**, and during discussion the following points were made:-

- whether a goal of connecting homes and non-residential buildings to a district heating network was appropriate in view of the Exeter Incinerator being the single highest contributor of carbon emissions in the city; and
- there was a need to consult with many organisations including Housing Associations, the voluntary and community sector, suppliers and small businesses prior to progressing plans to creating a Retrofit Company.

With regard to the consultation process on widening the Council's retrofit ambitions, the Leader stated that this mechanism was embedded in the role of the Liveable Exeter Place Board and that it was the intention to progress these plans as part of a wider Devon Districts' initiative.

In respect of **Minute No. 71 (General Fund Capital Monitoring 2021/22 and Revised Capital Programme For 2022/23 and Future Years)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 72 (Overview of General Fund Revenue Budget 2021/22)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 73 (2021/22 HRA Budget Monitoring Report)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 74 (Treasury Management)** the Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried.

In respect of **Minute No. 75 (Implications of the Elections Act 2022)**, and during discussion the following points were made:-

- the Act was discriminatory and would adversely impact the young, the elderly, those in houses in multiple occupation, ethnic minorities, those without English as their first language and those without driving licences and/or passports;
- the Council should maximise all opportunities to promote participation in the electoral process to ensure free and fair voting in the city;
- the new process was far from transparent and would reduce the right to participate. A review should be undertaken after the Local Elections in May 2023 to assess the impact on turnout;
- many elderly people who no longer drove and did not have a driving licence and/or those who no longer travelled and did not possess a passport could be discouraged from participating;
- during a test pilot in London, approximately 1,000 voters had been turned away from the polling stations and had not returned;
- of the 58 million who had voted in the 2019 elections, there had been 33 suspected voter impersonations, representing 0.0001% of the total numbers voting;

- publicising the opportunity for voting by post would help combat the disadvantages of the Act; and
- the Act was contrary to the Government commitment to reducing red tape and bureaucracy.

The Deputy Leader and Portfolio Holder for Culture, Corporate and Democratic Services shared the concerns expressed by Members and confirmed that a review would be undertaken after the May Elections to assess how many were turned away because they were unable to provide identification.

In response to a Member's question, the Corporate Manager Democratic and Civic Support advised that the Act would not impact immediately on postal vote applicants. At present, postal vote applications were verified via signature and date of birth. In future, however, those recorded as postal voters would be required to refresh their applications every three years as opposed to the current five year requirement.

The Leader highlighted that the recommendations were seeking supplementary funding to ensure necessary budgetary plans were in place so that the Council could meet its obligations to undertake the required work to ensure staff and resources were available.

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

In respect of **Minute No. 76 (Former Exeter Bus Station)**, and during discussion the following points were made:-

- there were implications of an unsuccessful funding bid to the Government;
- whether forthcoming income from new uses of the site would exceed demolition costs;
- it was vital to de-risk the site and to prevent it from falling into disrepair as failure to do so could lead to anti-social behaviour in a key city centre site;
- the Exeter BID team would be consulted on proposals including imaginative shorter term uses whilst the CityPoint scheme moved forward;
- as had been the case in respect of St. Sidwell's Point, the final use would take time to come to fruition; and
- due regard would be given to existing utilities and facilities.

The Leader undertook to keep Members apprised of progress.

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

RESOLVED that the minutes of the Executive held on 5 July 2022 be received and, where appropriate, adopted.

The meeting adjourned at 7.35 pm and re-convened at 7.45 pm.

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

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

Local Authority Remote/Hybrid Meetings

This Council notes that:

On 5 January 2022, the Association of Democratic Services Officers (ADSO) and Lawyers in Local Government (LLG) launched a petition calling on the Government to change the law to give Councils (ranging from County, Districts and Unitary Authorities, through to Town and Parish Councils) the freedom to hold remote meetings when local circumstances suit. This includes hybrid meetings.

This follows the unsuccessful High Court action in 2021 and the subsequent judgement that it was for Parliament to change the law not the courts - as indeed the devolved administrations have done in Wales and Scotland to allow for on-line meetings.

This Council believes that:

We do not wish to impose remote meetings on Exeter City Council, or indeed any Council. We should have the choice to decide how to run our meetings depending on local circumstances. We also accept that some meetings (for example full Council) are more suited to physical attendance.

You will be aware that the Government issued a call for evidence on 21 March 2021 in relation to remote meetings. We are still awaiting their response to the large number of submissions from local authorities, relevant organisations and the public.

The period of lockdown showed that remote meetings bring so many benefits to local democracy and residents, apart from the obvious public health safeguards. It is no longer just a response to Covid, although we are aware that some Councillors are still not able to attend meetings for health reasons either relating to them or their families.

The wider benefits are:

- Increased attendances at remote meetings by both Councillors and the public
- Significant cost savings for some Authorities arising from much less travel to meetings.
- The environmental benefits of less travel, particularly in the large County authorities.
- A better work-life balance.
- Improved equality of access to meetings for all and opening up opportunities for more people to stand for election as Councillors.
- More transparency and openness for the public to see Council meetings.
- An option to move meetings online where there are constraints, for example bad weather such as snow or flooding.

The Council resolves:

To write to the Secretary of State for Levelling Up, Housing and Communities to express our support for the petition launched by ADSO and LLG on 5 January 2022 with regard to remote and hybrid meetings. We call on the Government to change the law to allow Councils the flexibility to hold such meetings when they deem it appropriate within agreed rules and procedures.

Councillor Rees moved and Councillor D. Moore seconded the following amendment:-

“The Council write to Exeter’s two MP’s to refer them to the early Day Motion 264 “Accessible Council Meetings””

In presenting the amendment, Councillor Rees stated that the Early Day Motion had been tabled at Parliament by Caroline Lucas MP on 11 July 2022.

Councillors Williams and Wright accepted the amendment which became the substantive motion.

Councillor Jobson, as the leader of an opposition group, stated that her group would not be supporting the substantive motion. She asserted that Council meetings should be in person so that members of the public could be present in person to witness decision making which was not possible through Zoom, Teams or any other social media platform. Whilst certain meetings, such as briefings, could be held on Zoom, meetings where decisions were to be made should always be in public. This was particularly applicable in respect of Planning Committee meetings where up to 50 plus people could attend and only if individuals were presenting their case in person could Members appreciate the passion of their arguments and the eloquence of their reasoning. She believed that it would be a retrograde step to reintroduce remote meetings.

Councillor D. Moore, as a co-leader of an opposition group, stated that permitting hybrid meetings would open up democracy to many more people and a failure to allow this would be a barrier to participation in modern, local democracy. Going forward, she expected that the meetings will be appropriately managed as had been the case with City Council meetings during lockdown.

Councillor K. Mitchell, as a co-leader of an opposition group, stated that other institutions such as the NHS and big business had adapted and held many meetings remotely, sometimes more often than face to face and that, in his experience, worked well and were often more productive. Continuing with only in person meetings would effectively disenfranchise people from participating in the democratic process.

Councillor Wright, in seconding the Motion, advised that reference to coverage of meetings via social media was misleading as the platforms used such as Zoom were more accurately described as a livestream communication media. She stated that the public had voted Councillors to represent them and that there were varying ways in which this could be achieved as well as through in person meetings. Councillor Wright expressed her disappointment that, whilst Councils were required to meet in person, Parliamentary meetings had continued remotely in some cases. She also reminded Members that the City Council had been the first authority to hold on-line meetings after the outbreak of the Pandemic.

Members made the following comments:-

- whilst the Government's call for evidence on 21 March 2021 had closed in June 2021, it was yet to share the results of that consultation nor issue guidance on the way forward;
- a Local Government Association survey had shown that, since resuming in person meetings, there had been a 72% drop in Member attendance and a 73% drop in public attendance. Hybrid models should therefore be the way forward and a recent survey showed that 72% of Councillors felt that a hybrid model would attract more ethnic minorities and younger people and encourage them to stand in local elections. It would also assist people with caring responsibilities, disabilities and chronic illness to view and participate in meetings. The Government should bring democracy into the 21st Century;
- remote meetings would help diversify the demographic profile by overcoming existing barriers and encouraging increased participation by women in local democracy. It would be important therefore for flexibility in the system;
- the Pandemic proved that remote meetings were workable and successful and, in some cases, as with the Planning Committee, improved the ability of the public to view documentation being put forward as part of planning applications and also provide greater visibility on the speakers themselves;
- failing to enable Councils to opt for alternative means of holding meetings was discriminatory and could exclude groups such as young people, ethnic minorities, those with disabilities or health issues, those in employment or with inflexible work patterns who, accordingly, found it difficult to attend meetings in person;
- a number of people who were vulnerable and at risk would have been able to participate in meetings during the Pandemic outbreak via remote means and this would still be the case if another Pandemic occurred;
- the Government's failure to date to permit remote meetings discriminates against the vulnerable and the immune impaired;
- young people in the 21st Century are familiar with new technology and, potentially, are more likely to view meetings on Zoom rather than attend in person;
- hybrid meetings would enable those Councillors who encounter health issues to continue as Members;
- the Motion acknowledges that in person meetings would also remain appropriate as there was a benefit for the majority to be in a room together, whilst at the same time, allowing others to participate remotely;
- hybrid meetings would be particularly beneficial to single parents as parental responsibilities could limit attendance at meetings;
- on line coverage of Scrutiny Committees would also help the democratic process; and
- hybrid meetings would also facilitate Members of the public submitting and asking questions without having to attend.

The Leader stated that it was to be hoped that this matter would be progressed through Parliament for an early decision. Whilst it was to be expected that Councils would seek to follow national guidance, it was hoped that there could be a degree of local latitude in respect of decisions whether Committees, Working Groups etc. could be hybrid or otherwise.

Councillor Williams, in concluding, stated that it would not be a retrograde step to hold hybrid meetings. Virtual meetings had worked exceptionally well during lockdown, particularly the Planning Committee and the Council had ensured that its formal meetings had remained fully accessible to the public. She congratulated Councillor Holland, the Lord Mayor at the time, who had successfully chaired

Council meetings under the new procedures put in place during that time, as well as the Council's Democratic Services team, for its work to successfully deliver on-line meetings. It was important to plan for the future and hybrid meetings should be a part of that process. Councillor Williams commended the Substantive Motion to Council.

The Notice of Motion, as amended, was put to the vote and CARRIED.

40

DECISION OF THE COUNCIL'S SHAREHOLDER REPRESENTATIVE FOR EXETER CITY LIVING LIMITED ON THE ACQUISITION OF RESIDENTIAL UNITS AT THE GUILDHALL SHOPPING CENTRE.

The Chief Executive & Growth Director presented the report asking Members to note the decision he had made as the shareholder representative in respect of the Council's wholly owned company Exeter City Living Limited and his decision for it to take an overriding lease of the Guildhall residential units from the Council in advance of the shopping centre acquisition.

The Leader moved and Councillor Wright seconded the noting of the report.

(The meeting commenced at 6.00 pm and closed at 8.20 pm)

Chair

PLANNING COMMITTEE

Monday 25 July 2022

Present:-

Councillor Emma Morse (Chair)
Councillors Sutton, Asvachin, Bialyk, Branston, Foale, Hannaford, Jobson, Mitchell, M and Moore, D.

Also Present

Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (HS), Planning Solicitor, Development Manager Highways and Transport and Democratic Services Officer (HB)

21

MINUTES

The minutes of the meeting held on 25 April 2022 were taken as read, approved and signed by the Chair as correct.

22

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

23

PLANNING APPLICATION NO. 21/1564/OUT - FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, EXETER

RESOLVED that the application be deferred to await the comments of a statutory consultee.

24

PLANNING APPLICATION NO. 21/0496/FUL - LAND AT IKEA WAY, EXETER

The Principal Project Manager (Development) (HS) presented the outline planning application for the construction of 184 dwellings, means of access, public open space and associated infrastructure (Re-submission of refusal 19/1647/FUL - Revised Plans).

The following key issues were referred to:-

- the principle of development;
- scale, design, impact on character and appearance;
- access and parking and impact on amenity of neighbouring development;
- public spaces and parks;
- economic benefits;
- drainage;
- sustainable construction, biodiversity, contaminated Land and air quality;
- viability;
- affordable housing; and
- development plan, five year housing land supply and presumption in favour of sustainable development.

The Principal Project Manager (Development) set out a detailed description of the site and surrounding area, including site photographs, aerial views, details of street views, the internal street scene and the adopted road plans and photos of views towards the site and the relationship with the surrounding area, the Ikea store, and residential properties.

The Principal Project Manager (Development) provided the following additional detail:-

- the proposal related to the development of the site for 184 dwellings. These comprised of 137 houses as a mix of terraced, semi-detached, and detached properties, 39 one, two, and three bed flats in apartment blocks and eight flats over garages. The dwellings were proposed to be either two or two and a half storeys in height with parking for each dwelling located within either garages or parking spaces to the front, side or rear of the property;
- the proposal included the provision for 307 car parking spaces. There would be vehicular access from Ikea Way with restricted vehicular access via the bridge to Russell Way. A bus only connection was proposed to link to the existing road bridge allowing two-way bus movement through the site from Russell Way to Ikea Way, with two bus stops proposed within the site;
- pedestrian and cycle access would be included for Old Rydon Close and Ikea Way; and
- public open space provisions would be included along with a Multi-Use Games Area (MUGA), a Local Equipped Area for Play (LEAP) and a Local Area for Play (LAP).

Responding to Members' questions, the Principal Project Manager (Development) also advised that:-

- the internal road layout was designed to reduce speeds with shared surfaces and changes in levels and directions. There would be pedestrian accesses through the site with three points accessing onto Old Rydon Close;
- there would generally be two parking spaces for the three and four bed houses and one parking space for two bed houses and flats. Cycle storage would be provided either in gardens or sheds;
- an earlier proposal for a gypsy/traveller site had been suggested along Topsham Road as part of the Newcourt Master Plan and not at this site. This proposal would be reviewed as part of the forthcoming Exeter Plan;
- a balanced approach had been given to the location of the MUGA to ensure visibility and natural policing with a 30 metre distance from houses and robust frontage between the houses and the play area;
- the site included material's removed from the Ikea development and had been used in the levelling of the site to ensure an appropriate relationship with the surrounding residential areas. Materials would also, ultimately be removed from the site;
- the site was allocated for development in the Exeter Core Strategy and Newcourt Master Plan and was a sustainable location with access to a range of services and transport links with a regular bus service and a rail halt [\[MD1\]](#) nearby; and
- the proposed contribution to GP surgeries would be a one-off contribution.

The Development Manager Highways and Transport, in response to Members queries advised that:-

- rising bollards had proved to be unsuccessful in other areas and would not be installed as a means of controlling access via the bridge to Russell Way. Informative signage would be provided instead;
- in addition, and in advance of any potential need for enforcement measures, the Highways Authority would seek to include provision of, or funding for, a bus gate enforcement camera in the Section 278 Notice under the Highways Act 1980; and
- the bus only connection would involve approximately two buses an hour.

Mr Graves speaking in support of the application, raised the following points:-

- the site was allocated for development and permission had been granted for 220 houses in 2014. Since that time, the permission had lapsed and there have been several unsuccessful proposals;
- Exeter was constrained, surrounded by sensitive landscape which was threatened due to difficulties in meeting housing need. It was unprotected land with no landscape sensitivity and its development would not only assist the Council in meeting its housing needs, but reduce the risk to other more sensitive sites;
- the latest scheme had generated far less objection than previous versions. The proposal included a range of community benefits - 64 affordable homes, public open space, including a MUGA, a two-way bus route linking into the bridge over the A379 to the north of the site to benefit the wider area and the planting of 350 trees;
- the proposal would deliver a cumulative Section 106 and CIL package in excess of £2 million; and
- access to the site was the same as that approved in 2014 and the internal roads, footpath/cycleway connections, and parking, had been agreed after detailed discussions with County Highways.

Responding to Members' queries he advised that:-

- the development would be gas heated and meet conditions relating to carbon reduction with the potential for providing solar heating panels, which would be investigated;
- some 100,000 cubic metres of materials had been deposited on the site from the nearby Ikea site and the intention would be to re-use some 20,000 cubic metres on the site;
- a Waste Audit Statement was included in the conditions seeking to provide as much "cut and fill" on site as possible and to regulate material disposal from the site. The site levels were challenging and the developer would seek to minimise off-site disposal of materials to reduce costs; and
- the ratio of bird and bat boxes would be agreed through the Landscape and Ecological Management Plan condition.

Members expressed the following views:-

- affordable housing provision of 35% was welcomed, including the 25% provision for first time buyers;
- the development was within an allocated sustainable site as designated within the Newcourt Master Plan and was sustainable in a wider sense given proximity of industrial estates for work;
- the design was considered to be aesthetically pleasing;
- it was suggested that a review of general County Council cycle lane provision be undertaken to ensure safety of cyclists at night;

- this and other developments should seek higher carbon neutral standards to future proof houses and seek to reach Net Zero in advance of the Government's 2050 target;
- the developer should seek to provide a greater green space allocation than 10% in place of car parking spaces;
- developers should seek carbon friendly heating solutions such as ground source heat pumps as opposed to gas heating as a cheaper option to avoid possible future expensive retrofitting; and
- camera provision on the bus only connection should be provided as part of the development from the outset rather than retrospectively in response to misuse which was considered likely and was a significant safety issue for legitimate users.

With regard to the latter two points, the Chair advised that carbon neutral future proofing was embedded within the vision for the Exeter Plan and that enforcement camera provision to the bus gate would be appropriately considered in bringing forward the details of the Section 278.

The recommendation was for approval, subject to the conditions as set out in the report and update sheet.

The recommendation was moved and seconded and, following a vote, was carried.

RESOLVED that:-

- A) subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) Agreement to secure the following:-
- Affordable Housing 35% of dwellings on site (split 70% Social Rent, 25% First Homes, 5% intermediate);
 - Traffic Order contribution of £15,000;
 - NHS GP Surgeries contribution £107,397;
 - NHS Acute services contribution £237,242;
 - Open space provisions LEAP and MUGA (onsite but provision to be made in Section 106 Agreement for alternative off site delivery);
 - Sustainable Travel Planning £500/per dwelling;
 - Devon County Council Education contributions Special Education Needs totalling £113,783;
 - Sustainable Transport Infrastructure, £500 per dwelling; and
 - Provision of South East Devon European Sites Mitigation Strategy payments where not secured for the dwelling by other means, such as CIL.

All Section 106 contributions to be index linked from the date of resolution.

The Service Lead City Development be authorised to **APPROVE** outline planning permission for the construction of 184 dwellings, means of access, public open space and associated infrastructure (Re-submission of refusal 19/1647/FUL - Revised Plans), subject also to the following conditions and their reasons, the wording of which may be varied:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 25 January 2022 listed below as modified by other conditions of this consent.

- JBA 19-269 Masterplan rev J
- P18-2919_05 rev AY SITE LAYOUT
- P18-2919_06 rev P HOUSE PACK
- P18-2919_07 rev N BUILDING HEIGHTS
- P18-2919_08 rev P MATERIALS
- P18-2919_09 rev P PARKING
- P18-2919_10 rev P BOUNDARIES & SURFACES
- P18-2919_11 rev Q ADOPTION PLAN
- P18-2919_12 rev M REFUSE
- P18-2919_14 rev L MOVEMENT PLAN
- P18-2919_15-01L_01-STREET SCENES (10F2)
- P18-2919_15-01L_02-STREET SCENES (20F2)
- JBA 19-269 100 rev F Detailed Soft Landscape Proposals for Plots & POS
- 19-269 101 rev F Detailed Soft Landscape Proposals for Plots & POS
- 19-269 102 rev F Detailed Soft Landscape Proposals for Plots & POS
- 19-269 103 rev F Detailed Soft Landscape Proposals for Plots & POS
- 19-269 104 rev F Detailed Soft Landscape Proposals for Plots & POS
- 19-269 105 rev F Detailed Soft Landscape Proposals for Plots & POS
- 19-269 106 Off-site Strategic Landscaping Plan
- 13055-HYD-XX-XX-DR-C-2000 Engineering Appraisal rev P17
- 13055-HYD-XX-XX-DR-C-2006 Adoption Plan rev P06
- 13055-HYD-XX-XX-DR-C-2200 Drainage Strategy rev P16
- 13055-HYD-XX-XX-DR-C-2310 Swept Path Analysis (Refuse) rev P15
- 13055-HYD-XX-XX-DR-C-2311 Swept Path Analysis (Bus) rev P11

Reason: In order to ensure compliance with the approved drawings.

- (3) A schedule of materials it is proposed to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved schedule in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area.

- (4) No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.

- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- j) Unless otherwise agreed in writing construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

- (5) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by Exeter City Council

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Trees in Relation to Development Supplementary Planning Document and pursuant to section 197 of the Town and Country Planning Act 1990.

- (6) No construction shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- a. Soakaway test results in accordance with BRE Digest 365 (2016), groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
 - b. A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy and the results of the information submitted in relation to (a) above.
 - c. Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - d. Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - e. A plan indicating how exceedance flows will be safely managed at the site.
 - f. Evidence there is agreement in principle from South West Water/landowner to connect into their system.

No dwelling hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and

PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

- (7) Prior to commencement of the development the applicant shall submit for approval in writing by the LPA an updated Acoustic Design Statement, including assessment of overheating conditions. The Acoustic Design Statement should demonstrate good acoustic design, including achieving both sustainable acoustic comfort and sustainable thermal comfort. Any mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter.

The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement. The ANC/IoA guidance 'Acoustics Ventilation and Overheating: Residential Design Guide' provides methods by which the overheating assessment can be conducted.

- (8) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The dwellings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: In the interests of human health and protection of the natural environment.

- (9) No part of the development hereby permitted shall be commenced until details of the three pedestrian / cycle access points onto Old Rydon Close, including a programme for implementation, has been submitted to, and approved in writing by, the Local Planning Authority and Local Highway Authority, and the access points shall be provided in accordance with the submitted details and programme and maintained thereafter.

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 110 of the NPPF.

- (10) Prior to commencement of construction of any dwelling hereby approved details of the proposed MUGA, LEAP and LAP play areas (including access routes, fencing, lighting, equipment, etc) that are being provided on site shall have been submitted to and approved in writing by the should be approved by the Local Authority prior to commencement of any works on site. The approved details shall subsequently be implemented on site.

Reason: In the interest of the amenity of the area.

- (11) Prior to commencement of construction a Waste Audit Statement, that includes the below points, shall be submitted to and approved in writing by the Local Authority.

- The amount of construction waste in tonnes is also provided;
- The type of material the waste will arise from during construction;
- The method for auditing the waste produce including a monitoring scheme and corrective measures if failure to meet targets occurs;
- The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied;
- Identify the main types of waste generated when development is occupied (If possible);
- Identify measures taken to avoid waste occurring; and
- Provide detail of the waste disposal method including the name and location of the waste disposal site.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at:
<https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

Reason: In the interests of sustainable development and in accordance with Policy W4: Waste Prevention of the Devon Waste Plan.

- (12) Prior to the construction of the foundations of any dwelling hereby permitted, the Design SAP calculation(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the dwelling(s) will achieve a 19% reduction in CO2 emissions in relation to the level required to meet Part L of the 2013 Building Regulations if the dwelling is to be constructed to the 2013 Building Regulations, or to achieve a 10% reduction in CO2 emissions above the levels set out in Part L of the 2022 Building Regulations if the dwelling is to be constructed to the 2022 Building Regulations. No individual dwelling shall be occupied until the As-Built SAP calculation of the dwelling has been submitted to and approved in writing by the Local Planning Authority to confirm that the required reduction in CO2 emissions in relation to the relevant Building Regulations has been achieved.

Reason: To ensure the dwelling(s) will achieve the energy performance standard required by Policies CP14 and CP15 of the Core Strategy.

- (13) Prior to the occupation of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall include the following details:
- a) a description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions;
 - f) a work schedule (including an annual work plan capable of being rolled forward over a five-year period);

- g) identification of the body or organization responsible for implementation of the LEMP;
- h) ongoing monitoring and remedial measures; and
- i) the legal and funding mechanisms by which the long-term implementation of the LEMP will be secured with the management bodies responsible for its delivery.

The LEMP shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall then be implemented and thereafter managed in accordance with the approved LEMP.

- (14) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- (15) No individual dwelling hereby approved shall be occupied until secure cycle parking facilities for that dwelling have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the cycle parking facilities shall be retained for that purpose at all times.

Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3 and paragraph 110 of the NPPF.

- (16) Prior to the occupation of any residential unit hereby permitted with allocated parking space(s) (whether on plot, on street or in off road communal parking) one Electric Vehicle ready (active) domestic charging point shall have been provided per dwelling, which shall thereafter be provided and permanently retained. The unallocated parking spaces shall be provided with a Electric Vehicle ready (active) domestic charging points at a ratio of 1 charging point per 10 spaces, which shall thereafter be provided and permanently retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with paragraph 112 of the NPPF

- (17) No development above slab level shall occur until details of two bus stops with suitable crossing facilities and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The bus stops and crossing facilities shall thereafter be implemented in accordance with the agreed programme.

Reason: To provide a safe and suitable access for vehicles, pedestrian and cyclists, in accordance with Paragraphs 108 and 110 of the NPPF.

(18) No lighting shall be installed for the Multi Use Games Area until details of that lighting and a lighting assessment has been submitted to and approved in writing by the Local Planning Authority. Lighting shall thereafter only be installed in accordance with the approved details and the lighting shall be maintained in accordance with the approved details.

Reason: In the interests of the amenity of local residential occupiers and the environment.

(19) Any contamination not previously identified which is found whilst implementing the development hereby permitted must be immediately reported in writing to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall then be carried out before the development, or the relevant part of it, is resumed or continued.

Reason: In the interests of protecting human health and the environment.

(20) Rear access paths must be gated, the gates to those paths and those giving access to rear gardens must be fitted with a lock operable from both sides.

Reason: To prevent access to the rear of dwellings which leaves them vulnerable to crime, particularly burglary offences.

(21) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

Further **RESOLVED** that B the Service Lead City Development be authorised to **REFUSE** planning permission for the reasons set out below if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed by six months from the date this Committee or such extended time as agreed in writing by the Service Lead City Development

In the absence of a completed planning obligation (Section 106 of the Town and Country Planning Act 1990 (as amended) in terms that are satisfactory to the Local Planning Authority which makes provision for the following matters; Affordable Housing, Traffic Orders contribution, NHS GP Surgeries contribution, NHS Acute services contribution, Open space and play provision, Sustainable Travel Planning contribution, SEN Education contributions, Sustainable Transport Infrastructure contribution, and provision of SEDEMS contributions where they not secured by other means, the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 policies CP7, CP9, CP10, CP18, Exeter Local Plan First Review 1995-2011 saved policies AP1, T1, T3 and DG5, Sustainable Transport

SPD (March 2013), Planning Obligations SPD (April 2014), Public Open Space SPD (Sept 2005) and Exeter City Council Affordable Housing SPD (2014).

25

PLANNING APPLICATION NO. 22/0313/FUL AND 22/0384/LBC - HONEYLANDS HOSPITAL FOR CHILDREN, PINHOE ROAD, EXETER

The Principal Project Manager (Development) (HS) presented the full planning application and listed building consent for the re-development of the Honeylands building including demolition of existing extensions and the construction of replacement part single, part single/part two storey side and rear extensions to create a 64 bedroom older persons care home (Use Class C2) together with associated car parking, landscaping, drainage and other associated works including the creation of a replacement vehicular access onto Pinhoe Road (Amended plans).

The following key issues were referred to:-

- the principle of development;
- impact on heritage assets, ecology, landscape assets and amenity;
- access and parking;
- scale, design, impact on character and appearance;
- economic benefits; and
- healthcare impact.

The Principal Project Manager (Development) set out a detailed description of the site and surrounding area, including site photographs, aerial views, photos of views of the site and 3D representations of the proposed development. He set out details of the floor plans, car parking, landscaping, drainage and other associated works and explained the relationship with the adjoining Vranck House and the wider surrounding area including residential properties.

The Principal Project Manager (Development) provided the following additional detail:-

- the development involved the demolition of existing extensions and retention of the core building;
- the proposed accommodation was arranged as two-storey wings on both sides and connecting behind and to the original dwelling which was retained. Later additions and extensions would be substantially removed including the three storey element. The internal layout of the original dwelling was largely retained with a notable new access through the side wall to connect to the new reception area;
- elevations within the site including towards Vranck House, views from Vranck House and elevations to the Pinhoe Road frontage;
- relationship of the new buildings with the facilities within Vranck House including an assessment centre, hydrotherapy pool and an enclosed astro-turfed play area; and
- a new vehicular and pedestrian access would be formed on to Pinhoe Road, and parking and turning provision would be accommodated on a loop road within the site.

The Principal Project Manager advised of a further representation from the NHS Devon Clinical Commissioning Group (CCG) set out in the update sheet. The CCG had requested that, even though the applicant had stated that there would be no impact on local GP services as the Care Home Operator would contact directly with a private GP service, written confirmation should be provided that, at no time, would any of the residents register with the local NHS GP practices. The CCG had also sought a contribution within a Section 106 agreement towards GP surgeries provision based on a development of 64 dwellings and a population increase of 64 persons.

Responding to Members' queries, the Principal Project Manager (Development) advised that:-

- there was a need for an additional Care Home in the city;
- the NHS GP contribution request was based on an Extra Care residential use of 64 residents rather than Care Home use. However, the Care Home operators had their own private GP contract and it was not anticipated that there would be an impact upon local capacity;
- with regard to the Royal Devon Universities Healthcare Foundation Trust's request for a contribution of £34,547 from the development towards the cost of providing provision of acute and planned healthcare for the increased population resulting from the development, the Principal Project Manager (Development) advised that insufficient information had been provided of how this had arisen as new demand, what this contribution would be spent on, and whether it met the 'tests' within National Planning Policy Framework (NPPF) 2021. Work was being undertaken with the Trust to seek agreement on the way forward on such requests;
- it was a balanced development and would result in the re-use, preservation and repair of the Listed Building to give prominence to the facades;
- the design provided a clear distinction between the old and the new including glazed link elements and the brick and render of the Care Home residential properties would match that of the area;
- a materials schedule would be provided to ensure a high standard of materials of the property;
- a BREEAM assessment provisional score of 62, 55 being categorised as "very good" An "excellent" score was 70 and it was the intention to work with the applicant to maximise the final scoring;
- a condition included a requirement for a Waste Audit Statement although there was not a great deal of "cut and fill" on the site as the original footprint would be largely used. It was likely the majority of material would be used on site; and
- a motor scooter storage area would be provided in reception, for use also by visitors and which would utilise the building's electrics.

The Development Manager Highways and Transport, in response to Members' questions, advised that:-

- a Stage One Safety Audit had been undertaken and no significant issues had been raised regarding the access onto Pinhoe Road and it was anticipated that a satisfactory technical design would be provided; and
- the introduction of speed reduction measures along Pinhoe Road was a separate matter and would not necessarily be appropriate.

Rebecca Wheeler spoke against the application. She raised the following points:-

- Vranth House was a children's charity working with Devon County Council and the NHS to provide a school for children with significant physical disabilities and a large paediatric outpatient medical department serving 2,500 children throughout Devon;
- the proposed development would be detrimental to the children and the service offered. The charity used to be part of the Honeylands Children's Hospital until the NHS ceased using the building several years ago. The land and the Honeylands building were donated to the city by Miss Violet Wills in the 1920's explicitly for use as a children's medical facility. The centre closed in 2012 as a result of the building requiring substantial repairs;
- the development was a significant deviation from the original conditions of the gift of the building, which was to benefit the children of Exeter. The demands on Exeter's children's services were expanding dramatically;
- the new access, and the number of staff and patients who would use it, raised significant road safety concerns. Both sites were accessed from the busy main Pinhoe Road, and the proposed development would have limited parking for the large number of staff and patients it would cater for;
- the children regularly go out in the community in wheelchairs and safety around the entrance would be compromised;
- Vranth house had a statutory duty to safeguard pupils rights to dignity and privacy whilst at school. Because the site was originally designed to work with the facility operating in the old Honeylands building, many rooms faced that building with large windows or glass walls and the children could become quite distressed. The current design for the development next door included windows, patios and garden spaces next to the boundary which looked into the assessment rooms and classrooms;
- the intended use of the development, which was 'end of life care', was extremely insensitive next door to a centre that serves many children with life-limiting illnesses, some of whom sadly die during their school lives;
- an increasing number of the pupils had severe autism and become very distressed by any loud or sudden noise by construction ~~and a busy home~~; and
- the proposed use was not in line with the reason the building was gifted to Exeter, or that the proposed structure and enlargement would be of benefit to the attractive original historical building. The proposal would have a detrimental impact on the medical and educational services provided for the children of Exeter and Devon.

Rebecca Wheeler responded as follows to Members' questions:-

- the original covenant, which covered both the Honeylands and Vranth House site was primarily for the use and care of children and therefore the proposed use as a Care Home was in contravention of this original purpose;
- children numbers in Vranth House were already excessive with the facility over-subscribed and with continuing demand from the County Council, the NHS and the CCG to accommodate more children, the school's work also included paediatric assessments. There had been an exponential increase in babies with severe medical conditions who survive and required on-going support. The centre had remained open during the Pandemic and the Cranbrook development had added to pressures. Because of this huge demand and need, some two years had been spent attempting to purchase the site;
- there were inaccuracies in the report on the description of the buildings, which included the description of the impact on the contained, secure astro-turf play area, which was the only outdoor space available and was used by severely autistic and non-verbal children. For example, the kitchen windows would be close to this facility;

- attempted negotiations with the RD&E Trust had met with little response, and was later informed that Vbranch House had been placed on the open market, the estate agent advising that the intention was to sell to a developer; and
- the large size of the development, the proximity of the additional buildings and the associated noise 24/7 were a particular concern and would impact adversely on the need to control and protect very vulnerable children.

Mr Marshall spoke in support of the application. He raised the following points:-

- Brackley Investments Ltd. were specialist developers of older persons care accommodation and a Care Home was badly needed by virtue of the growing and ageing local population;
- the National Policy Planning Framework (NPPF) stated that the lack of suitable accommodation to meet the needs of older people was critical. In Exeter there were over 550 modern, wet-room care home beds but much of the existing care stock is largely no longer fit-for-purpose;
- the building was already in use as a Class C2, and the site was suited to address this need, being in a sustainable and accessible location. Some 35 family homes will be freed up in the area and construction and long-term employment opportunities would be created;
- it would restore the derelict and deteriorating Grade II Listed Honeylands House;
- the original features would be preserved and the site would be developed in a more sensitive manner, to achieve a fine balance between heritage concerns, key trees and neighbouring amenities;
- a new access direct from Pinhoe Road would be provided removing the previous convoluted access through Lamacraft Drive, and opening up views of the Listed Building from Pinhoe Road, thereby removing potential concerns from local residents to the south. This had been accepted by the Highway Authority as the best location;
- access by public transport was key as, whilst residents would largely not be independently mobile, staff were expected to use the bus;
- key trees would be retained and the proposed landscaping and ecological proposals would result in a biodiversity net gain, the scheme would also deliver on energy efficiency;
- the scheme provided progressive privacy through a 'household' model enabling residents to live within smaller, domestic-scale wings of accommodation but with access to the wider facilities on-site;
- private balconies and terraces would enable access to nature;
- the statement of community involvement reflected a positive reception locally over Vbranch House School's concerns - including moving the southern wing of the building further away from the boundary whilst the internal layout would be altered to further minimise the opportunity for any over-looking;
- the southern wing was effectively single storey insofar as perceived by Vbranch House - the first floor being at ground floor level of the northern wing and Listed Building. Therefore the combination of site levels and boundary fencing meant that there would be less opportunity for overlooking to north;
- the final plans were Local Plan policy compliant, supported by national policy in the NPPF, and crucially, had the support of all statutory consultees, including Historic England; and
- the development was looking to restore the historic asset to its former glory, whilst creating jobs and helping meet crucial societal need as soon as possible.

Responding to Members' queries and confirming he represented the developer and not the operator he advised that:-

- the applicant was not aware of objections from statutory consultees as the CCG was not a statutory consultee. The request from the CCG had not been made in respect of any other Care Home providers, however they were amenable to offering the requested contributions;
- the applicant had provided a number of Care Homes across the country and was in negotiation with a provider but it was not possible to reveal the client's identity but they were an experienced provider;
- round the clock medical support would be provided to residents, many of whom were likely to be registered with local GP's and GP's calling were likely to be those working in both the public and private sectors, the provider normally entering into contracts with local GP's who would operate on a private basis therefore reducing the burden on the NHS. Whilst a guarantee that the request from the CCG for a level of financial contribution might not be acceptable, it would be discussed with the provider;
- car parking spaces would be limited to 27 and the ratio of tree planting would be three new trees to one lost. The site did not possess a great deal of ecological benefit but biodiversity enhancements were proposed;
- storage and recharging facilities for motor scooters/electric bikes would be provided and staff would encourage use by residents if at all possible and there would be two bicycle storage areas on site;
- attempts would be made to "cut and fill" on site but the nature of the land associated with the Listed Building would make this difficult. The Listed Building status would also make reaching BREEAM excellent standard difficult;
- amendments had been made to original iterations by moving buildings away from the school to limit impact on the children's facility. There had been reductions in height and windows overlooking the school were avoided, although Vranth House could have better articulated concerns;
- the development incorporated a number of carbon friendly elements including air source heat pumps, photovoltaic panels, electric charging points and electric use rather than gas as far as possible;
- medical facilities on site included a treatment room, nurses room, wellness suite; assisted bathrooms with residents also possessing their own kitchens and dining areas;
- there would be no restriction on advertising vacancies which would be undertaken nationally, but it was anticipated that residents would be predominantly local; and
- the Care Home would be a quiet facility and the two uses should work well together.

Members expressed the following views:-

- the issues around health service provision as well as the matter of the covenant which was a legal consideration for Vranth House to resolve were not planning matters;
- a valid application had been submitted and there was no reasonable planning grounds to refuse;
- no objection had been received from the Highway Authority as a statutory consultee and the new access would benefit neighbouring residential properties;
- no alternative use had been proposed such as housing which could also be disruptive to the children and it was hoped the developer could work with the

Vranch House school through the development process and when the facility was occupied;

- welcome ambition to maximise the BREEAM standard whilst recognising limitations imposed by a listed building;
- would have preferred additional ecological contributions such as retention of the yew tree;
- recognise growing pressures on the paediatric service and the concerns of Vranch House and it is unfortunate that the NHS had been unable to be more proactive regarding the use of the site regarding its original purpose, there was however, also a need for a further Care Home in the city;
- concerns remain regarding carbon footprint and an acceptable reinstatement of the Listed Building is an important requirement. It was also hoped that the applicant develop a neighbourly approach and resolve any difficulties quickly; and
- the access to Pinhoe Road will be away from any other facilities such as shops and the impact on traffic flow should not be excessive.

The recommendation was for approval, subject to the conditions as set out in the report and subject to a contribution within a legal agreement towards GP surgeries provision requested by the Devon CCG.

The recommendation was moved and seconded and, following a vote, was carried.

RESOLVED that, subject to an additional condition requiring a contribution to the CCG within a legal agreement towards GP surgeries provision, planning permission for the re-development of the Honeylands building including demolition of existing extensions and the construction of replacement part single, part single/part two storey side and rear extensions to create a 64 bedroom older persons care home (Use Class C2) together with associated car parking, landscaping, drainage and other associated works including the creation of a replacement vehicular access onto Pinhoe Road (Amended plans) be **APPROVED**, subject also to the following conditions (which may be varied):

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 7 March 2022, as modified by details received 29 and 30 June (including the plans listed below), and by conditions of this consent.

7 March 2022

- Existing Building - Demolition Plans
- PL03 A Site Demolition Plan
- Listed Building drawing set SK020-SK039 RevA

29 June 2022

- Landscape Plan 05367 LSP Rev B 27.6.22[51]

30 June 2022

- 9588-PL06B Proposed Site Boundary Plan[33]

- 9588-PL07C Proposed Lower Ground Floor Plan[14]
- 9588-PL08C Proposed Ground Floor Plan[29]
- 9588-PL09C Proposed First Floor Plan[63]
- 9588-PL10B Proposed Roof Plan[16]
- 9588-PL11D Proposed Elevations 1[16]
- 9588-PL12C Proposed Elevations 2[76]
- 9588-PL13C Proposed Elevations 3[96]
- 9588-PL14B Proposed Sections[10]
- 9588-PL18 Proposed Boundary Treatment - Fence Detail[38]
- 9588-PL05L Proposed Site Plan[97]
- 1001-PHL-101-F[5] Highway Access

Reason: In order to ensure compliance with the approved drawings.

- (3) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with plan ref Tree Protection Plan 05367 LSP Rev B 27.6.22[51] received 29 June 2022, or such other plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

- (4) Prior to commencement of construction a Waste Audit Statement, that includes the below points, shall be submitted to and approved in writing by the LO.
- The amount of construction waste in tonnes is also provided;
 - The type of material the waste will arise from during construction;
 - The method for auditing the waste produce including a monitoring scheme and corrective measures if failure to meet targets occurs;
 - The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied;
 - Identify the main types of waste generated when development is occupied (If possible);
 - Identify measures taken to avoid waste occurring; and
 - Provide detail of the waste disposal method including the name and location of the waste disposal site.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive

waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at:

<https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

Reason: In the interests of sustainable development and in accordance with Policy W4: Waste Prevention of the Devon Waste Plan.

- (5) No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
- a) The site access point(s) of all vehicles to the site during the construction phase.
 - b) The layout of the site including; parking of vehicles of site operatives and visitors, the areas for loading and unloading plant and materials, storage areas of plant and materials used in constructing the development.
 - c) The means of enclosure of the site
 - d) Wheel washing facilities and obligations
 - e) Provisions to ensure the disposal of surface water so that none drains on to any County Highway
 - f) Measures to monitor and control the emission of dust and dirt during construction
 - g) No burning on site during construction or site preparation works
 - h) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
 - i) Hours for construction working and deliveries, which unless otherwise agreed shall be from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays
 - j) There to be no driven piling without prior consent from the LPA
 - k) The proposed route of all construction traffic exceeding 7.5 tonnes
 - l) Details of proposals to promote sustainable travel modes and car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.
 - n) A species mitigation strategy and accord with the structure and content detailed in the BS42020: 2013 Biodiversity: Code of Practice for Planning and Development.
- The approved Statement shall be strictly adhered to throughout the construction period of the development
- (6) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.
- (7) Prior to commencement of construction (excluding demolitions and site clearance), the developer shall submit to the Local Planning Authority for

approval a detailed BREEAM design (interim) stage assessment report, to be written by a licensed BREEAM assessor, which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. The building must be completed fully in accordance with any approval given. A BREEAM post completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

Reason for pre commencement condition: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

- (8) A Lighting Strategy for agreement with the authority that minimises impacts from lighting associated with pre-construction, construction and operational activities, and demonstrate how the current best practice (BCT/ILP, 2018) guidance has been implemented. To include the provision of dark corridors that accord with Devon guidance 'Maintaining dark corridors through the landscape for bats' (Jan 2022).

- Reason: To ensure the site continues to support commuting and foraging bats within the site.

- (9) No works of construction of the buildings hereby approved shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- a) Soakaway test results, groundwater monitoring results, and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
- b) A detailed drainage design based upon the submitted surface water drainage management system details and Flood Risk and Drainage Technical Note, and the results of the information submitted in relation to (a) above.
- c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- d) Proposals for the maintenance of the permanent surface water drainage system.
- e) A plan indicating how exceedance flows will be safely managed at the site.
- f) Evidence there is agreement in principle from South West Water/landowner to connect into their system.

The building and use hereby permitted shall not be occupied until the works have been approved and implemented in accordance with the details under (a) - (f) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before

works begin to avoid redesign/unnecessary delays during construction when site layout is fixed.

- (10) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior first occupation of the development. The content of the LEMP to include a species mitigation strategy accord with the structure and content detailed in the BS42020: 2013 Biodiversity: Code of Practice for Planning and Development and shall include the following details:
- a) a description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions;
 - f) a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) identification of the body or organization responsible for implementation of the LEMP;
 - h) ongoing monitoring and remedial measures; and
 - i) the legal and funding mechanisms by which the long-term implementation of the LEMP will be secured with the management bodies responsible for its delivery.

The LEMP shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall then be implemented and thereafter managed in accordance with the approved LEMP.

- (11) Prior to occupation of the development, glazing and trickle vents shall be installed which achieve at least the levels of sound insulation specified in the ACT Acoustics report reference 200713-1008 (Noise Impact Assessment - Honeylands Care Home) dated 24 February 2022.
- (12) A detailed scheme for landscaping (substantially in accordance with Landscape Plan 05367 LSP Rev B 27.6.22[51] received 29 June 2022), including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- (13) Prior to the access onto Pinhoe Road being brought into use visibility splays shall be provided, laid out and maintained for that purpose at the site access generally in accordance with Drawing Number PHL-101 Revision F where the

visibility splays provide inter-visibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

Reason: To provide adequate visibility from and of emerging vehicles.

(14) Noise from building services plant and equipment shall not exceed a rating noise level at a residential receptor of 37 dB (07:00 to 23:00) and 29 dB (23:00 to 07:00) (measured in accordance with BS4142:2014).

(15) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

(16) The works within the root protection zones of retained trees (as identified on the Tree Protection Plan Rev B received on 29 June 2022 or such plan as may be subsequently agreed) as part of the development hereby permitted shall only be carried out in accordance with an Arboriculture Method Statement that shall have been submitted to and approved agreed in writing by the Local Planning Authority prior to commencement of development on site. The approved Method Statement shall thereafter be adhered to.

Reason: To ensure the protection of the retained trees during the carrying out of the development and protecting the amenity of the area.

(17) Before any works are undertaken that impact directly on the bomb shelter a scheme and programme of preservation of the Bomb Shelter which shall detail the relocation of the shelter off site to a suitable location, or in the absence of such shall set out the efforts to achieve this that have been undertaken and the details of recording and archiving of the details of the shelter, shall be submitted to and approved by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the agreed programme.

Reason: In the interests of preserving the historic environment for future generations.

(18) The site shall not be used for any purpose other than that hereby approved as a Care Home within Use Class C2 and no other use (including any use within the same Use Class as defined by the Town and Country Planning Use Classes Order 1987 or any Order revoking and re-enacting that Order) shall be carried out without the formal consent of the Local Planning Authority.

Reason: The use of the building for other uses falling within Use Class C2 other than a Residential Care Home for the elderly could have different impacts to the approved use and would therefore need to be assessed on their individual merits through a separate application.

Listed Building Consent 22/0384/LBC

RESOLVED that listed building consent for the re-development of the Honeylands building including demolition of existing extensions and the construction of replacement part single, part single/part two storey side and rear extensions to create a 64 bedroom older persons care home (Use Class C2) together with associated car parking, landscaping, drainage and other associated works including the creation of a replacement vehicular access onto Pinhoe Road (Amended plans) be **APPROVED**, subject to the following conditions:-

- (1) The works to which this listed building consent relate must be begun not later than the expiration of three years beginning with the date on which this consent is granted.

Reason: To comply with Section 18 of the Planning Listed Building and Conservation Areas Act 1990 as amended.

- (2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 7 March 2022, 29 June 2022 and 30 June 2022 (listed below) as modified by other conditions of this consent:

7 March 2022

- Existing Building - Demolition Plans
- PL03 A Site Demolition Plan
- Listed Building drawing set SK020-SK039 RevA

29 June 2022

- Landscape Plan 05367 LSP Rev B 27.6.22[51]

30 June 2022

- 9588-PL06B Proposed Site Boundary Plan[33]
- 9588-PL07C Proposed Lower Ground Floor Plan[14]
- 9588-PL08C Proposed Ground Floor Plan[29]
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- 9588-PL13C Proposed Elevations 3[96]
- 9588-PL14B Proposed Sections[10]
- 9588-PL18 Proposed Boundary Treatment - Fence Detail[38]
- 9588-PL05L Proposed Site Plan[97]
- 1001-PHL-101-F[5] Highway Access

Reason: In order to ensure compliance with the approved drawings.

- (3) A detailed Materials Schedule including the type, colour, image and location of each item of the materials it is intended to use in the construction of the development shall be submitted to the Local Planning Authority Physical samples shall be submitted where required. No new material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable.

Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: In the interests of good design and to ensure that the materials used preserve and or enhance the character and appearance of the listed building.

- (4) No windows, doors, sidelights, roof lights, stairs, fenestration or rainwater goods shall be installed unless further drawings showing this element at a scale of not less than 1:20, product specification and details of materials, have been submitted to and approved in writing by the Local Planning Authority unless otherwise agreed. The works shall be carried out as approved.

26 **PLANNING APPLICATION NO 22/0361/FUL - 13 MONKSWELL ROAD, EXETER**

The Assistant Service Lead - Planning presented the planning application for a single-storey rear extension to a dwelling, with associated modifications.

The proposal was to demolish the existing conservatory and replace it with a rear/side infill extension. The extension would have a glazed lean-to roof and form part of an enlarged kitchen. It was also proposed to demolish an outside toilet on the rear elevation next to the northern site boundary and to introduce an enlarged window on this elevation. The demolition and replacement of windows were permitted development and were not considered part of this application.

The Assistant Service Lead - Planning advised that the application complied with design guidance and that there had been no objections.

The recommendation was for approval, subject to the conditions as set out in the report.

The recommendation was moved and seconded and, following a vote, was carried unanimously.

RESOLVED that planning permission for a single-storey rear extension to dwelling with associated modifications be **APPROVED**, subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years, starting with the date on which this permission is granted.

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

- (2) The permitted development shall be carried out in strict accordance with the submitted details received by the Local Planning Authority. These details and drawings are as follows: Site Location Plan - DWG No: 001 - Date Received: 15/03/2022 Amended Proposed Elevations - DWG No: 301 Rev C - Date Received: 30/05/2022 Amended Proposed Ground Floor Plans - DWG No: 101 Rev C - Date Received: 30/05/2022.

Reason: To ensure compliance with the approved drawings.

Informatives:

- (1) Under the Conservation of Habitats and Species Regulations 2017, this development has been screened regarding the need for an Appropriate Assessment (AA). Given the nature and scale of the development, it has been concluded that the proposal does not require an AA.
- (2) Following Paragraph 38 of the National Planning Policy Framework, the Council has worked positively and proactively and has imposed planning conditions to enable the granting of planning permission.

27

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Director City Development was submitted.

RESOLVED that the report be noted.

28

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

29

SITE INSPECTION PARTY - ROTA FOR VISITS

The report of the Corporate Manager Democratic & Civic Support was submitted.

RESOLVED that the circulated rota of site inspections be approved, subject to any changes during the course of the year.

30

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 23 August 2022 at 9.30 a.m. The Councillors attending will be Councillors Foale, M. Mitchell and D. Moore.

(The meeting commenced at 5.30 pm and closed at 7.48 pm)

Chair

PLANNING COMMITTEE

Monday 5 September 2022

Present:-

Councillor Emma Morse (Chair)
Councillors Sutton, Asvachin, Bennett, Bialyk, Branston, Foale, Jobson, Lights, Mitchell, M, Moore, D, Newby and Snow

Also Present

Director of City Development, Assistant Service Lead Development Management (Major Projects), Planning Solicitor, Principal Highway Development Management Officer - Exeter and Democratic Services Officer (HB),

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MINUTES

Subject to the amendment of the first bullet point at the beginning of page eight in Minute Number 24 to read “this development should seek higher carbon neutral standards to future proof houses and seek to reach Net Zero in line with the Council’s Net Zero 2030 plan, which is a material consideration”, the minutes of the meeting held on 25 July 2022 were taken as read, approved and signed by the Chair as correct.

32

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

33

PLANNING APPLICATION NO. 21/1564/OUT - FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, EXETER

The Director City Development presented the outline planning application with all matters considered in detail except landscaping, for the demolition of the existing buildings and construction of mixed-use development comprising Purpose-Built Student Accommodation (Sui Generis) and Co-Living (Sui Generis) with associated infrastructure. (Revised plans were received). He set out a detailed description of the site and surrounding area, and the proposed development, including aerial views, site plan, elevations and photomontages showing the proposed new buildings in the context of their surroundings.

The proposal comprised the demolition of all existing buildings comprising the former Heavitree Road Police Station and Magistrates Court, clearance of the site and re-development to provide a mixed Co-Living and Purpose Built Student Accommodation (PBSA) scheme in two separate building blocks with associated access, parking and infrastructure. The former would comprise 358 studio apartments and the latter 677 rooms including a mixture of studio rooms and cluster flats.

The Co-Living block would occupy the western (lower) part of the site with the student accommodation block sitting between this and Gladstone Road. The two buildings would be separated by a pedestrian walkway and associated landscaping. The Co-Living block would comprise a roughly rectangular building set around a sunken central courtyard. The proposed student accommodation would occupy the

upper part of the site and would be provided in a block with frontage onto both Heavitree Road and Gladstone Road. This block comprised two quadrangles arranged around two external courtyards and a small wing on the Gladstone Road frontage facing northwards towards the adjacent former ambulance station site.

The Director City Development detailed the following key elements of the application:-

- Sustainable Development and Application of the National Planning Policy Framework 2021 (NPPF) - due to the lack of a five year housing supply there was a presumption in favour of sustainable development through a “tilted balance” approach”;
- the proposal was considered to be a sustainable development when balancing the development plan policies, NPPF policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site;
- the Principle of the Proposed Development providing much needed new homes in a very sustainable location; optimising ‘brownfield land’, building at higher density in a strategic ‘gateway’ location, supporting Liveable Exeter (Eastgate) promoting active travel in a virtually car free development and contributing to Exeter’s Net Zero Carbon 2030 Plan; and
- the type of residential accommodation being the Co-Living element helps meet the five year housing supply and includes an element of ‘affordable housing’. Both PBSA and Co-Living would support economic growth, especially within the city centre’s wider strategic importance to the City.

The Director City Development set out the following responses to objections received to the development:-

- the building line had been brought forward along Heavitree Road, but would still retain a 15 metre set back and would allow for some softening in appearance with landscaping;
- given the site was a gateway to the city centre, the opportunity had been taken to create a strong urban edge with active frontages and good interaction with the street. Main entrances and ground floor amenity areas would be along Heavitree Road;
- improvements to minimise scale and massing had been negotiated and building heights had been reduced. Although an eight storey build in part, these would appear as six storeys along Heavitree Road;
- the proposal had been independently assessed by a panel of experts with the Design Review Panel meeting three times and had expressed qualified support as follows “...in terms of the proposed building height, it is considered this is at the absolute maximum that could be considered appropriate for the site location.”;
- the corner of Gladstone Road/Heavitree Road would provide a strong bookend;
- the development would have a strong architectural response inspired by surrounding context and topography;
- a Section 106 legal agreement and conditions were necessary to secure affordable housing, infrastructure contributions and other aspects of the development to make it acceptable in planning terms; and
- the plans had been revised three times since submission in response to comments received, in January, June and August 2022. The latest set of plans submitted in August had been submitted specifically to address the concerns raised by the Health and Safety Executive, therefore only the Health and Safety Executive had been re-consulted on these plans.

The Director City Development, the Assistant Service Lead Development Management (Major Projects) and the Principal Highway Development Management Officer - Exeter, in response to Members' queries, advised that:-

- of the 26 trees on the site, 25 would be removed and the remaining tree would be protected during construction. Tree removal was not a significant reason to refuse the application and it was considered that the proposed landscaping would enhance the view along Heavitree Road. Most of the trees to be removed were ornamental such as cherry trees and not larger, native species and could be replaced by ecologically friendly species. The landscaping had been supported by the Design Review Panel and would be a matter to be addressed at reserved matters stage;
- it was a statutory requirement to consult the Health and Safety Executive on the plans, the Executive having confirmed that they had no objections including the issues of dry risers, ventilation, heat management and private fire hydrants. Elements relating to fire safety would be addressed at the detailed design stage and subject to building regulations;
- as with other Co-living sites at Gladstone Road – the Gorge - and the Harlequins, a 20% requirement for affordable housing had been set in accord with the latest Government guidance, incorporating a requirement to prioritise key local workers;
- following on from a recent appeal decision, the ability to include all Co-Living accommodation units towards the five year land supply rather than clusters/studios taken as a single unit would be examined to determine a revised ratio. At present, and as confirmed at the appeal, the city did not have a five year land supply and it was appropriate therefore to apply the “tilted balance” approach;
- the number of Co-Living units had increased from 352 to 358 and the number of student units decreased from 689 to 677;
- the impact of the development on the St. Lukes campus was set out in the design and access statement;
- the University of Exeter has a national and international reputation and PBSA was seen as the way forward to provide student accommodation. The provision of additional student accommodation was set out in the development plan;
- the distances from the back doors of the Higher Summerlands properties to the development were between 18 and 20 metres;
- the distances from the development to the front of the pavement fronting Gladstone Road were between six meters and seven and a half metres and three metres on the corner with Heavitree Road;
- the Highway Authority was satisfied with the highway arrangements and did not consider that there was a safety issue at the Gladstone Road/Heavitree Road junction. Therefore, it had no reason to object to the proposal; and
- landscaping was a reserved matter and would be controlled to the satisfaction of the Committee by condition. A detailed landscape strategy had been submitted but this could be improved at reserved stage such as better biodiversity.

The Director City Development provided the following concluding points in support of the recommendation which was for approval, subject to a Section 106 Legal Agreement and the conditions as set out in the report.

- a high quality design;
- optimises a brownfield site in a strategic and highly sustainable location;

- the development would deliver a number of substantial economic, social and environmental sustainable benefits through employment, residential accommodation likely to be in the price range of young people who cannot obtain a mortgage, purpose built student accommodation that reduces the need to convert the existing housing stock to Houses in Multiple Occupation (HMO's), the provision of 20% affordable housing and the re-use of a brownfield site in a sustainable location that reduces the need for reliance upon car travel;
- it contributed towards meeting the five-year land supply;
- the buildings were designed by UK based architects with a strong international track record and who had designed a strong and bold architecture, appropriate for an ambitious and confident city like Exeter;
- it would repair some of the urban fabric along a key gateway to the city centre;
- the proposal had been developed with reference to the Design Review Panel that had supported the scale, massing and density; and
- the corner of Heavitree Road/Gladstone Road acts as a focal point and announces the approach to the city centre.

Councillor Vizard, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- this was a major application which, while it was a private development, would have a serious role in defining the City's aspirations for development of the key Heavitree Road corridor under the Liveable Exeter plans;
- whilst the need to maximise capital receipts was understood, it was disappointing that the Police and Crime Commissioner's office should grant an option to a tender that proposed a high profit, low aesthetic contribution to a key corridor in the city by seeking to impose two monolithic blocks rather than an alternative, high quality, sustainable, green development in keeping with the Council's own vision for its city. A high quality development of family homes would have generated far less local objections;
- it was an application for two monolithic blocks for students and Co-Living that would eliminate the existing green, tree lined buffer to Heavitree Road, would impact severely on the residents of Higher Summerlands and St. Matthews Close, and clash with the St. Luke's campus university site and surrounding St. Leonard's, Higher Summerlands and Mont Le Grand Conservation Areas;
- student developments were sensitive and the City had to provide PBSA housing to meet the need of an increased student population that was outside of the Council's control, or there would be an overwhelming conversion of family homes to HMO's across the city centre wards. The concern was the spread of PBSA from the city centre Paris Street quarter to Heavitree Road which ran through the neighbourhoods of Newtown and St. Leonards;
- with Co-Living came a reduced percentage of affordable housing and a huge additional burden on local amenities given that the proposed courtyard areas "*would not alone adequately cater for the outdoor amenity of residents*". As not a single Co-Living flat had yet come on line in Exeter this was an unproven model for lower cost housing;
- despite the amendments to the scheme, it remained a huge development that would fundamentally change the landscape of the area. Its blandly, modern, suffocating frontage would dominate and impact the historic and much-admired architecture and aesthetics of the St. Luke's campus building opposite. The Council's heritage officer states had stated that this development would harm the setting of the locally listed St. Luke's Chapel building opposite and the Conservation Areas;
- an attempt to retain the grass and tree-lined buffer to the edge of the road would have better followed the example of the Waitrose and Atlas House sites

which were both set back with some soft landscaping and trees and a more pleasing visual amenity;

- the long-standing residents of modest, mixed housing on Higher Summerlands and St. Matthews Court would be faced with an overbearing and intrusive block, just a few metres away with a loss of vital visual amenity. It was not an appropriate scale and massing regardless of design choices around windows or gable ends, and should be refused;
- the mature tree loss and associated harm to biodiversity was not mitigated by the new planting on site, and the loss of the trees on the Heavitree Road frontage would be felt acutely by residents and visitors to the area. The blocks did not meet the aims or criteria of the NPPF in achieving well-designed places as they did not *“function well and add to the overall quality of the area, they are visually attractive, unsympathetic to local character and history and fail to establish or maintain a strong sense of place”*;
- the volume of additional residents will impact adversely on the residents of Newtown and St. Leonards as local amenities were already stretched. Whilst the contribution to local amenities in the form of ‘enhancements’ is welcomed, the size of Belmont Park cannot be increased. Any game-changing development on this scale needed much clearer thought about the provision of outside space and local amenity. Additional community green space was needed to provide the health and wellbeing needs of the community with the additional homes and residents likely over the next 20 years;
- the application also fails on another NPPF criteria, namely to *“optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”*;
- even with Section 106 contributions, this application did not meet the needs of the public realm or local amenity. It would be far better if the site owner and developer were to consult with the City Council and bring forward the kind of sustainable, Garden City concept set out in the Liveable Exeter vision. Through that vision, the Council rightly aspired to an excellence in architectural design, sustainable new homes and a greener environment with more public outside spaces. A key site that could be a beacon of good design for this model and set the ball rolling for the Garden City, would, instead, inflict a hugely damaging blow to the Council’s bold and imaginative vision;
- it could be argued that this site is of such significance and importance, it needed a site-specific policy and extensive discussions to ensure the development brought forward is suitable. Planners and developers should return to the table to discuss something that truly enhances the area, the community, health and wellbeing and visual amenity; and
- there were serious concerns about the scale, mass, design, impact on local amenity and on neighbouring residents and its failure to meet the Liveable Exeter vision. It was not the right development for this landmark site and had the potential to harm the city gateway and the local community.

Responding to a Member’s query, Councillor Vizard felt that the amenity space within the development itself was inadequate for the 1,000 plus residents proposed and that, should they use alternative open spaces such as Belmont Park, this would be an added pressure on the park itself.

Councillor J. Moore, having given notice under Standing Order No. 44, spoke on the item. She raised the following points:-

- the Police Station site does need to be re-developed but this development is not right for Exeter;
- it is huge, overbearing and in no way sympathetic to, or in keeping with, it's surroundings. It was not in keeping with the attractive St. Luke's campus or nearby housing. Unlike the building on Gladstone Road - the Gorge - this development would entirely change the feel of a key route into the city. It is also significantly larger and higher. The green tree lined banks would be replaced by oppressive, looming buildings;
- whilst classed as brownfield, it had a substantial green presence with mature trees which provide an important continuity of a green corridor towards the city centre. The development would build close to the edge of the site, entirely disregarding the importance of the green spaces;
- whilst replacement trees would be planted, a plan for the planting should have been provided. The destroyed trees would be replaced on a one to one basis but the established trees would be replaced by far smaller specimens which will take many years to reach a similar size. The blossoming of the trees along Heavitree Road would be lost;
- oppose maximisation of profits. Better sized housing, designed around the wellbeing needs of residents and neighbours were required;
- the disabled parking is at the back of the building while the disabled access to the building itself is at the front of the block;
- once occupied, the development would put pressure on nearby parks and green spaces, for example, Belmont Park was often extremely crowded. A financial contribution towards park maintenance cannot make existing open space any larger;
- as well as very limited outdoor space, residents of this development would have living spaces with windows on just one side of their room. Those looking out onto Heavitree Road, would have views of an air polluted road. Residents within the property also have uni-directional windows and therefore in close proximity to, and overlooked by, potentially hundreds of neighbours. Some windows facing each other were just 15 meters apart whereas the national standard between on-looking aspects is 22 metres. A Co-Living development did not make this inter-visibility between the private apartments acceptable;
- the Gladstone Road/Heavitree Road Junction is a pinch point and pedestrians waiting to cross the road to Waitrose will have to share a pavement with students moving between lectures, whilst also competing for space with cyclists using this as a cycle path in two directions. Public safety would be compromised;
- the Gladstone Road Co-Living development - the Gorge – had set a precedent for this low standard of housing. It is wrong to approve permanent dwellings of just 18 square metres which is under national space standards. The Co-Living concept was untested and unlikely to provide comfortable living conditions which meet people's wellbeing needs;
- the suggestion that the development would free up family sized homes from being houses of multiple occupancy was unlikely. The Gladstone Road development bedsits – the Gorge - had been advertised for between £926 and £1,106 per month. This was not affordable and renting a three or four bedroom house with friends would continue to be a far more affordable option; and
- to hold high standards of housing for the people of Exeter and to protect trees and green spaces the proposed development should be rejected.

Responding to a Member's query, Councillor J. Moore advised that the proposed shared space of 22 metres per resident was inadequate and such a standard may contribute to mental health problems.

Mr Tipping, speaking against the application, raised the following points:-

- there were substantive reasons to refuse the application, including the adopted Local Plan Policy H5 which should be sufficient on its own;
- the development compromised Exeter's excellent green policies on the environment, carbon reduction, and public open space as it failed to reflect a previous pledge to keep the open space, trees and other initiatives on a site similarly sited close to the city centre;
- the site was unsuitable for eight floors of student accommodation and paved the way for future applications to ignore significant issues relating to the city centre community;
- the scale, massing, height, and total loss of all existing habitat was wrong. It was a greedy scheme that grabbed every inch of the site with circulation roads pushed to the very edge. The visual impact on the neighbouring properties would be intolerable with the impact on Higher Summerland's being the most extreme;
- this green lung and habitat should be protected for all time and not cast aside to maximise the numbers of student housing units. The test for developing green open space in a city centre should be similar to developing the greenbelt by showing the impact the development had and the evidence of very special circumstances to justify the loss of the land;
- protecting city centre wild life habitat should be at the core of any emerging "Green, Carbon Neutral policy" and a very high bar and weighting should be used to justify the loss of any tree in the city centre;
- its additional three floors were higher than the adjacent Gorge which also pushes design parameters too hard; and
- the application should be refused.

Ms Allen, speaking in support of the application, raised the following points:-

- she was attending in capacity as the Treasurer for the Devon and Cornwall and Isles of Scilly Police and Crime Commissioner with responsibility for the Police Estate across the Force area;
- the Commissioner thanked the Planning authority for its engagement with the Police Estates Team and the developer for this application which covered the former Heavitree Road Police Site and Magistrates Court;
- to achieve a suitable development. a robust tendering process was undertaken by the Police Estates Team, Devon and Cornwall Police and the Courts Service involving a number of potential applicants and their submissions with support from Planning authority officers to achieve the right fit for the site and Exeter;
- the developer combination of Brookfield and Student Roost was considered the right mix based on planning officers' views and not the capital receipt;
- it was a high quality residential scheme;
- the Pandemic and current cost of living crisis had both presented significant challenges and the Commissioner was keen to support the economy of the city and to build on brownfield sites to the benefit of the wider community;
- the development would bring in £100 million to the city resulting in additional jobs during the construction and operational phase and provide some half a million of CIL funding;
- the Heavitree Road buildings were at capacity, outdated and no longer suitable and a new Police Station and custody suite had been provided on the Middlemoor site providing an up to date 21st Century environment for the public, staff and detainees. The new £30 million centre is state of the art and one of the most sustainable buildings of its kind in the UK and, coupled with a permanent

police city centre presence based at the Civic Centre, had been a successful co-location move; and

- the Police estate was a vital aspect of the policing infrastructure element and essential to ensure accessibility and visibility across the area.

Responding to Members' queries, Ms Allen stated that she was unable to advise what public consultation had been undertaken by the Police authority with the Council, University and local community prior to approaching developers. She also reported that she understood that the Co-Living community space would be available to residents in perpetuity with no requirement to hire as a bolt on to the rental and that the Section 106 Agreement would condition the availability of the affordable housing element.

A Member stated that there was a need to ensure that the community space, which equated to 2.2 metres per resident per head, could be available in perpetuity unlike the adjacent Gorge accommodation where community space had to be hired. It was noted that it was not possible to include this as a condition in the Management Plan. The Assistant Service Lead Development Management (Major Projects) advised that the affordable housing requirement would be included in the Section 106 Agreement if the application was approved.

Members expressed the following views:-

- the proposal is contrary to Policy H5 due to scale, intensity and impact on local character and street scene, Policy DG 4 residential layout and amenity and Section 130 of the NPPF relating to good design;
- internal Co-Living space of 18 square metres was insufficient and would impact adversely on the mental health of residents and the external open space would not ameliorate this problem;
- there was insufficient contribution to the NHS to help cope with the significant number of some 1,000 additional residents;
- it did not accord with Garden City expectations and the residents of Higher Summerlands will be significantly adversely affected;
- some key workers, who may also consider this accommodation option, were shift workers and may seek a quiet environment during the day which may not be achievable given the student element and shared Co-Living spaces. Many may not be able to afford the rentals;
- attracting single, potentially transient residents, may discourage families from remaining in the area;
- whilst occupants may be single initially, subsequent partners may have children leading to a need to find alternative accommodation and possible pressure on the housing waiting list as Co-Living space would be inadequate in these circumstances;
- oppose development on grounds of design, height and adverse impact on neighbouring Higher Summerlands;
- the proposal would harm the character of the St. Lukes Chapel;
- there would be a negative impact on the route into the City Centre;
- the development would block the views of Haldon Hill;
- the Exeter Civic Society had stated that the development was too high and too close to Heavitree Road;
- the removal of trees and impact on biodiversity was contrary to the Exeter's Net Zero Carbon 2030 Plan;
- there was minimal external open space and reference to the Clifton Hill golf driving range and the Magdalen Court Playing Field as available open space was misleading as they were not in close proximity to this development;

- University student accommodation should be limited to city centre sites and the two main campuses and not the Heavitree residential area;
- a further PBSA development created an impression that some areas of the city were student ghettos;
- disappointment that the applicant had not provided a representative speaker to answer technical planning questions;
- whilst PBSA accommodation was good in principle, mixing Co-Living with PBSA was a dangerous departure from policy;
- given the proximity of the Gladstone Road development - the Gorge - the proposal tipped the balance too much towards high density purpose built accommodation resulting in an unbalanced community;
- with short term tenancies it was possible that some residents could be described as transient and the principle of the development does not reflect Government guidance of offering tenancies of up to three years where possible;
- internal space of 18 square metres for the Co-living units was inadequate and disregards national space standards;
- the 2.2 square metres amenity allocated per room did not accord with the Council Policy DG4 13.4 which sets 10 square metres amenity per dwelling as a rule of thumb for flats which should also be applicable for this development and, accordingly, would not be an acceptable living standard as set out in clause 125 of the NPPF;
- the management plan was weak especially as it may result in residents being required to pay for the use of community rooms;
- welcome efforts made to reduce massing but the density and scale remained of concern and were inappropriate for the site;
- the City Council policy was to protect existing and maturing trees and the removal of the green space reflected poor urban design;
- concerned that the Co-Living concept was not being used to address the housing land supply issue;
- the closeness of the building to the pavements destroyed the street scene and should have mirrored the approach for the Waitrose store where green space remained fronting Heavitree Road;
- parking in surrounding areas would be a problem as students do own and bring cars to the city;
- a number of PBSA's in the city remained empty;
- in light of the increase of student numbers from 20,075 in 2017 to the latest figure of 27,276, the University should seek to provide further accommodation on the main site campus as well at St. Lukes itself. Additional student numbers increased the burden on community facilities and there was no evidence that new PBSA's had resulted in reductions in the number of HMO's;
- the concept of Co-Living sought to help address housing difficulties in the city and to provide alternatives to many who find the housing market very challenging. The term "transient" was an inappropriate description. The proximity to the city centre made the site suitable for a largely, car free development and there were a number of examples close to the site where properties were built up to the pavement line;
- it was very important to achieve a balance between climate change challenges and the serious housing crisis. Additional housing in the city, including that offered by the development, could provide opportunities to many who would prefer not to commute into Exeter but lived in the city and thereby reduce reliance on transport and the associated carbon footprint; and
- the Chair stated her concerns in respect of scale, massing and design and also reported that work on the Local Plan would help clarify the approach to Co-Living. In addition, there was evidence that PBSA's in the city were having a positive impact on the numbers of HMO's.

Members were therefore minded to refuse the application and the following suggested reasons for refusal were moved, seconded and carried. Members requested the Director City Development to report back to the next meeting of this Committee with the full technical reasons for refusal.

- height, massing, design, siting and landscaping of the development having an adverse impact on the surrounding buildings and the street scene of the Heavitree Road approach into the City Centre;
- insufficient usable external amenity space for both the Co-Living and PBSA accommodation blocks, allied to a failure to adequately acknowledge the wider impact on amenity space in the surrounding residential areas and also the substandard quality and amenity space offered as part of the living accommodation within the Co-Living block itself; and
- loss of trees and biodiversity.

RESOLVED that the application be **DEFERRED** for the Director City Development to report the reasons for refusal to the next meeting.

34

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Director City Development was submitted.

RESOLVED that the report be noted.

35

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

36

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday at 9.30 a.m. on 27 September 2022. The Councillors attending will be Councillors Hannaford, Lights and D. Moore.

(The meeting commenced at 5.30 pm and closed at 8.00 pm)

Chair

STRATEGIC SCRUTINY COMMITTEE

29 September 2022

Present:

Councillor Rob Hannaford (Chair)

Councillors Leadbetter, Allcock, Asvachin, Branston, Harvey, Jobson, Knott, Mitchell, K, Read and Vizard

Apologies:

Councillors Moore, J and Oliver

Also present:

Service Lead - Net Zero, Commercialisation, Skills, Business and City Centre, Net Zero Project Manager and Democratic Services Officer (SLS)

In attendance:

Councillor Philip Bialyk	- Leader
Councillor Duncan Wood	- Portfolio Holder Climate Change
Councillor Josie Parkhouse	- Portfolio Holder Leisure & Physical Activity
Councillor Barbara Denning	- Portfolio Holder Customer Services & Council Housing
Councillor Diana Moore	- Attending Under Standing Order 20
Councillor Amy Sparling	- Attending Under Standing Order 20
Dr Daniel Lash	- University of Exeter

14 **Minutes**

The minutes of the meeting held on 16 June 2022 were taken as read, approved and signed by the Chair as correct.

A Member sought clarity in relation to the proposal for a Standing Overview Group to be convened to scrutinise and tackle the challenges of the climate emergency, which warranted an appropriate mechanism. The Chair responded and advised that he would raise this matter at a forthcoming meeting of the Governance Review Board.

15 **Declaration of Interest**

No declarations of interest were made by Members.

16 **Questions from the Public Under Standing Order No.19**

No questions from Members of the public were received.

17 **Questions from Members of the Council Under Standing Order No.20**

In accordance with Standing Order No.20, the following questions were submitted by Councillors Sparling and Diana Moore in relation to the Portfolio of Councillor Wood.

The questions were circulated to Members of the Committee. The responses of the Portfolio Holders are set out in italics below:-

Question from Councillor Sparling to the Portfolio Holder for Climate Change – Councillor Wood

1. Following the announcement of Investment Zones by the Chancellor of the Exchequer last week, please can the leader confirm what their response to the Treasury will be and can we be assured that it will not include a request to relax planning regulations within Exeter, minimising the need for planning applications?

The Leader advised that this matter was being viewed as a matter of urgency. The Upper Tier authorities (including Devon County Council) have received a letter inviting them to work with districts and partners to bring Investment Zones forward, in addition to the 38 announced in the mini-budget. There is further information on the web at [Investment Zones in England - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

At the moment there was no identified process, but Devon County Council had requested that the City Council identify any sites that could potentially be included in such a proposal. Officers were exploring how an investment zone could support the long term viability of sites including those identified as part of Liveable Exeter. He was mindful of the possible deregulation in planning and certainly did not want to surrender any powers.

Councillor Sparling asked a supplementary question regarding the opportunities for strengthening planning regulations through this investment.

The Leader advised that the Council always consulted on planning changes, but they were not always presented to Committee. The appropriate response would be made in respect of the Investment Zones.

Questions from Councillor Diana Moore to the Leader - Councillor Bialyk

1. How many planning performance agreements does the Council have in place? Of these, and in principle for any future agreements, what proportion of the costs of such agreement are/will be funded by the developer?

The City Council used Planning Performance Agreements (PPA's) as a project management tool to agree timescales, actions and resources for handling large scale and complex planning applications. Government guidance encouraged the use of PPAs which could be particularly useful in setting out an efficient and transparent process for determining this type of planning application. The Government also encouraged joint working between applicant's and the local planning authority in this way, which could also help to bring together other parties such as statutory consultees.

In accordance with Government guidance, the City Council would make the existence and content of these PPA's publicly available on its website, so that the agreed process and timescales were transparent. Any PPA's included on the website had been agreed voluntarily prior to any application being submitted, and provide a focus for pre-application discussions about the issues that would need to be addressed. In most cases the documents had been redacted to remove personal data and sensitive commercial information, including the proportion of any costs of such agreement to be funded by the applicant/developer. Currently the City Council had one live PPA relating to land

at Water Lane and made between the City Council and Cildara (Exeter) Group. A redacted version would be uploaded shortly.

Councillor Moore sought further clarification on the response which had been about the principle and proportion of the contribution in general that developers make towards additional services offered by the Planning Department.

The Leader stated that commercial information including the proportion of any costs of such agreements to be funded by the application were not included. Further information would be obtained from the Director City Development.

2. What are the outputs and outcomes against which the success of secondments of two senior management team members to Exeter City Futures will be assessed?

The fundamental challenge facing all cities to get to Net Zero was clearly one of leadership, it was a goal that requires funding and resources and a range of policy issues that transcended any single organisation. An important outcome for myself as Leader was to continue the work of cross institutional collaboration. As someone who had contributed so much time working with fellow Devon leaders on various initiatives designed to secure funding from government, the Leader said he could testify to how challenging it can be to simply keep everyone on board and working together. The second ingredient of success was to get a degree of clarity about the potential to secure in the medium to longer term, the resources for supporting the Net Zero work. The Council did not have the funding and there was little confidence from Government that funding or policy would be forthcoming to support the ambition of a 2030 goal.

Exeter City Futures was attempting to build capability and willingness to pursue actions and programmes designed to achieve a net zero future in the absence of statutory requirements to do so. The two senior members of staff were working with other organisations and private sector companies to explore ways of addressing the net zero challenge in the absence of funding or other resources. However, the City Council could not make decisions in the key sectors that required the investment, whether it be transport or buildings and would require a number of parties to consent to innovation. The Leader said he would take stock at the end of the secondment of the appetite to explore opportunities.

Over the coming weeks a number of workshops would be held to explore options for transport, battery charging infrastructure, and district heating. He expected the two Directors to advocate for change, to support those businesses looking for support from the city council. He also expected them to test different approaches but equally was mindful that innovation required people to be given a supportive environment to try new things. If principal parties declined to attend events or decline to commit resources to the task, that would give him something to think about at the end of the secondment. He had asked the staff to work with the College on green construction and to support collaboration in pursuance of a pipeline of retrofit work. This work contrasted with the work on the Council's own housing stock where the funding and resources were provided by the Housing Revenue Account (HRA) and where no additional levers were required. At the end of this period, the Leader said he would take a view on whether a community interest company (CIC) as a vehicle to support collaboration was sufficient for the task.

There were specific targets associated with programmes such as the Change Makers programme and the City Fund, but more broadly he thought it was

appropriate to remind Members that we are attempting to do what no other city had done, and the Council had very modest resources to deploy to the task.

Councillor Moore asked a supplementary question about the Director roles which had been focusing on the Exeter Development Fund and the Liveable Exeter sites, and sought clarity on the proportion of their time focused on achieving Net Zero.

The Leader was aware that the Directors' contribution far exceeded the usual working week. He did expect them to deliver the various projects that the Council wanted to do and referred to the commitment already made by them. Already this week he had attended an event with them, organised by Exeter City Futures for businesses from around the city. He said those businesses were inspired by what the Council were trying to do and were very supportive. He referred to the determination of this Council to work towards achieving Net Zero 2030 with those partners in Exeter.

3. What is the cost to the Council of these secondments? How much is Exeter City Futures contributing to the costs of these secondments? Have any council budgets been associated with these ECF seconded roles and how much are these?

Council had approved up to two days of the Chief Executive & Growth Director and up to three days of another Directors' time. The maximum cost of the secondments would be £112,000 for 12 months. However in practice the two Directors did not work on a fixed number of hours in support of the work of Exeter City Futures. The work flowed across the week and the Directors worked to ensure the business of the City Council was maintained. The nature of the work of the Directors was that they did not work standard hours, but work consistently well beyond their contracted hours as the work necessitates. Exeter City Futures was not contributing to these secondments, the time of the officers was Exeter City Council's contribution in what was undertaken. The budget for this work was agreed by Council last year and there was no work that was not being done as a consequence of their secondment.

18 Portfolio Holder Reports

Councillor Bialyk as Leader and Councillor Wood as Portfolio Holder for Climate Change reported on their respective areas of their Portfolios, which detailed the Council's published priorities, major ongoing programmes of work, issues impacting delivery, financial performance and budget requirements and potential changes being considered.

Councillor Bialyk, Leader presented his report and the following responses were given:-

- a review of the charging schedule for Community Infrastructure Levy (CIL) had to be evidential based and tested by an Inspector. The proposals will be presented to the Executive. There is expected to be a revised charge for Purpose Built Student Accommodation (PBSA) and Co-Living.
- he had asked the Portfolio Holder Communities and Homelessness Prevention to make a comment on the cost of living crisis at the forthcoming Executive of the challenges ahead and the impact on families and people in and around Exeter. As a local authority, the City Council needed to be as ready as possible to support people where and how ever was possible.

Councillor Wood as Portfolio Holder for Climate Change presented his report and responded to the request that rather than just lay over at St James Park, that the Barnstaple train return to Pinhoe and take passengers back to Central Station before carrying on its journey. Councillor Wood thanked the Member and advised that the County Councillor Lead Member for Transport had been made aware of this suggestion and the Leader had also offered to follow it up.

The following responses were also given to Members' comments:-

- he would seek further information on the Council's role on the Community Energy Project Pilot and on any links between that and Exeter College's retrofit skills project.
- training for the Carbon Literacy Programme was being rolled out for Members and officers shortly.
- Net Zero challenges were being faced by many local authorities, but Exeter City Council were one of the few looking to resolve the huge task ahead, including working with businesses and residents who would be asked to make a lifestyle change when many were already facing financial difficulties. Two of the Council's Directors, with the cooperation of Exeter City Futures, were working to facilitate the partnerships needed to drive this forward with very little funding. Meeting an earlier timeline of 2030 meant fewer of the legislative advantages were likely to be available in advance of the Government's 2050 climate change deadline.

The Portfolio Holders' reports were noted.

19 **Working Towards Net Zero - Exeter City Council's Corporate Carbon Footprint Report and Carbon Reduction Action Plan**

The Net Zero Project Manager presented a report on the work of the Net Zero team which would both assess the Council's potential to achieve its commitment for its own corporate activities to be Net Zero 2030 and to deliver the City Council Carbon Reduction Plan, which was attached to the report.

The Net Zero Project Manager introduced Dr Daniel Lash, Senior Research Fellow, Centre for Energy and the Environment from the University of Exeter who also attended the meeting to present the Council's Corporate Carbon Footprint report - 'Achieving Net Zero' which had been commissioned by the City Council offering an analysis of the Council's own corporate operations and estate and associated greenhouse gas (GHG) emissions. This had been a huge undertaking where Dr Lash and his colleagues had met with officers from each service throughout the Council including Housing, Corporate Property, Procurement and Fleet Services to discuss their operations. The report also set out the challenges including financial constraints and staff capacity, and had helped to inform the Council's Corporate Carbon Reduction Plan. The Plan included a number of potential actions and also offered the opportunity to track and measure activity across of the services as well as information included in the City Council's Net Zero Risk Register.

Dr Lash advised that the commission had offered the opportunity to look at what Net Zero meant in terms of Exeter City Council's own carbon footprint by 2030 and outlined the main themes of the report. (A copy of the presentation was attached to the minutes.) The approach was taken to update the Council's carbon footprint from the assessment made in 2018/19 and assess the potential to reduce these emissions across seven sectors including:-

- non-domestic buildings

- council owned housing
- transport,
- procurement,
- F(fluorinated) gases,
- waste,
- renewable energy and
- land use change/afforestation.

Dr Lash responded to Members' questions:-

- in terms of the time anticipated for an offset of carbon by St Sidwell's Point, (SSP) the carbon emissions were an estimate based on the cost of the actual building which had been built to a high Passivhaus specification. The reality would be quite different and a fairer comparison of the carbon emission was with the former Pyramids Leisure Centre which had been a facility at the end of its operational life. The Net Zero Project Manager added that SSP included additional monitoring and would be measured as a separate piece of work.
- with regard to Scope 3 emission, data collection was challenging and most contracts would only run for a specific period of time. In terms of referencing the quality of the data most suppliers would adhere to a regulatory regime regulation and would have their own carbon footprint to consider. Looking at simple spend factors was not enough and should include life style emissions to ensure a smart decision. It was hoped that suppliers would start to collate that information. His colleague, Peter Lefort from the University, was leading a consortium of public sector and other organisations who were looking at Scope 3 emissions. The Service Lead Net Zero & Business added that a review of an accreditation scheme called Green Accord and was working with the Council's Procurement Team to encourage an increased take up of the scheme. This would also have the added benefit of improving the level of data held on local businesses and the Council's carbon emissions.
- the average price for installing a heat pump would depend on each building, but it was anticipated to be in the region of £5,000 to £10,000 depending on the size of the property with any preliminary works an additional cost. Heat pumps did not perform well in poorly insulated dwellings.
- there were issues for the energy grid accommodating more charging points for electrical vehicles, with either street charging points or private off street charging on individual driveways to flatten the load on the infrastructure by charging in off peak hours. Wholesale movement towards electric vehicles and heat pumps would put pressure on the grid, but potentially local energy generation through solar panels would help manage this.
- the main focus of the Government's overarching projections and focus of the production was on electrical vehicles, however if that changed other options such as hydrogen or methane could be considered.
- hypothetically, land offered carbon savings with the planting of more trees, but in the case of the City Council, the 25% of planting on Council land would only offer an offset of 7% of the residual carbon.
- the Carbon Action Plan offered an example of tree planting in the Valley Park but would require a detailed business case and no budget had been identified.
- the figure of building carbon neutral homes in the report was the number of City Council properties and would become part of the Council's footprint rather than all of the homes identified in the Local Plan. The Member who raised this considered that a clarification should be made.
- the reference in paragraph 8.3 of the report, on future opportunities for Non Domestic photovoltaic (PV) generation from using a site as part on the University's campus would be checked. The Net Zero Project Manager would

clarify the detail, as the projection was hypothetical and she advised the site was owned by the City Council and used by the Devon Wildlife Trust.

- a Member's suggestion of harnessing hydro power from the River Exe would only offer a relatively small amount of power. It was not included in the Carbon Reduction Plan as a number of factors including land ownership as well as a high cost for a relatively small yield were barriers.
- the Net Zero Project Manager explained the Carbon Reduction Plan did not currently include timings for implementation of any proposals, but offered the opportunity to select proposals or tasks based on the available resources and technology. The final column of the action plan did include an update on projects that were being delivered. She also advised that the Net Zero team had contributed to the discussions as part of the preparations for the Exeter Local Plan. It was anticipated that the team would continue to provide more feedback as the consultation progressed.

Members made a number of comments including:-

- the importance of having another opportunity to discuss all of the Council's plans, strategies and policies in relation to climate change in one place;
- the Carbon Reduction Plan offered a good starting point for any future discussions and there was an acknowledgement of the good work already taking place which was all progress towards reaching the Net Zero 2030 deadline, and
- St Sidwell's Point (SSP) enjoyed a number of net benefits from the Passivhaus specification and had enabled the closure of an older leisure centre which had become expensive to maintain.

The Service Lead Net Zero & Business advised that the management of car parking was now in her team, and offered an oversight of the balance to be struck between achieving Net Zero 2030 and retaining the level from income car parking to deliver wider City Council services. She responded to a Member's enquiry over the scope for charging points for electric bikes in the city's car parks. She added that they were looking at options to install additional charging points in the Council's car parking network to help improve that option in more densely populated areas of the city.

The Chair thanked the Net Zero team and Dr Lash for an informative presentation and he looked forward to a further update in six months' time.

Strategic Scrutiny Committee noted the following:-

- (1) Corporate Carbon Footprint report, and Members acknowledged the detailed analysis and improved data provided on previous year's reports, but also the challenge to improve data capture across the whole organisation. The projections reinforce the measures required across all Council activities, and that organisationally achieving Net Zero in such a short timeframe is extremely challenging;
- (2) acknowledged the scale of the challenge set out in the Carbon Footprint Report and combination of aggressive carbon reduction measures included in the projections which will require a step change in Council policy, activity, and capacity;
- (3) acknowledged the importance of the Carbon Reduction Plan, work already in progress, and service wide commitment required to deliver net zero, with a dedicated team to lead on activity. Equally, the need to undertake an annual

- assessment of the Council's GHG emissions to monitor, identify change and evaluate actions needed to deliver net zero, and
- (4) that to achieve Net Zero by 2030 will require an increase in capacity, financial investment and operational resource, both internally and from government at a national level.. Whilst the carbon footprint provides accurate carbon reduction measures, the precise amount of resource needed is currently unquantifiable. This will require a detailed investment plan based on costed proposals.

20 Progress Report Shared Prosperity Fund - Update

The Service Lead for Net Zero & Business presented the first of an update on the Shared Prosperity Fund to Strategic Scrutiny Committee, which she would continue to update every six months. The report set out progress made in developing a three year investment plan to release Exeter's UK Shared Prosperity Fund (UKSPF) allocation. A breakdown of the £1,403,877 sum to be allocated to Exeter had been submitted to the Department of Levelling Up Housing & Communities (DLUHC) on their online portal by the deadline of 1 August 2022 with confirmation of the allocation was currently awaited. The investment plan had been developed around three themes of Communities and Place, Supporting Local Business and People and Skills with consultation with the city's business network to identify the interventions. The report highlighted the challenges faced and also opportunities in developing interventions for Exeter. Additional guidance had been received from DLUHC including procurement, subsidy control and monitoring and evaluation. Discussions were taking place with City Council colleagues in finance, legal, procurement and executive support to ensure they were working within the new and updated guidance.

The following responses were made to Members:-

- in terms of businesses delivering interventions, it was intended that an open tender would be issued to the business community to commission local companies to deliver business support and people and skills interventions.
- the people and skills element of the plan would come in year three in April 2024 with time to put together a programme of works to support people into work, including those with a disability. She noted the Member's comment on widening to people with special and additional needs and of an example of such support through a hub in Honiton. It was important to identify ways to offer such support which was likely to be on a one to one basis. There was the opportunity to do something very specific in Exeter.
- in speaking to the business organisations in the city such as the Chamber, InExeter, the Federation of Small Business and the Job Centre, since the advent of Covid, the cost of living crisis and the way people live their daily lives there had been a shift to more people taking on additional second jobs. The tight labour market offered opportunities for individuals to be more selective in accepting new jobs.

The Service Lead Net Zero & Business would follow up a matter raised at Strategic Scrutiny Committee earlier in the year relating to the future of the Job Centre in Clarendon House and circulate an update on the front and back office provision to Members.

Strategic Scrutiny Committee noted and supported the following:-

- (1) progress made in developing an Investment Plan, to support Building Pride in Place and Increasing Life Chances in Exeter; and

- (2) the Service Lead for Net Zero & Business would provide an update to Strategic Scrutiny every six months on the delivery and management of UKSPF, the next report being in March 2023.

21 **Scrutiny Programme Board Annual Report**

Councillor Vizard, as a member of the Scrutiny Programme Board presented the report which offered an annual update in respect of the Scrutiny work achieved during the municipal year 2021 – 2022 which was attached to the report.

The Annual Scrutiny Report provided the Scrutiny Committees with an opportunity to:-

- monitor the progress of the Scrutiny function and process at Exeter City Council;
- comment upon the progress and direction of Scrutiny over the past year and into the future;
- ensure that the Scrutiny Committees were kept up to date on the Task and Finish Groups and what they have achieved;
- and offer an illustration of how effective Scrutiny can contribute towards an accountable, transparent and democratic process.

Strategic Scrutiny Committee noted the Annual Scrutiny Report 2021-2022 which would be presented to Executive to note and to recommend to Council to approve.

22 **Forward Plan of Business**

Members noted the Forward Plan.

The meeting commenced at 5.30 pm and closed at 7.50 pm

Chair

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Achieving “net zero” for Exeter City Council’s corporate carbon footprint by 2030

ECC Strategic Scrutiny Committee
29th September 2022

Dr. Dan Lash
Centre for Energy and the Environment

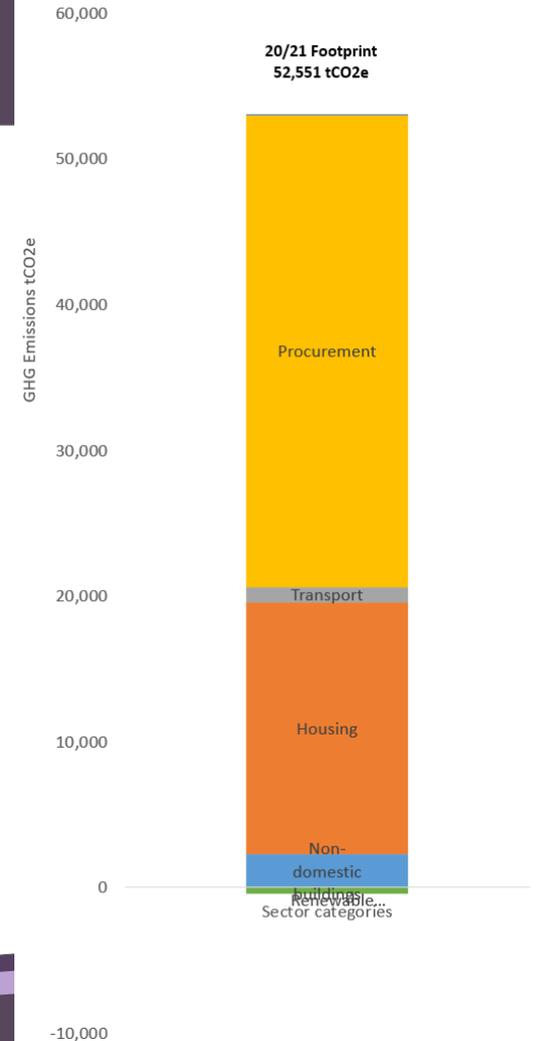
Corporate Carbon Footprint Scope

- ECC declared Net Zero by 2030 (**corporate footprint** direct and indirect emissions including supply chains)
- UoE commissioned to assess potential to achieve this
- Assessment based on:
 - Consultation of key ECC documents and data sources
 - Appraisal of central Government policy
 - Input from ECC service leads and officers

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Analysis split into seven sectors:

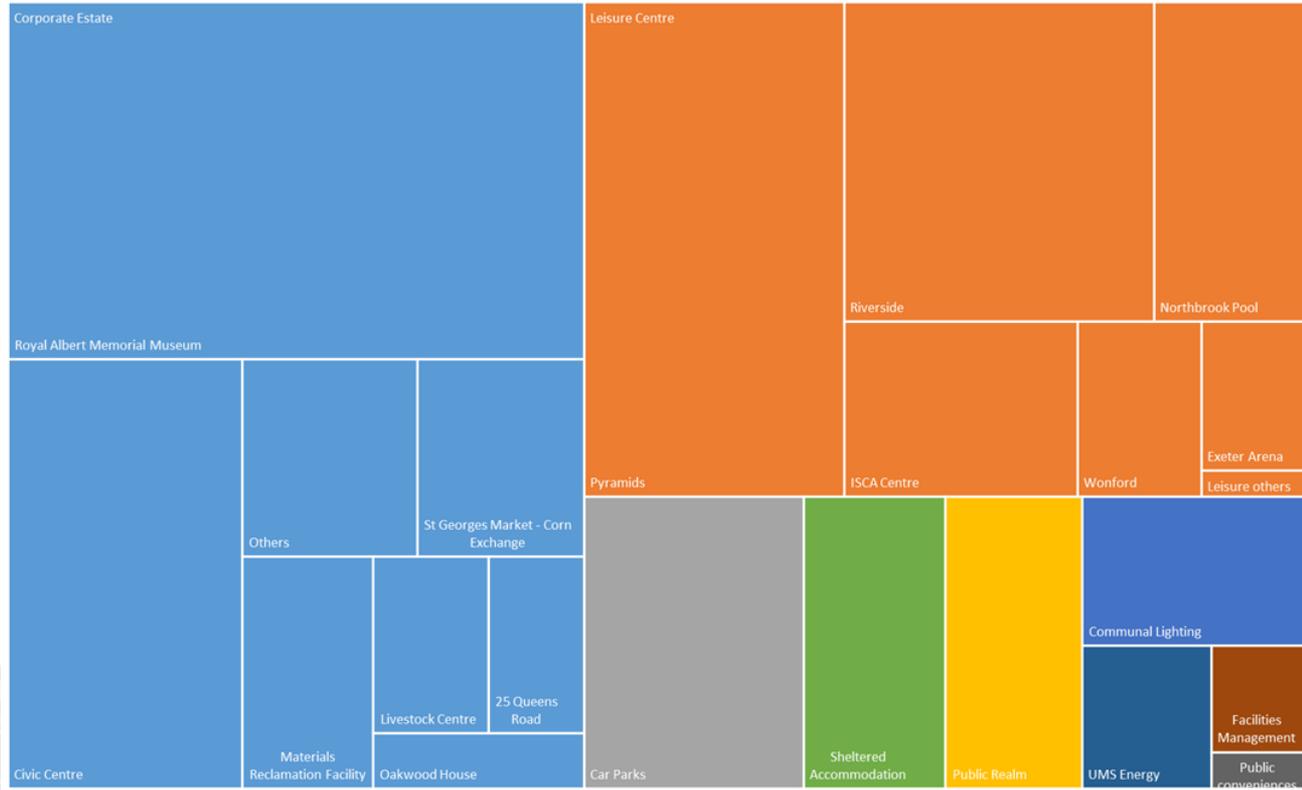
1. Non-domestic buildings (4%)
2. Housing (33%)
3. Transport (2%)
4. Procurement (62%)
5. F gas and waste (< 0.1%)
6. Renewable energy (offsets < 1%)
7. Land use change and afforestation (0%)



Non-Domestic Buildings



- Corporate Estate
- Leisure Centre
- Car Parks
- Public Realm
- Communal Lighting
- Sheltered Accommodation
- UMS Energy
- Facilities Management
- Public conveniences

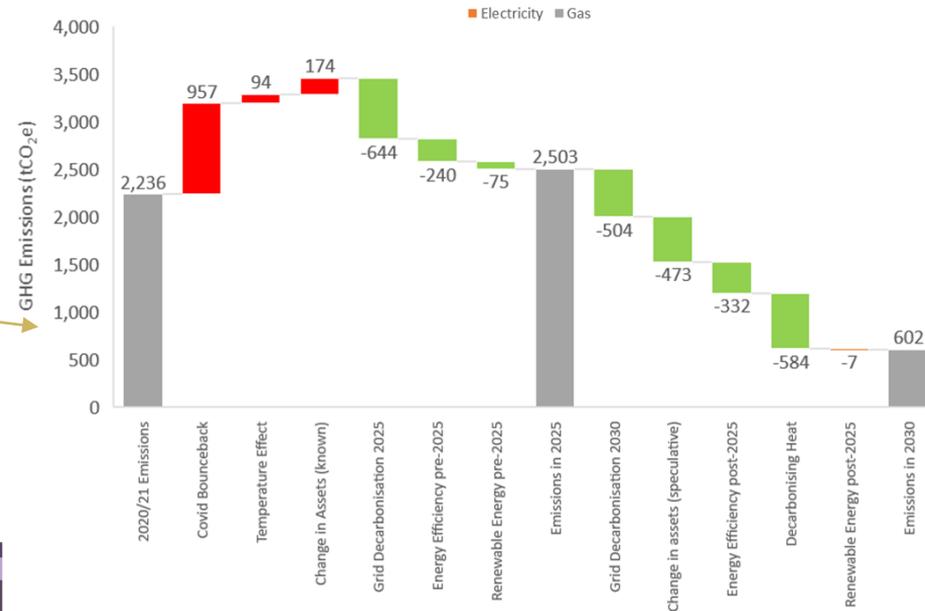
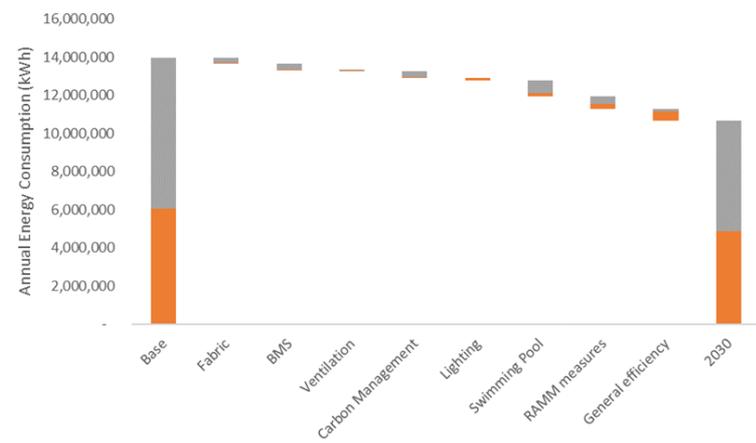


Non-Domestic Buildings

- Data to building level good
- 80% from “corporate estate” and “leisure centres”
- 60% emissions electricity, 40% gas

Opportunities:

- Grid decarbonisation
- Asset management/change
- Energy efficiency
- Renewable energy
- Decarbonising heat

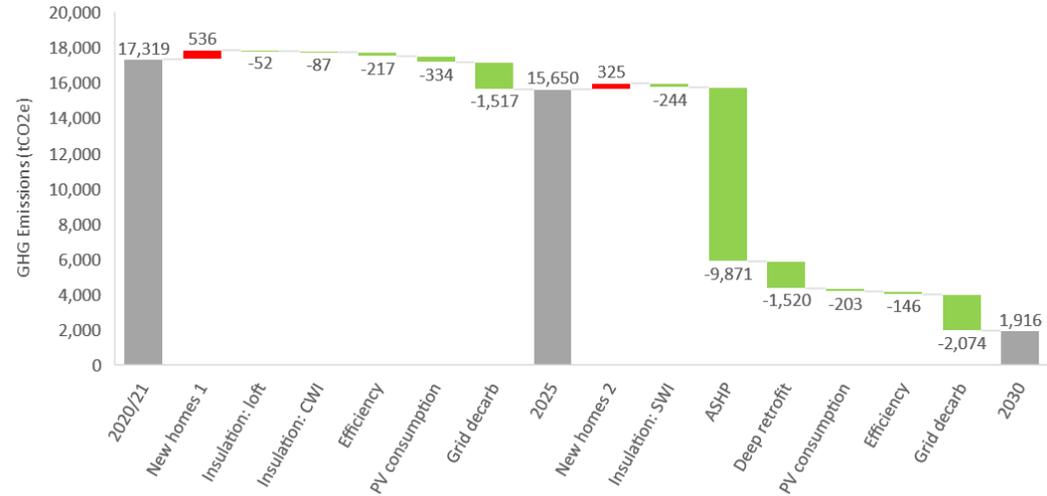


Housing



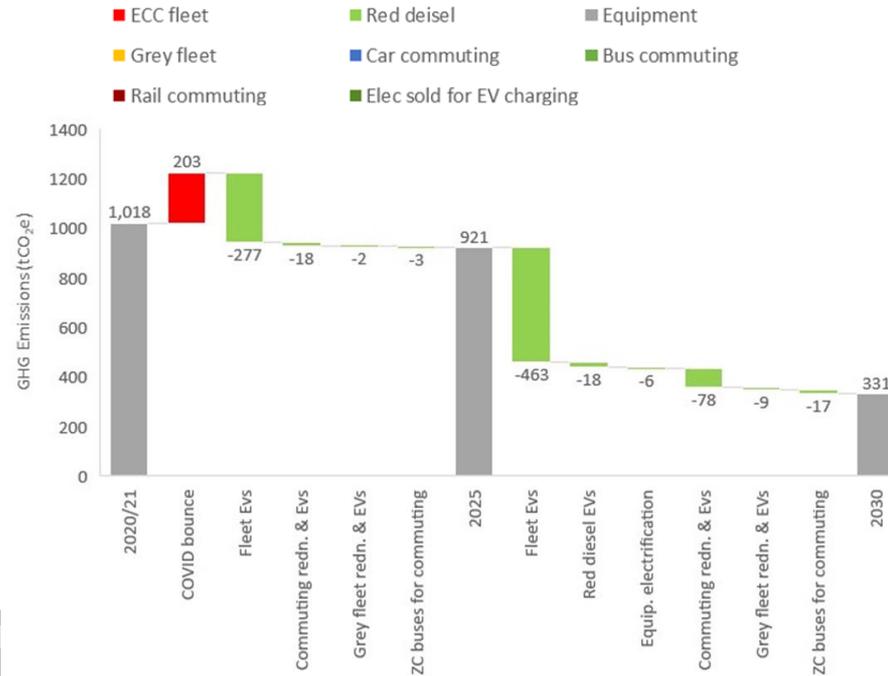
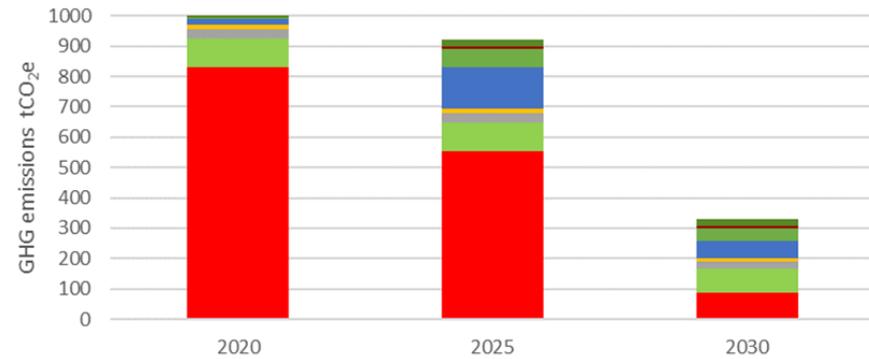
- ECC own but don't occupy so emissions estimated from detailed address level analysis of EPC records
- Approx. 75% emissions from gas
- Opportunities
 - Continue building to Passivhaus
 - Small potential for “easy” cavity and loft + other efficiency
 - Apply solid wall insulation (not many cases)
 - Replace gas boilers with heat pumps
 - Whole-house deep retrofit
 - Maximum PV to every dwelling
 - Benefits from grid decarbonisation

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Transport

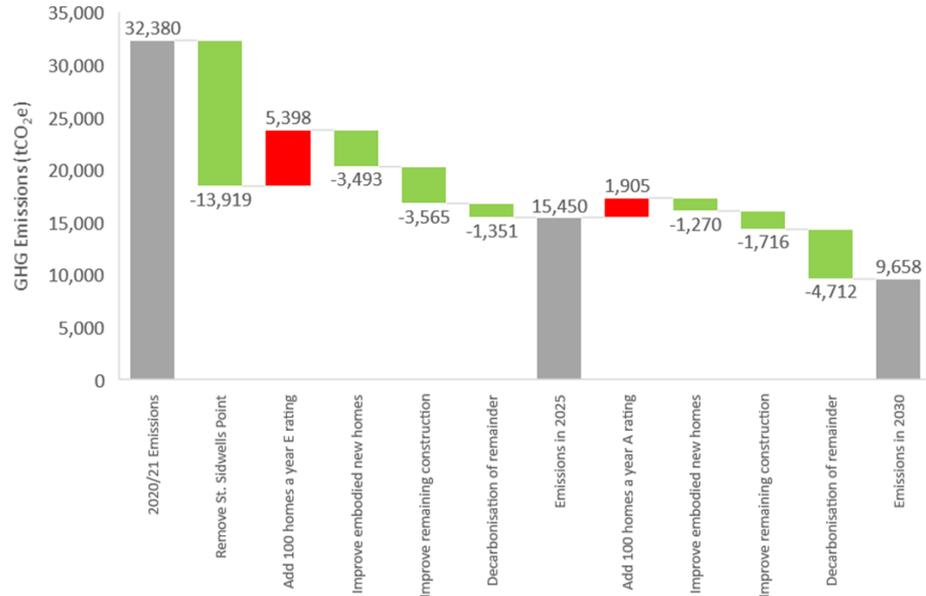
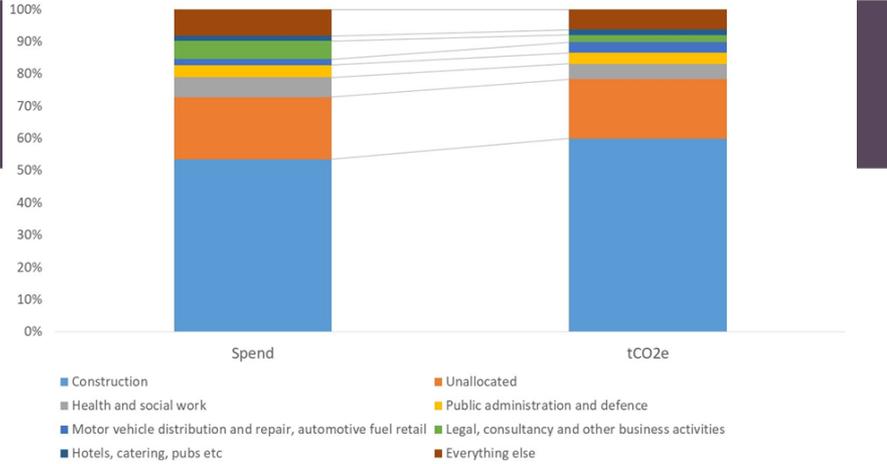
- Direct (ECC owned):
 - Mainly refuse vehicles (58% of direct), also street cleansing (16%) and public and green spaces (25%)
 - Predominantly diesel in vehicles + small amount petrol equipment from green space team
- Indirect (Scope 3):
 - Business travel and grey fleet = small
 - Commuting small though post-Covid more significant (also data less good here)
- Opportunities:
 - Decarbonisation of ECC fleet at replacement inc. refuse vehicles (100% electric by 2030)
 - Reduction in mileage and electrification of business and commuting miles (cars and buses)
 - Some electrification of specialist equipment



Procurement

- Based on £72 million of spend
- Only 4% of this could be calculated using activity data; rest inaccurate “spend method”
- 60% emissions from construction
- Opportunities:
 - Improve data capture (e.g. ask for emissions for contracts > £50k...would capture 82% of spend)
 - Consider the need for new buildings as opposed to reorganising/extending life/refurbishing existing
 - For construction set embodied carbon targets
 - For everything else use emissions as part of selection process

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Procurement Examples



Upfront Carbon, A1-5 (exc. sequestration)

Band	Office	Residential	Education	Retail
A++	<100	<100	<100	<100
A+	<225	<200	<200	<200
A	<350	<300	<300	<300
B	<475	<400	<400	<425
C	<600	<500	<500	<550
D	<775	<675	<625	<700
E	<950	<850	<750	<850
F	<1100	<1000	<875	<1000
G	<1300	<1200	<1100	<1200

need; explore
come

optimise
extent of new

Embodied Carbon, A1-5, B1-5, C1-4 (inc. sequestration)

Band	Office	Residential	Education	Retail
A++	<150	<150	<125	<125
A+	<345	<300	<260	<250
A	<530	<450	<400	<380
B	<750	<625	<540	<535
C	<970	<800	<675	<690
D	<1180	<1000	<835	<870
E	<1400	<1200	<1000	<1050
F	<1625	<1400	<1175	<1250
G	<1900	<1600	<1350	<1450

aterials;
consumption

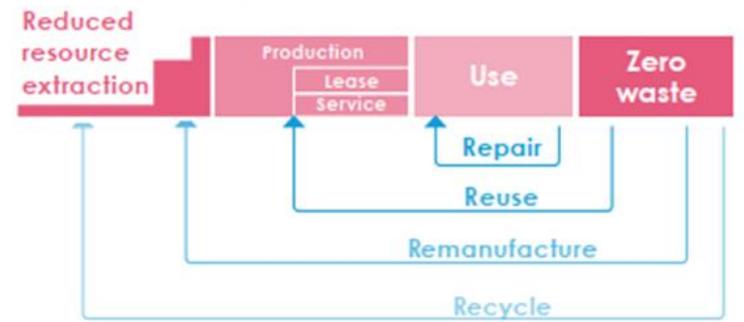
chnologies;

All values in kgCO₂e/m² (GIA)

Linear Economy



Circular Economy



F Gas and Waste

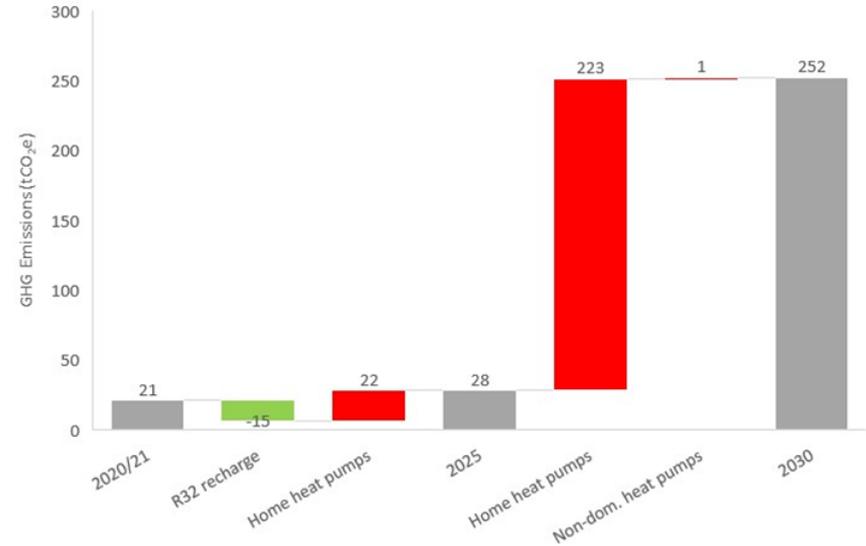


- Waste
 - Only considers own corporate waste
 - No data for corporate waste; estimates used
 - Waste GHG emissions depend of disposal method
 - Waste GHG emissions estimated at 103 tCO₂e for landfill 3 tCO₂e for non-landfill; Non-landfill disposal assumed

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F Gas

- Some F gas data on leisure sites with estimates for corporate sites
- 3% annual leakage rate assumed
- F gas GHG emission estimated at 18 tCO₂e
- Future issue is leaks from new heat pumps

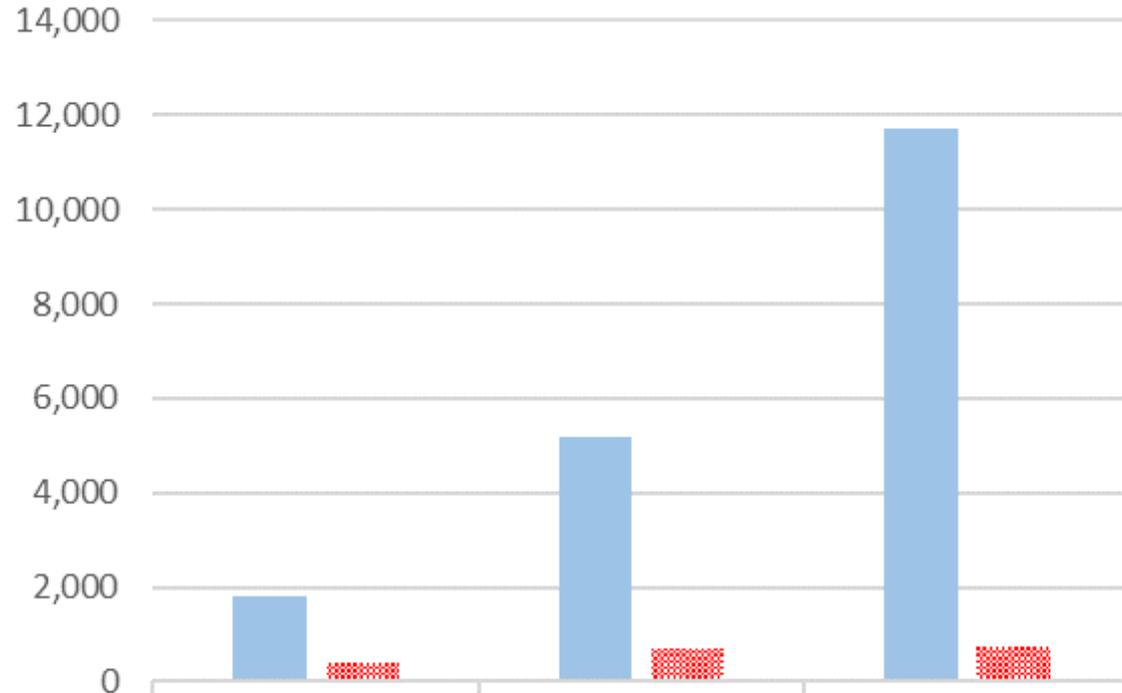


Renewable Energy

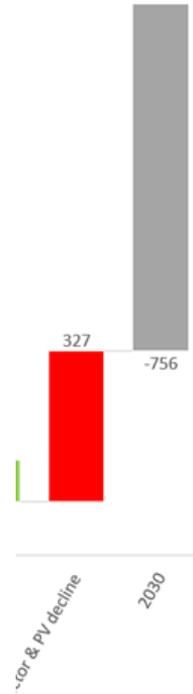


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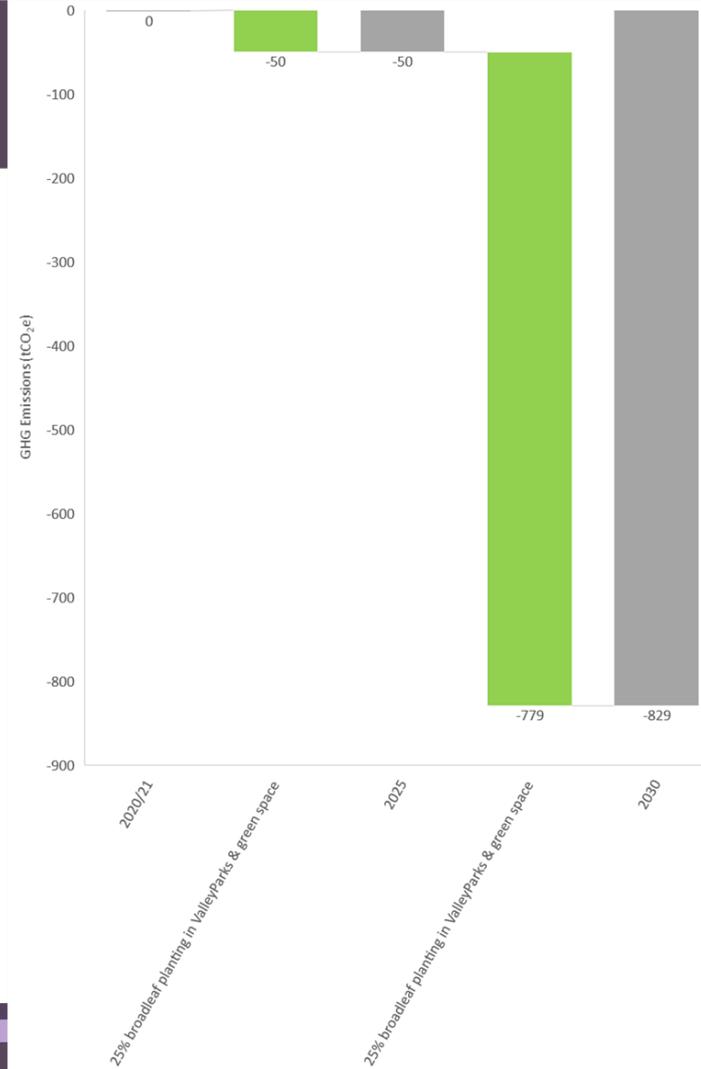
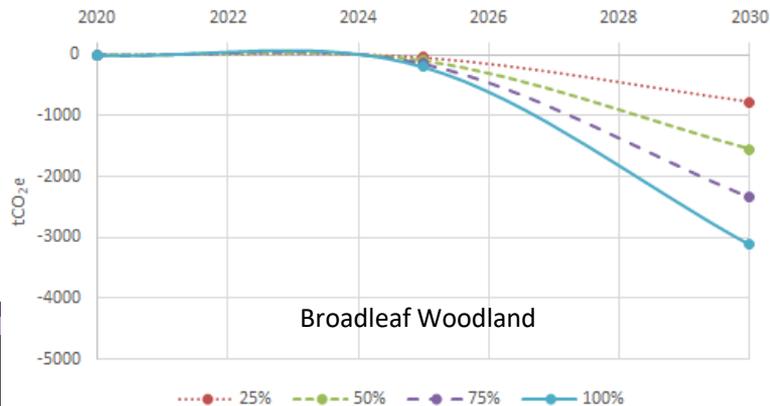
■ PV export MWh	1,814	5,169	11,709
■ Offset emissions tCO2e	423	699	756



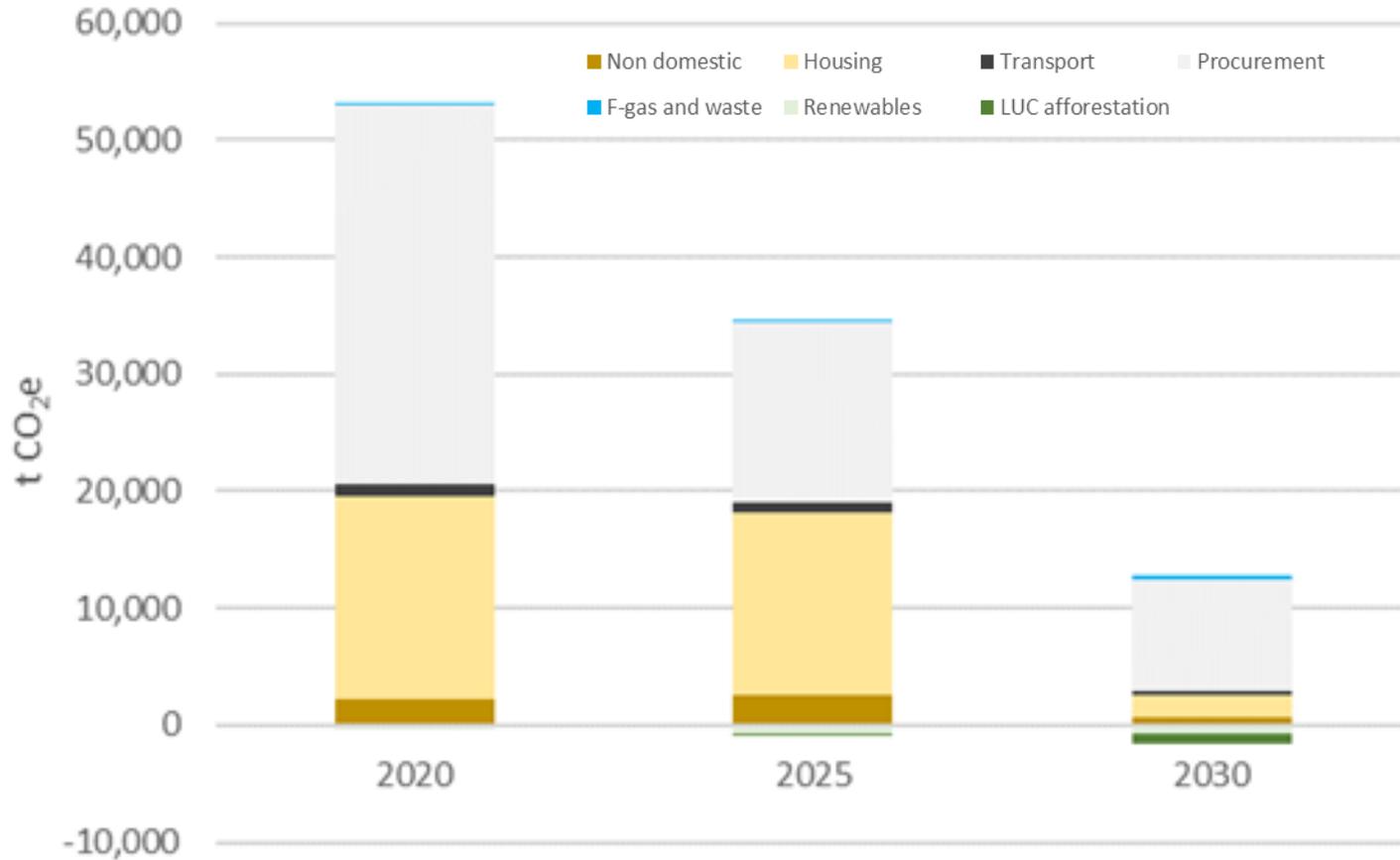
Land use change and afforestation

- ECC land use area assume not to significantly change
- ECC owns 409 Ha of land at 6 valley parks and other spaces
- Opportunity:
 - Planting 25% of this area with broadleaf woodland could offset 829 tCO₂e in 2030 (approx. 7% of residual emissions)
 - Implies approx. 200,000 trees planted by 2030.

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Summary



Summary



- This analysis was a point in time and not intended to be deterministic.
- As information improves, ECC's plan should be adaptive
- Critical factors include:
 - Delivering energy efficiency and low carbon heat to all homes
 - Non-domestic sector energy requires efficiency, low carbon heat and considering space needs
 - Transport relies heavily on electrification of fleets and travel modes
 - Procurement needs better information and choosing suppliers on basis of carbon as well as reviewing needs. A special focus on Construction is needed.
 - F gas and waste are minor, but watch for rising F gas emissions
 - Extensive PV can offset 5.9% of residual 2030 emissions as modelled (though benefit eroded by a decarbonising grid)
 - Afforestation would need a lot of tree planting to offset 6.5% of residual 2030 emissions
 - Offsetting remaining 11 ktCO₂e would cost approx. £150,000/annum at current offset prices (likely more in 2030)

Questions/Discussion



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CUSTOMER FOCUS SCRUTINY COMMITTEE

6 October 2022

Present:

Councillor Matthew Vizard (Chair)
Councillors Mitchell, M, Bennett, Ellis-Jones, Harvey, Holland, Newby, Snow, Sparling,
Wardle and Warwick

Apologies:

Councillors Oliver and Sutton

Also present:

Service Lead - Environmental Health & Community Safety, Corporate Manager Democratic and Civic Support, Corporate Manager – Executive Support and Democratic Services Officer (HB)

In attendance:

Councillor Bialyk	Leader
Councillor Williams	Portfolio Holder Recycling, Waste Management and Waterways
Councillor Denning	Portfolio Holder Customer Services and Council Housing
Councillor Ghusain	Portfolio Holder City Management and Environmental Services
Councillor Pearce	Portfolio Holder Communities and Homelessness Prevention

18 **Minutes**

The minutes of the meeting of the Customer Focus Scrutiny Committee held on 30 June 2022 were taken as read, approved and signed by the Chair as correct.

19 **Declarations of Interest**

No declarations of interest were made by Members.

20 **Questions from the Public under Standing Order No 19**

No questions from members of the public were received.

21 **Questions from Members of the Council under Standing Order No. 20**

No questions had been received from Members.

22 **Update from the Portfolio Holder for Recycling, Waste Management and Waterways - Councillor Williams**

Councillor Williams reported on the Recycling and Waste, Waterways and the Exeter Port Authority areas of her Portfolio, detailing the issues relating to achieving the Council's published priorities, major ongoing programmes of work, issues impacting delivery, financial performance and budget requirements and potential changes being considered.

The following responses were given to Members' queries:-

- there were a number of factors which made it difficult to provide a precise timetable for the full rollout of food waste collection across the city. As well as the difficulties noted in recruiting qualified drivers, care needed to be taken to ensure

that the collection routes were planned as efficiently as possible. There were a number of different types of properties, particularly in inner city areas, which required careful analysis and the collection of garden waste, for example, often covered more than one ward and there was a need to minimise the mileage covered when factoring in the need to return to Exton Road to offload materials. There was presently a limit to the amount of food waste that could be stored at the depot prior to being transferred to Holsworthy for anaerobic disposal. It was estimated that 47% of current waste within the black bins was anaerobic and, therefore, once the full rollout of food waste collection occurred, Exeter's rate of recycling would increase significantly;

- it was necessary to prioritise black and green bin collection which was a statutory requirement. As such, it had been unfortunate that it had proved necessary to suspend the garden waste collection service in order to maintain the statutory service. The communication process in notifying residents of changes had been improved and a data base was being developed with Strata including the compilation of residents' emails;
- the Service Lead Environmental Health and Community Safety confirmed that the recruitment of drivers was a key issue and that obtaining licences to drive 7.5 tonne and 26 tonne refuse collection vehicles was a complex process and that the same problem was being experienced by the private sector. The service had embarked on an internal development programme giving opportunity to a number of staff within the service to qualify as drivers. The roll out of food waste containers also had to be factored into the process;
- the Service Lead Environmental Health and Community Safety advised that the Council has a comprehensive fleet management replacement programme and the timescale for replacing existing diesel vehicles was seven years and would be eight years for the new electric vehicles;
- the Service Lead Environmental Health and Community Safety referred to the ongoing advertising for the recruitment of drivers as well as the use of recruitment agencies which it was hoped would attract those with relevant experience such as delivery drivers. The development programme was encouraging existing staff such as loaders to become drivers. He praised the response of staff to the recent extra day's bank holiday following the passing of Her Majesty the Queen and to their turn out to ensure that there were no disruptions to the service. They were very dedicated and excellent ambassadors for the city;
- the Service Lead Environmental Health and Community Safety advised that the total staff complement required for the food waste collection service was five drivers and 10 loaders. The delay in obtaining licenses from the DVLA had been resolved, although there could be delays in booking training courses with companies due to the demand for places on intensive driver training programmes. The new electric vehicles had been well received by staff who had quickly adapted to the nuances of longer vehicles. Manufacturers had been advised of the value of enabling the vehicles to be charged from the rear;
- the Service Lead Environmental Health and Community Safety updated Members on progress with the construction of the larger roll on roll off food waste disposal bays to the necessary standard required by the Environment Agency. At present, the volume of disposal was limited by the smaller skips used by the 7 tonne vehicles; and
- a report on the Harbour Revision Order would be submitted to Executive and Council, the key aims of the Order being to improve access to the River and Canal, to charge for existing services and to codify Health and Safety requirements. It was difficult to predict any date for implementation because of the costs involved and the need for consultation. Responding to a Member, she acknowledged the unique nature of the Canal and its value to the city and the importance for the City Council to maintain control. The River and Canal was a

great asset to residents and visitors and she praised the work of the Harbour Master and his team. The Portfolio Holder also referred to the intention to hold a Historic Vessels Festival which was being progressed by the Exeter Canal and Quay Trust.

23 **Operation London Bridge - Expenditure**

The Corporate Manager, Democratic and Civic Support presented the report setting out the details of an urgent decision taken by the Chief Executive & Growth Director, in consultation with the Director of Finance, the Leader of the Council and the Chair of the Customer Focus Scrutiny Committee, relating to the expenditure of £31,000 on the Council's response to Operation London Bridge. The Constitution required officers to present this to the next available meeting of the Executive which had been held on 4 October 2022 (Minute Number 100 refers)

The Chair of the Customer Focus Scrutiny Committee, who in agreeing the urgent matter, requested that a breakdown of the costs also be presented to this Committee.

Particular reference was made to the following:-

- work on the protocol had been ongoing for a number of years, making it possible to act immediately on the announcement of the sad passing of Her Majesty the Queen;
- Council staff and partners across the city, including the University and Football and Rugby Clubs who had been involved in developing the protocol, had responded magnificently to enable the public to be engaged in the mourning period;
- the protocol had been developed nationwide, in part to reduce the anticipated pressure on the capital following the announcement. Few would have experienced the Proclamation of a new monarch and some 3,000 members of the public had gathered outside Exeter Cathedral on Sunday 11 September 2022 to hear the Chief Executive & Growth Director deliver the Proclamation; and
- the public reaction to the arrangements had been well received and there had been significant local and national media coverage of the city's arrangements.

The following responses were given to Members' queries:-

- the expectations of His Majesty for arrangements for the Coronation were unknown and no date had been fixed. As such, it was not possible to report on local arrangements and costs;
- no equivalent arrangements to Operation London Bridge for the Coronation had been made;
- the protocol for the Queen's passing had been developed in conjunction with the National Association of Civic Officers; and
- although there would have been carbon footprint implications, such as the involvement of additional vehicles, energy uses etc., it had not been possible in the time given for these to have been calculated.

The Chair of the Customer Focus Scrutiny Committee, on behalf of Members, thanked all Council staff involved in the arrangements and also extended the thanks of the Committee to all partners across the city who had participated in the arrangements and which had been so well received by the public.

Customer Focus Scrutiny Committee noted the report.

24 **Street Naming and Numbering**

The Corporate Manager - Executive Support presented the report seeking Members' approval of a number of minor revisions to the Council's Street Naming and Numbering Policy.

The report proposed that Executive recommend that Council approves revisions to the Council's Street Naming and Numbering Policy and that approval of future revisions to the policy be delegated to the Director with responsibility for planning and development in consultation with the Chair of Planning Committee.

The policy covered both the naming and numbering of streets and the renaming of existing streets when requested. It was also an opportunity to raise awareness of arrangements.

A Member raised the following queries which the Corporate Manager - Executive Support undertook to respond to:-

- can 2.5 be clarified as to its meaning with perhaps regard to updating the language used for accessibility?;
- can the necessity of the very specific clause in 3.9.13 be explained and is there a reason other considerations are not included and what is the significance of the starting date of 1914?; and
- can 8.13 be clarified as to whether it means the local authority will instruct developers on where to site the nameplates or just that it is a requirement that developments have nameplates?

The following responses were given to Members' queries:-

- the policy covered a situation where a street name could be challenged, for example, on historical grounds and, in such circumstances, the appropriate action could be to hold a referendum;
- relevant Ward Councillors were consulted as a matter of course and requests from the public often came via Members; and
- a bank of names was not maintained.

Customer Focus Scrutiny Committee noted the report and recommended to Executive and Council for approval.

25 **Homelessness Task and Finish Working Group - Update from the Chair of the Working Group**

The Deputy Chair and Chair of the Homelessness Task and Finish Working Group briefed Members on meetings of the Group held on 27 September and 3 October 2022 following an initial meeting on 27 June 2022. He explained that the working group had been established in response to changes in Universal Credit and the feared impact this would have on existing homeless numbers but since then the economic climate had changed with inflation and the energy and cost of living crisis. At the same time, the City Council was consulting on its Homelessness Strategy.

As well as a call for public views on the issues including those who had experienced homelessness, two sessions were being held with witnesses, one to consider causation and prevention, the other to examine the handling of homelessness presentations. The first session on 3 October had received statements from Shelter, Exeter Citizens Advice and the City Council on the nature of homelessness, the

national picture of homelessness with consideration given to what recommendations could be made, not only for the City Council, but also for regional and national bodies and to Government.

Six bodies had been invited to the second session arranged for 19 October 2022. There had been a good response to a social media promotion of the work of the Task and Finish Working Group from individuals who had experienced homelessness. St Petrocks had also invited Members of the Group to meet with some of its clients. Councillor Pearce, as Portfolio Holder for Communities and Prevention, had been invited to the meetings with witnesses.

The Committee noted the update.

26 **Scrutiny Programme Board Annual Report**

The Chair, as a member of the Scrutiny Programme Board, presented the Board's report which offered an annual update in respect of the Scrutiny work achieved during the Municipal Year 2021 - 2022. He, and another Member, thanked Democratic Services for their input into the preparation of the report. The Member thanked the Portfolio Holder for the quality of the report and also remarked that it would be beneficial if that, in addition to the selected Portfolio Holder reporting in detail to the respective Committee meeting, brief updates from the other three Portfolio Holders who also reported to this Committee could be provided at each meeting.

The Chair stated that the current format had been considered and supported by the Scrutiny Programme Board and also pointed out that there was an opportunity under Standing Order 20 for Members to ask questions of the relevant Portfolio Holders at each meeting, all four being present at this meeting.

The Corporate Manager, Democratic and Civic Support advised that the suggestion could be raised at the next meeting of the Scrutiny Programme Board. He stated that it would also be appropriate for the matter to be raised at the next meeting of the Governance Review Board as part of the Board's annual review of the Council's scrutiny arrangements.

Customer Focus Scrutiny Committee:-

- (1) supported the suggestion regarding brief Portfolio Holders updates to be made at each Committee meeting to be put to both the Scrutiny Programme Board and the Governance Review Board; and
- (2) noted the Annual Scrutiny Report 2021-2022 which would be presented to Executive to note and to recommend to Council to approve.

27 **Forward Plan of Business and Scrutiny Work Plan**

Members noted the Forward Plan and the Scrutiny Work Plan.

The meeting commenced at 5.30 pm and closed at 6.47 pm

Chair

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COMBINED STRATEGIC SCRUTINY AND CUSTOMER FOCUS SCRUTINY COMMITTEES

28 July 2022

Present:

Councillors Allcock, Asvachin, Ellis-Jones, Foale, Hannaford, Harvey, Holland, Knott, Jobson, Leadbetter, Mitchell, K, Mitchell, M, Moore, J, Oliver, Newby, Sparling, Sutton and Vizard

Apologies:

Councillors Bennett, Branston, Read, Snow, Wardle and Warwick

Also present:

Chief Executive & Growth Director, Democratic Services Officer (SLS) and Democratic Services Officer (HB)

In attendance:

- Councillor Philip Bialyk - Leader of the Council
- Councillor Laura Wright - Portfolio Holder for Culture, Corporate & Democratic Services
- Councillor Duncan Wood - Portfolio Holder for Climate Change
- Councillor Diana Moore - Attending Under Standing Order 44

Roli Martin Head of Finance and Strategic Project Manager - Exeter City Futures
Elaine Anning, Operations Director - Exeter City Futures

22 **Appointment of Chair for the Meeting**

RESOLVED that Councillor Vizard be appointed Chair of the meeting.

23 **Minutes**

The minutes of the meeting of the Combined Strategic Scrutiny and Customer Focus Scrutiny Committees held on 6 June 2022 were taken as read, approved and signed by the Chair as correct.

24 **Declarations of Interest**

No declarations of discloseable pecuniary interest by Members were made.

25 **Exeter Development Fund Overview**

Members noted that Scrutiny was being asked to perform a critical friend role for the Council's Executive in examining and highlighting the merits and risks associated with the City Development Fund ahead of the full Business Case being presented to the Executive for consideration later this year.

Members noted the sessions held as detailed below:-

Session 1 Introduction - 30 March 2022

- Session 2: What is the economic case for pursuing a City Development Fund to support delivery - 27 April 2022
- Session 3: Governance/Fund Management/Governance and Risk - 6 June 2022
- Session 4: The Business Case - 28 July 2022
- Session 5: *Summary and Way Forward 8 September 2022*

The Chair referred to the opportunity to review the information provided and he invited Members to begin to review the information and formulate any further lines of enquiry when the next meeting of this Combined Scrutiny is held on 8 September.

26 Exeter Development Fund

The Chief Executive & Growth Director by way of background to the recent discussion on the Exeter Development Fund proposition, advised that Exeter was expected to meet a 12,000 home target to meet the five year housing requirement. A proactive regeneration function was not always available to District Councils and the Exeter Development Fund was suggested as an innovative way forward to provide the necessary infrastructure and ensure the quality of place making. This would counter the reactive approach by developers and help achieve quality of provision.

The City Council's strategy for development had changed from an urban extension approach to identifying brownfield sites, with associated infrastructure provision and quality of development. Members of the Exeter City Futures team had put together a Business Case using the premise of the Exeter Development Fund to offer a vision of delivering homes in the city with a locally controlled finance model, as opposed to the current model of funding through national funders, with any profits returned to the developer. The Fund would create a more resilient, self-reliant model controlling the funding as well as an effective regeneration model.

Roli Martin, Head of Finance and Strategic Project Manager and Elaine Anning, Operations Director from the Exeter City Futures team were in attendance. The latter commended the presentation in support of the Business Case which had explored a different mechanism to bring forward sites for housing. She invited Members to consider the following questions:-

- what do developers currently build;
- who determines what is built and when;
- what was required in terms of infrastructure, and
- do the plans that are brought forward initially match up to the realisation of what is delivered on the site.

The Chief Executive & Growth Director referred to the local example of Cranbrook, as where initially, Government funding using a Regional Infrastructure Fund enabled early infrastructure such as a multi-use community centre, primary school and railway station to be built. A developer would not have brought those forward. Subsequent phases have been largely confined to residential development and there has been a failure to deliver a town centre.

The Operations Director continued with her presentation and referred to the inclusion of community infrastructure, which it was assumed would be discharged through either a Community Infrastructure Levy (CIL) or Section 106 payment, but these did not always deliver the community aspirations. The support of local public sector partners was required and nine sites in Exeter, under various public sector ownerships, could be developed with the support of the Fund. Each site had a specific issue associated with it, such as the need for decontamination, demolition or

clearance, the possibility of compulsory purchase and vacant possession, all of which had been factored into the model. The Fund was designed as a vehicle to attract the funding required to deliver the housing at scale and quality with Government support and ensuring the necessary community infrastructure was provided.

The following responses were given to Members' enquiries:-

- whilst the Local Plan identifies mixed use provision, the planning system can be passive and conditions to provide commercial facilities, infrastructure etc. are often ignored by developers. The Business Case looks to provide early infrastructure delivery.
- in changing the unacceptable Business as Usual approach by developers, the City Council will, as an equity holder in the Development Fund, have control and the flexibility to determine how the Fund is delivered. The mix of accommodation is also flexible, with a 35% Affordable Housing offer that still returns a positive internal rate of return. Social housing can be included.
- the proposed model would be paid for by the rents over a longer period. It is unlikely that developers would be looking to spread development over that long a period and unlikely to support a 30% affordable housing provision.
- the model was based on achieving development to passivhaus standard with Net Zero aspirations, with no retrofitting burden. The properties will all be modelled on the same resale price based on the principle that there will be an uplift in the quality of the housing. The Fund will retain the financial return as a long term venture with the value uplifted over the period and the city will effectively be growing its capital assets.
- Right To Buy was not currently included in the model, but could be included.
- the Government was looking to bring forward a new generation of Development Corporations with greater flexibility for local decision making and improved interaction with the private sector.
- service charges are included in the model and would also be capped as long as the Development and assets are controlled.
- public sector participation is necessary as the model is based on using public sector assets. One Public Estate requires at least two public sector partners. The challenge for the public sector is not just for the City Council, but for other organisations. The County Council must ensure the infrastructure and transport network is viable and fit for purpose. A view of prioritising investment will have to be taken if other public sector partners do not wish to join the Fund.
- developers obtain their financing from five or six traditional lenders. Every developer, builder and householder can face a drop in property value and there will be peaks and troughs over the term of any borrowing.
- the modelling is paid for by the One Public Estate with additional funding of £840,000 from the Department of Levelling Up, Housing and Communities to take forward for development at the next stage.
- Exeter City Futures is a Community Interest Company.
- there is a large quantum of housing proposed across all nine sites. The sites contain apartments based on the Exeter Liveable Programme. One, two and three bedroom apartments have been modelled as well as three and four bedroom town houses where there is capacity. However, the sites are highly constrained and in central locations which, although providing good access, may not be appropriate for larger town houses.
- once a flagship site was delivered additional sites could then be brought forward.
- the Water Lane site was unlikely to come forward as a flagship site.

- involvement of financial institutions would be vital with traditional developers able to offer their skill set rather than equity.
- the Fund ownership will assess the model and agree rentals . A 50/50 split between build to sale and rent can be considered as, ultimately, a sale model would include a 150 year lease.
- Exeter University and Exeter College offer training courses for young people to stay and build the city.

Members made the following comments:-

- although the presentation had included detail of the themes, concept aspirations and potential designs there was insufficient detail on the actual business case. Although a link to the document had been sent more information should have been shared and caution should be exercised over any potential strategy using public assets. The document should be reviewed in more detail if Members were required to make any recommendations to the Executive, and a smaller group of Members such as a Task and Finish group could be convened.
- a further review to ensure the Council would retain control through the governance arrangements was needed.
- Companies House do not include a name for the representative of Devon County Council on the Exeter City Futures Place Board. Minutes from the June Board meeting should be circulated.
- the Executive summary was unclear on the level of control and due diligence needed.
- the Fund was needed to disrupt the current model dominated by developers and create a better opportunity to achieve affordable housing and necessary infrastructure.
- the Fund offered an exciting prospect but further scrutiny was required to look at the level of detail to be presented to Executive.
- the suggested flagship site should be identified at the earliest opportunity.

Councillor D. Moore, having given notice under Standing Order No. 44, attended the meeting and submitted the following questions in advance. The questions were answered by the Operations Director:-

Q1. Please can you describe the type of Council assets that the business model assumes might be transferred and also what Council assets are expected to be transferred as part of any pilot?

R) The model of the transfer of assets depends on the nature of the site, including the nature of the pilot flagship site. Some of the sites possess car parks which could be transferred and the Southgate site, for example, includes County Council roads, a City Council car park and low density housing. The Marsh Barton site is quite different and could include some of the County Council roads and some City Council commercial assets. Other partners also hold some freehold assets on the site so it would depend upon the area expected to come forward first.

Q2. If a pilot project is progressed will a Development Corporation (as defined by legislation) be required to be established, and if so what would its geographical remit be, would it just be the pilot site or a larger area)?

R). The geographical area to be brought forward is unknown at present but is likely to be Exeter specific rather than a single or flagship site. Housing would then be brought forward sequentially across the whole area.

Q3. Why would developers engage with this new Fund compared to other finance arrangements such as a low interest rate loan from Homes England?

R) As the Exeter Fund would own the land, it will be for the Fund to determine which developers can be involved.

Q4) *Is the model predicated on capital appreciation or long term revenue release and, if the former, what would be the return to investors?*

R. The return will be based on the percentage of equity investment. The model assumes both capital appreciation, with a standard financial model of 1% appreciation and long term revenue release as well. The latter changes depending on the assumptions in regard to housing tenure.

Q5). Does the model include carbon mitigation measures?

R). This has not been included in the model.

The Operations Director continued to offer responses to Members' questions:-

- the Exeter Development Fund could look to offer key worker housing.
- the success of a flagship site could result in a sequential approach across the remaining sites.
- the timing and number of reviews of the Fund can be determined at a later date.
- a response would be provided on the ability to transfer assets back to the Council.
- Exeter City Living was the Council's development company looking to develop the Clifton Hill site and to build homes in the city centre. A similar exercise was anticipated with the Southgate site, involving County Council and City Council owned land for which a planning brief was being drawn up.

The Chief Executive & Growth Director responded to Members' comments:-

- modelling could be conducted for a smaller site where equity support from the Government would be less and which would provide a better understanding of the various issues.
- housing delivery on the brownfield sites would offer predominantly higher density living apartments or urban living. The city's challenge being to provide 12,000 homes in the next 15 to 20 years allied to the necessary infrastructure.
- the Fund would manage and prioritise necessary infrastructure over and above the level the current planning system was able to provide. It would be a step change in culture with delivery based on Net Zero targets. It was hoped that the consumer and the investment market would also recognise the importance of carbon offsetting and look to achieve targets earlier than those set by the Government.
- two examples of joint ventures were Land Securities and Crown Estate in Princesshay where developers had control but with the City Council benefitting from the end product. Joint public and private sector schemes were an established approach for local authorities with the private sector bringing

capacity, expertise and access to markets. Private sector involvement in the Fund would not water down aspirations.

- the model was backed by One Public Estate but the Planning Inspector would expect at least one public sector partner. The key was public sector partner support before going to One Public Estate as the model was based on public sector collaboration. The Ebbsfleet model, presented at an earlier Combined Scrutiny meeting, was directly funded by the Government and was an example of a new approach. A governance vehicle with funding would be the way forward for Exeter to achieve the city's ambitions.
- the Exeter City Futures team would address the issues raised by Members.

Members suggested convening a Task and Finish Group to explore and seek further information on the concept of the Exeter Development Fund. This could be raised with the Scrutiny Programme Board meeting on 29 July 2022 with the date of the next meeting of the Combined Scrutiny Committee on 8 September used instead for the first meeting of the Task and Finish Group. Thereafter, further dates could be identified for meetings of the Group prior to reporting to a fifth session of the Combined Scrutiny Committee.

The Chair proposed that a Task and Finish Group be convened before a further meeting of the Combined Scrutiny Committee was held. The proposal was seconded and carried and, subject to the support of the Scrutiny Programme Board, the following initial areas for examination were put forward:-

- (1) to further consider the vehicle and governance arrangements to ensure that the City Council had the necessary control in relation to the Exeter Development Fund. An invitation to be made to the Director of City Development be involved and establish whether further work is commissioned from the Exeter City Futures team;
- (2) to determine the commitment of public sector partners with an invitation to potential local partners including the University of Exeter, the NHS Trust (Royal Devon and Exeter Hospital (RD&E), and Devon County Council to determine their commitment and encourage involvement in pursuing the Fund; and
- (3) to consider the identification, timing and modelling for a smaller site or flagship site with a request for the Director City Development to be invited to work with the Exeter City Futures team.

The meeting commenced at 5.30 pm and closed at 8.00 pm

Chair

AUDIT AND GOVERNANCE COMMITTEE

Wednesday 27 July 2022

Present:-

Councillor Tony Wardle (Chair)
Councillors Moore, D, Allcock, Ellis-Jones, Leadbetter, Mitchell, M, Packham and Sutton

Also Present

Director Finance, Audit Manager (HK) , Service Lead - Net Zero and Business, Net Zero Project Manager, Housing Needs Strategy and Partnership Lead and Democratic Services Officer (SLS)

Julie Masci – Engagement Lead, External Auditors (Grant Thornton)

8

MINUTES

The minutes of the meeting held on 9 March 2022 were taken as read, approved and signed by the Chair as correct.

9

DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interests were made.

10

EXTERNAL AUDIT PROGRESS REPORT AND SECTOR UPDATE

The Engagement Lead, Grant Thornton presented the Audit progress and sector update, which detailed the programme of external auditor's work that had been undertaken as at 31 March 2022. They had undertaken an audit of the Council's financial statements with the additional responsibility specifically around the Value for Money work (VfM), of the Council's arrangements for the best use of resources, and provided a general sector update to understand issues relating to the local government community, as well as any national issues of relevance.

The final Audit findings report for 2020/21 was now complete, with the Audit opinion signed as planned. They were now planning for the 2021/22 audit, which included identifying the risk assessments in readiness for the final audit of the financial statements, with the draft accounts now submitted for audit. Some initial planning had been carried out for the VfM audit, but work on the 2020/21 VfM audit was ongoing, with the risk assessment not finalised until that work had been completed. The 2020/21 VfM work was concluded on 27 July, and the final report would be issued to the Council for comments from management shortly. It was noted the required three month timescale had not been met, to give due consideration to additional correspondence received from local electors within the area. A formal report on this would be presented to the next meeting of the Audit and Governance Committee.

In responding to a Member's question, the Engagement Lead, confirmed there were financial implications in dealing with such questions and the nature of the issues were already included under the VfM work being undertaken as part of a specific duty of the Code of Audit Practice. The final audit fee was determined by the Public Sector Audit Appointments (PSAA).

The Audit and Governance Committee noted the Progress Report and Sector Update.

11

EXTERNAL AUDIT PLAN 2021/22

The Engagement Lead, Grant Thornton presented the proposed External Audit Plan from Grant Thornton for the year ending 31 March 2022, which detailed an overview of the planned level and scope of the statutory audit, and highlighted a number of areas of work which included:-

- the preparation of the City Council and the group accounts;
- the more detailed review of accounting estimates, which was introduced as a revision to the audit standards last year within the International Auditing Standards (ISA540);
- the commissioning of external valuers to carry out work in relation to the Council's land and buildings used to run the Council's services ;
- pension's liability; and
- the principle of materiality, which offered a true and fair view and overall position of the accounts. The materiality level for the Council was set at £2.4 million of consolidated accounts to the Group, and £2.1million in terms of the Council's accounts. An update on the Value for Money (VfM) arrangements would be included in subsequent progress reports.

In response to a Member's question the Engagement Lead stated the following:—

- the Audit Code requirement covered three key areas as part of the Value for Money work for the Council's operations which included financial sustainability (setting the budget and longer term medium term financial planning) and governance (day to day monitoring and budget outturn reporting to the Executive);
- ensuring economy, efficiency and effectiveness;
- External Audit would follow an appropriate line of enquiry if specific concerns were raised over any project that had not adhered to proper governance or procurement procedures, rather than meeting its Capital Programme requirements; and
- a due process would have been undertaken following any asset disposal or transfer to an outside organisation. Audit testing would be undertaken with the expectation that the value would be included within the accounts, but how the Council utilised their assets was a decision ultimately for the Council.

The Audit and Governance Committee noted the External Audit Plan for the year ending 31 March 2022.

12

INFORMING THE AUDIT RISK ASSESSMENT

The Director Finance presented the completed questionnaire for Grant Thornton, which set out responses from the City Council to help inform the risk assessment of Exeter City Council as part of the planned audit process. He thanked colleagues from the finance teams, the internal audit team and legal services for their collective contributions covering a number of service areas to fulfil such an important part of the Audit process. They had compiled responses to over 50 questions to offer an understanding of the Council's management processes and oversight in the following areas:-

- General Enquiries of Management,

- Fraud,
- Laws and Regulations,
- Related Parties,
- Going Concern, and
- Accounting Estimates.

The Director Finance responded to Members' questions:-

- this was the third year of reporting in this format and the Auditor's comments were not normally included, however the External Auditor would use this focus of resources on any area and complete their External Audit Findings Report.
- Exeter City Futures were noted as a Related Party in the Group's consolidated accounts. The total balance sheet and turnover of Exeter City Futures was not deemed to be material and so were not included within the focus on the Council's group accounts, but they would be included in the accompanying notes, because the Council has a significant interest within the company. He acknowledged the comments made by the Member in respect of significant officer time and funding received through the Council. He clarified that the funding which had come from the City Council to Exeter City Futures was disregarded in the group accounts as an inter-group transfer.

The Engagement Lead, Grant Thornton referred to audit materiality as a percentage of expenditure, which can vary from year to year and not a defined benchmark. If further scrutiny was required, then the benchmark could be lowered, which would result in further testing.

The Audit and Governance Committee noted the responses given in respect of the Audit Risk Assessment report.

13

ANNUAL REPORT OF INTERNAL AUDIT FOR THE YEAR TO 31 MARCH 2022

The Audit Manager (HK) presented the Annual Internal Audit report for the year ending 31 March 2022, which conformed to the Public Sector Internal Audit Standards and was timed to inform the Council's Annual Governance Statement. All Audit assurances that have been issued throughout the year had all been satisfactory or above and she was pleased to report that management responses to all internal Audits findings had been positive.

The Audit Manager drew Members' attention to key points within the report:-

- Section 2 - offered the overall opinion of the circulated report, with confirmation that key systems were operating satisfactorily with no fundamental breakdown of control resulting in material discrepancy.
- Section 3 - highlighted three key issues to be included in the Annual Governance Statement (AGS), these being the Council's financial position, Net Zero 2030 and Change management as part of the AGS. These areas will be subject to quarterly monitoring by the Audit and Governance Committee with an update on any actions identified.
- Section 4 - included a summary on the delivery of the Annual Audit Plan 2021/22 and included an outcome of all the audits undertaken in the year. A copy of any of the completed audit reports could be provided to Members upon request.
- Section 5 - offered a summary of investigations that have been undertaken throughout the year. It included confirmation that there were no instances of the Whistleblowing Policy being used.

- Section 6 - included confirmation of the results of their Quality Assurance and Improvement Programme. This included a summary of the returned responses of a stakeholder's survey which was attached as a conclusion to the report.

In response to Members' questions, the Audit Manager explained:-

- two Audit opinions were issued in respect of the People Management audit, one was issued to the Payroll Manager for areas identified within his control and one opinion was issued in respect of areas outside his control i.e. the responsibility of management. All responses received on both reports were satisfactory.
- the scoring mechanism and the categories of assurance used to provide an overall audit opinion. Internal Audit's role was to provide assurance to management that the control environment was sound. They had never issued a report categorised as no assurance.
- the Whistleblowing Policy was included on the agenda for review which hopefully may encourage staff to report any concerns if they have any. Details of the protection available under the policy were regularly communicated to staff, although to date was rarely used. This may be because staff had no concerns or it may be that they did not feel confident in reporting those concerns under the policy.

In response to a Member's question, the Director Finance explained that it was not a role for Internal Audit to look at the viability of a service, and they were involved with the system of internal control. The example quoted of leisure facilities was a Council decision to determine viability and levels of income. If during the budget monitoring process the income was found to be significantly lower than anticipated income targets, it would be reported to Members for the appropriate action.

The Audit and Governance Committee noted the Annual Audit Report for the year ended 31 March 2022.

14

REVIEW AND UPDATE OF WHISTLEBLOWING POLICY

The Audit Manager (HK) presented the report which proposed a review and update of the Council's Whistleblowing Policy which needed to be considered every two years to ensure that it remained up to date and fit for purpose. The Policy included two minor amendments as detailed in the report which included a change to the wording to make every effort to encourage reporting from staff and the name of the Independent Charity Public Concern at Work had been changed to Protect. The updated Whistleblowing Policy was attached as an appendix dated April 2022.

The Audit Manager responded to a Member's comment and advised that a report on the use of the Whistleblowing policy was included as part of the annual report within Section 5, but confirmed that there had been no cases reported.

RECOMMENDED that Council be requested to approve the revised Whistleblowing Policy, dated April 2022, which was attached to the circulated report, and the Constitution amended accordingly.

15

ANNUAL GOVERNANCE STATEMENT 2021/22

The Director Finance presented the report accompanying the Annual Governance Statement and set out key issues, the responses and a summary of action. The Annual Governance Statement would accompany the Council's Statement of Accounts for 2021/22. The Governance Statement was a statutory requirement and

reported on the Council's performance against the Code of Corporate Governance which was last approved on 9 March 2022. The Council's Code of Governance was subject to a review part way through the year as part of an updated Code of Corporate Governance for 2022/23.

In response to a Member's questions, the Director Finance noted that a reference in the Annual Governance Statement to the Net Zero 2030 target related to the Council and set out the summary of any action to be taken in response to that. He also responded to a proposal for the inclusion of the Consultation Charter which was approved last year in the document.

The proposal was seconded and carried that the Consultation Charter be included in the Annual Governance Statement and listed in the column marked Corporate under the Corporate Governance Section of the Statement.

RESOLVED that the Audit and Governance Committee approve the Annual Governance Statement of Accounts for 2021/22, and be signed (at the earliest possible convenience) by the Director Finance & Section 151 Officer and the Chair of the Audit and Governance Committee and included within the Council's Annual Statement of Accounts for 2021/22; and

RECOMMENDED to Council to note and approve the Annual Governance Statement with the reference to the Consultation Charter, included within the Council's Annual Statement of Accounts for 2021/22.

16

HOMES ENGLAND COMPLIANCE AUDIT

The Housing Needs Strategy and Partnership Lead, presented a report which provided positive feedback from a recent Compliance Audit carried out by Homes England. The Compliance Audit was a requirement of funding awarded to the Council from the Department of Levelling Up, Housing and Communities to purchase properties to create accommodation for rough sleepers under the Next Steps Accommodation Programme. The funding was used to purchase five, one bedroom former council properties which were brought back into Council ownership and a six bedroom house which is currently leased out to a Homelessness Provider

The Compliance Audit was undertaken by an Independent Auditor, Thomas Westcott Chartered Accountants, in September 2021 and their findings and recommendations were presented to Homes England. The circulated report is an acknowledgement, from Homes England, of that Independent Audit.

The Audit and Governance Committee acknowledged and noted the content of the report.

17

REVIEW OF CORPORATE GOVERNANCE RISK REGISTER

The Audit Manager (HK) presented the report which advised the Audit and Governance Committee of the Council's risk management process and provided an update of the Corporate Risk Register to enable the Committee to monitor and review the Council's risks.

Changes to the following risks were proposed with updates provided from the Strategic Management Board (SMB):-

- Risk 1 - Failure to deliver anticipated benefits of major projects

As St Sidwell's Point had now been delivered, it had been agreed by SMB to remove this risk.

Risk 2 - Insufficient business continuity arrangements to recover critical services effectively - SMB had agreed that this item has been mitigated to low risk and be removed but continue to be managed as part of the Executive Support Operational Risk Register.

- Risk 3 - Inability to deliver Carbon Net Zero aspirations for Exeter by 2030 (External)

This risk related to Exeter City (as a whole) becoming Net Zero by 2030 and was a separate target and risk devolved to Exeter City Futures (ECF). It is intended that ECF will produce and manage a Risk Register against this target for the City which can be appended to the Council's Corporate Risk Register as a separate register.

A new Risk was added at:-

- Risk 9 - Inability to deliver Carbon Net Zero aspirations for Exeter City Council operations by 2030 (Internal) This risk is now the subject of a separate Risk Register which is being presented to this meeting of the Audit and Governance Committee. Further updates will be made half yearly.

The Director Finance responded to Members' questions on the following risks:-

- Risk 1 - Failure to deliver anticipated benefits of major projects
St Sidwell's Point (SPP) has been a major project in terms of size and importance to the Council. A major project is defined as a significant capital project and being of key importance to the Council. Such projects also tended to have a Governance structure around it, as there were reputational as well as associated financial risks to the Council, which is why it was specifically included on the Risk Register. There could be other projects that come forward and will be included on the Risk Register in the future.
- Risk 3 - Inability to deliver Carbon Net Zero aspirations for Exeter by 2030 (External)
The Director Finance would obtain a formal response to an enquiry directed to the Risk Owner for the External Carbon Neutral Risk Register, which will be appended to the Council's Corporate Risk Register, as to the accountability to this Committee for its contents.
- Risk 4 - Failure to meet Exeter's Housing supply needs as a planning authority and meet strategic 5 year ambitions
the Audit Manager would seek a meeting with the Risk Owner of Risk 4 to discuss the information included, in the light of the Redhills Appeal determination published in February 2022.

A Member raised a number of points in relation to Risk 3, set out for information, and a response would be requested from the Risk Owner:-

- in referencing the Greenhouse Gas Inventory report recently presented at Committee, despite the actions of the Council's mitigation activities, there was little evidence that had been sufficiently articulated.
- the adoption of Net Zero 2030 as a Council policy belonged to the Council as well as any other organisation that might wish to adopt it. However, there was a lack of clarity of ownership and accountability in respect of the Council focus on the operations of the city wide Net Zero Plan. The Audit Manager in response to a further comment was able to confirm that the detail of this risk would continue to be included, and it would not be appropriate to remove that until the separate Risk Register document was in place.

The Director Finance also responded to the following Member's comments:-

- Risk 8 - Failure to deliver the Liveable Exeter Programme the Exeter Development Fund does not currently pose a risk to the Council because the proposal was still at the concept stage. Although the matter was being discussed at a number of meetings of the Combined Scrutiny Committees, Members would need to consider any formal proposition through the Executive and Full Council. There would have to be a thorough review and decision to include on the Risk Register depending on what was being asked of the Council.

The Audit Manager referred to a discussion by Members that individual Risk Owners be invited to the Audit and Governance Committee to make a short presentation on their Risk area and provide an opportunity to discuss the risk in more detail. It was suggested that the Director Corporate Services or their representative, as Risk owner for *Risk 5 - Failure to adapt Council workforce to ensure appropriate skills and experience* be invited to the next meeting to offer the opportunity to provide more information to Members.

The Audit and Governance Committee reviewed and noted the updated Corporate Risk Register and agreed that the identified owner of the individual Risks on the Corporate Risk Register be invited to future meetings to provide an opportunity to discuss in more depth, the nature of that risk.

18

CITY COUNCIL NET ZERO RISK REGISTER

The Net Zero Project Manager presented the report, which advised the Audit and Governance Committee of the City Council's Net Zero Risk Register, which was attached as an appendix to the report. The Register identified five risks, as set out below, which offered an initial high level assessment of the risks associated with delivering Net Zero within the City Council by 2030.

- Risk 1 - Too ambitious target to reduce City Council carbon emission to 'net zero' by 2030.
- Risk 2 - Unable to reduce City Council Scope 1 direct emissions from owned sources (fuel consumption and company vehicles).
- Risk 3 - Unable to reduce City Council Scope 2 indirect emissions from generation of purchased energy.
- Risk 4 - Unable to reduce City Council Scope 3 other indirect emissions (supply chain, assets, investment, waste disposal, employee commuting).
- Risk 5 - Afforestation - land use changes to offset carbon emissions.

The Net Zero Risk Register sets out the risks involved associated with measures required to reduce carbon emissions within the City Council, including its services, operations and buildings. The register will be updated on a six monthly basis in line with the Council's Net Zero Carbon Reduction Plan. The report also set out the detail of a carbon baseline report for the City Council which will set out a number of actions for the delivery of Net Zero, which would be presented to the Strategic Scrutiny in September 2022.

The Net Zero Project Manager responded to the following Member's comments:-

- Exeter City Council's outputs, and overall carbon emissions were less than other large organisations in the City, however the Council had an important role to play in influencing and supporting the city in its delivery of Net Zero by 2030.

- further work would be undertaken to ensure the Risk Register contained climate change adaptation measures, as well as mitigation as set out in the National Audit Office Climate Change Risk Good Practice Guide.
- work had been taking place with the Local Government Association (LGA) to share ideas on reporting and how to tackle Scope 3 Emissions, to record in a more meaningful way and bring down embodied emissions through procurement.
- work was being undertaken to ensure that a consistent and uniformed approach was being taken on Greenhouse Gas reporting. Exeter City Council was already working collaboratively with other District Councils in Devon as part of the Devon Districts CO2 Baseline Commission.
- the Net Zero team were engaging with Services to ensure policies reflected climate change and supported the Net Zero actions set out in the Net Zero Carbon Reduction Plan.

In response to a Member's comment, the Service Lead - Net Zero and Business also confirmed that two members of the team had received carbon literacy training and were now qualified to deliver the necessary training internally without any further cost. They had devised a training programme to support Committee report authors to complete the *impact of carbon reduction* section in reports to ensure a meaningful and consistent approach.

The Audit and Governance Committee reviewed and noted the Net Zero Risk Register, which would also be reported to Strategic Scrutiny Committee on a regular basis.

(The meeting commenced at 5.30 pm and closed at 7.00 pm)

Chair

AUDIT AND GOVERNANCE COMMITTEE

Wednesday 28 September 2022

Present:-

Councillor Tony Wardle (Chair)
Councillors Moore, D, Allcock, Branston, Ellis-Jones, Leadbetter, Mitchell, M, Packham,
Rees, Snow, Sutton and Warwick

Also Present

Director Corporate Services, Director Finance, Audit Manager (HK) and Democratic Services
Officer (SLS)

David Johnson, Audit Manager (Grant Thornton)

19

MINUTES

Subject to the following clarification, in respect of an enquiry in relation to Risk 3, and a correction of the Member's request which was for further information in respect of the proposed mitigation to the achievement of Net Zero 2030 to improve national communication of Exeter as a leading sustainable city, and whether that had been directly or adequately addressed in the identified risk, the minutes of the meeting held on 27 July 2022 were taken as read, approved and signed by the Chair as correct.

20

DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interests were made.

21

EXTERNAL AUDIT PROGRESS REPORT AND SECTOR UPDATE

The Chair welcomed the Audit Manager, David Johnson from Grant Thornton who presented the report, which detailed their work as the Council's External Auditor undertaken as at September 2022. He confirmed the audit deliverables for 2020/21 with their work having fallen between the close of the 2020/21 audit and the commencement of the 2021/22 audit for the Council. It was anticipated the audit of the financial statement would commence shortly and be issued by the 30 November 2022 target date. He also referred to the findings of their interim audit work which was summarised in the report, and included a follow up to a recommendation in 2020/21 in relation to journal entry controls in preparation for the completion of the 2021/22 audit.

The Audit Manager responded to a Member's question in relation to the programme of recommendations from the Department for Levelling Up, Housing and Communities (DLUHC) and when any further information was available he would provide an update for Members.

The Audit and Governance Committee noted the Progress Report and Sector Update.

INTERNAL AUDIT PROGRESS REPORT QUARTER 1

The Audit Manager (HK) presented the Internal Audit progress report for the period 1 April to 30 June 2022, which conformed to the Public Sector Internal Audit Standards. She drew Members' attention to the key points and advised that the majority of agreed actions from previous audit reports were being progressed satisfactorily. There was one instance relating to the Business and Commercial follow up report where remedial action was not agreed by management during that quarter as set out in Section 8.1 of the report. In accordance with the terms of reference of this Committee, it was for Members to consider what action, if any, to take in respect of the recommendation made. Management had indicated in the audit report that due to the current level of activity in commercialisation, reporting twice a year was appropriate. In other matters reported, progress against the annual plan and the work programme were on target.

A summary of the audit reports undertaken throughout the year was included as Appendix A, and the detail of significant governance issues as Appendix B was attached to the report.

The Director Finance responded as follows to Members' enquires on this matter:-

- in offering some clarity of the matter Members were being asked to determine if they wished management to have a review of the recommendation and reporting timetable of the Commercialisation Update or whether they were satisfied that occasional reporting to Scrutiny was appropriate.
- commercial activity was a critical part of the One Exeter Programme and Members should be more regularly appraised.
- in addressing a comment on staff capacity, regular reporting should be entirely manageable.
- it would be appropriate for this to be raised with the Scrutiny Programme Board.
- Members' comments and the wish to expedite a report to the Strategic Scrutiny Committee as soon as possible would be passed to the Strategic Management Board.

A Member also suggested that the Director be invited to a future meeting of the Audit and Governance Committee to update Members on the matter.

The Audit Manager would at the request of a Member, circulate the follow up of the Commercialisation audit to Members of the Committee. She also responded to a Member's enquiry in relation to Section 8.2 and confirmed that the deadline date for comments on the terms of reference would be reported to the meeting of the Greater Exeter Partnership on 30 September, and she would update Members accordingly.

RESOLVED that the

- (1) Internal Audit Progress Report for the first quarter of the year 2022/23 be noted; and
- (2) the Committee requested that the Strategic Management Board (SMB) review the recommendation made in Section 8.1 of the report.

REVIEW OF CORPORATE RISK REGISTER

The Audit Manager (HK) presented the report on the Council's risk management process and provided an update of the Corporate Risk Register to enable the

Committee to monitor and review the Council's risks. There were changes to two of the risks made during the last quarter, in relation to *Risk 2 Failure to meet Exeter's Housing supply needs* and *Risk 6 Failure to deliver the Liveable Exeter Programme*, both of which have been increased from a medium risk to a high risk. Details of the update on each Risk had also been provided by the Strategic Management Board.

The Chair welcomed the Director Corporate Services who had been invited to the meeting as part of a number of forthcoming invitations to Members of SMB to provide further information on the individual risks under their area of responsibility on the Corporate Risk Register.

The Director Corporate Services provided a snapshot of the Council's workforce for August 2022, using detail from a metric confirming the workforce's activity with a high level overview of the gender ratio, median pay, age profile, ethnicity, recruitment matters, retention and training.

A number of key areas were highlighted including a comprehensive training programme offered to staff at appropriate times to ensure that staff were sufficiently skilled. An age profile of 37% staff between the ages of 50 and over 60 years meant that succession planning was also under constant review. At the other end of the age spectrum, there were 11 apprentices employed by the City Council, with the legal department seeing its success with the first apprentice having achieved a first class degree. It was acknowledged that the recruitment market was extremely difficult and research from South West Provincial Employers having indicated that local authorities were experiencing difficulties in recruiting for key areas such as planning and building control, legal, environmental health, leisure, waste and procurement, and attracting HGV drivers and operatives for the waste operation was particularly challenging. They have cited uncompetitive salaries, area demographics, housing costs, and the undesirability of temporary or fixed term contracts as factors. Staff expectations may have changed with some preferring to become self-employed or work as consultants.

It was important for Exeter to be the employer of choice (currently being considered as part of the One Exeter Programme) and all options are being explored including smarter advertising of the excellent working conditions and benefits, speeding up the recruitment process and with every area of the Council being clear about the importance of succession planning of staff.

Following the presentation, the Director Corporate Services responded to Members' questions:-

- changes in working hours and a flexible working pattern were already available for staff. Further alternatives were being considered by the One Exeter Programme.
- consultation with Unison, who represented staff was standard practice for Exeter City Council.
- there were difficulties in recruiting across the Council and whilst there was no evidence to support this, Brexit may have had an impact.
- every effort was being made to keep up with the challenges of the employment market and maintaining the Council's obligations to meet all equality requirements.
- innovations in recruitment included targeted adverts to be more appealing to the individual genders.
- staff numbers had increased with the insourcing of approximately 200 leisure staff.

- job adverts were placed on the Council's web site, as well as national recruiting platforms such as Indeed to broaden the reach. Contact had also been made with local schools and colleges in an effort to highlight the range of jobs and skills needed as well as the benefits of working for the Council.
- staff could leave the organisation in a managed way, but the decision to accept any requests for voluntary redundancy was based entirely on the business need.
- statistics for staff with disabilities were collated in the PowerBi metrics.
- staff shortages were part of a national picture. The measures being taken to adequately manage the risk outlined in the Risk Register was appropriate and everything that could be done was being done in these difficult times.
- statistics for employees leaving the organisation in a given time or 'churn' were collated. Staff retention was vitally important and consideration of the employment journey was being looked at as part of the One Exeter Programme.
- employed staff remained the Council's preference, but casual staff and consultancy staff were employed to meet any fluctuating needs of a particular service. There were no staff who could be termed as being on a zero hour's contract, nor had the Council used restrictive trade clauses.
- understanding the employee journey was important, and whilst the exit interview process captured some of the varied reasons people decided to leave, it was just as important to understand why new employees came to work for the City Council as well.
- the well-being of staff was a module in the One Exeter Programme.
- local government pensions were now based on career average salaries. The Director Finance added that the local government pensions offered a better outcome from a defined benefit, which should be seen as another incentive to work for local authorities.

In a further response to Members' questions, the Director Finance referred to Risk 4 *Maintaining the financial sustainability of the Council* and Risk 5 *Increased costs of all capital building projects*, and the further impact from the current economic climate and the significant financial pressures facing every local authority, household and business. £2.3million savings were required and a decision needed to be taken in order to balance the budget for next year along with further decisions required to address the impact of increased energy costs. Ear marked reserves would protect the Council this year but the One Exeter Programme will be needed to deliver savings in the future. SMB would be undertaking a review of the Council's Capital Programme and reporting the outcome to the Executive and Council. The current construction market was making projects uneconomic to deliver against a range of competing challenges.

A Member proposed inviting the Director Finance to the next meeting to consider the financial risks associated with Risk 4 and 5 in more detail. It was also suggested that the Director Development be invited to the meeting in March to provide further information on Risk 2 - *Failure to meet Exeter's Housing supply needs*.

A response would be requested from the Director City Development for the following Members' enquiries on Risk 2 - *Failure to meet Exeter's Housing supply needs as a planning authority and meet strategic 5 years ambitions* with an update sought on the following:-

- the monitoring and reporting structure of the five year land supply position, and the current position following the recent ruling on the Pennsylvania Road appeal, and
- in respect of the Spruce Close appeal, who had made a judgment on the supply following the evidence that the Council was required to give and whether the Council could potentially examine how it gathered evidence to

make sure it was as robust as possible to meet the threshold of clear evidence.

The Member who had raised the amendment to Minute 19 relating to Risk 3 and references to Net Zero 2030 also sought a further response to her enquiry.

The Audit and Governance Committee reviewed and noted the updated Corporate Risk Register and would invite the Director Finance to the next meeting to provide further details of Risk 4 *Maintaining the financial sustainability of the Council* and Risk 5 *Increased costs of all capital building projects*, with a further invitation to the Director of Development to present detail of Risk 2 *Failure to meet Exeter's Housing supply needs* in March.

(The meeting commenced at 5.30 pm and closed at 6.50 pm)

Chair

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STRATA - JOINT SCRUTINY COMMITTEE**TUESDAY, 6 SEPTEMBER 2022**Present:

Councillors Twiss, Hookway, Millar, Oliver, Clarence and Nuttall

Members Attendance:

Councillors Wrigley

Apologies:

Councillors Knott, Newby and J Petherick

Officers in Attendance:

Mark Davies, Strata Director of IT & Digital Transformation

Simon Davey, Strata Board Director

Sarah Jenkins, Democratic Services Officer

19. ELECTION OF CHAIR 2022/23

In accordance with the existing annual rotation for the position of Chair, Councillor Millar proposed that Councillor Hookway, representing East Devon District Council, be elected Chair for the 2022/23 Municipal Year. This was seconded by Councillor Oliver and was resolved.

RESOLVED

Councillor Hookway be elected Chair for the 2022/23 Municipal Year.

20. MINUTES

The minutes of the meeting held on 12 July 2021 were approved as a correct record and signed by the chair.

21. DECLARATIONS OF INTEREST

None.

22. QUESTIONS FROM THE PUBLIC UNDER PROCEDURAL RULES

None.

23. QUESTION FROM MEMBERS OF THE COUNCILS UNDER PROCEDURE RULES

None.

24. STRATA PERFORMANCE REPORT - STRATA IT DIRECTOR

The Strata IT Director attended the meeting remotely via Zoom. The report had been circulated with the agenda and noted that the existing IT Director had left in April. Mark Davies had taken over as interim Director of IT and Digital Transformation and had been in post for five months.

Overall Strata had performed well during the past twelve months, with a good staff culture and level of retention. The Agilisys report had highlighted various issues, including stagnation around technology. It was noted that, due to the primary focus being on saving money, Strata had not invested in upgrading and maintaining technology. Over the past few months Strata had started to upgrade some key technology such as a new resilient storage system and new servers, although there is still much to do.

Strata is looking to engage a technology architect in order to set a clear strategy for technology solutions and systems life-cycles. The report also highlighted the need for the three Councils to work more closely together which would enable greater savings on delivery.

Regarding staff, the role of Head of Infrastructure has now been filled, with the post holder taking up the role on 1 November. Vacancies on the Service Desk have now been filled and this is now at full complement.

The report outlined various projects which have been or are being delivered during the period. These include:

- Financial Management System replacement
- Migration to Microsoft 365
- Storage Area Network (SAN) upgrade
- Public Switched Telephone Network (PSTN – copper phone lines) in Exeter
- Street cleaning app
- St Sidwells Point leisure complex
- Trade waste system

Over the next few weeks, the project engagement and delivery process will change and Strata will be adopting a more Agile method of project delivery where that approach is suitable.

The report also highlighted the incidents and performance data since 1 January 2022 showing the work Strata has done or is doing in the Service Desk, Business Systems and Projects.

Strata now needs to go through an improvement plan and ensure that all staff operate within that governance and that everyone is aware of protocols.

In response to questions from Councillors, the following points were made:

- Mr Davies does not consider that Strata is top heavy in terms of staff or costs. Mr Davies would try to find comparable data from other authorities to ensure that Strata is delivering value for money.
- Mr Davies outlined his background in IT and advised that he is working on a consultancy basis with a contract in place to February/March 2023. The vacancy for a replacement would be advertised in the next 6 to 8 weeks.
- Regarding possible future working with other Councils' leisure services, it was noted that there is a need for more resources before looking to add value by working elsewhere.
- An example of software not allowing a certain type of parking permit was discussed. Mr Davies would look into this and follow up with Councillor Oliver.
- With regard to using different methodologies such as Agile or Waterfall as approaches to delivering projects, Mr Davies advised that the nature of working in councils is often necessarily a Waterfall approach due to the monolithic timeline based procurement process. However, within that, there could be modules where an Agile approach to delivery could be used. Changes to delivery approaches would be decided depending on the nature of the project. An Agile coach has been engaged and this would enable a common understanding of methodologies across Strata and the three councils.
- Business analysis will be needed in both the client councils and Strata and, moving forward, Strata will be looking to give 25% of its time to each client, with 25% given to work within Strata itself in order to avoid technology falling behind.

The report was accepted and noted.

25. STRATA FINANCE REPORT, BUDGET MONITORING AT JULY 2022/23 - STRATA FINANCE DIRECTOR

The report was presented by the Director of Finance.

There were no questions from Councillors.

The report was accepted and noted.

26. STRATA FINANCE REPORT BUDGET MONITORING OUTTURN 2021/22 - STRATA FINANCE DIRECTOR

The report was presented by the Director of Finance.

There were no questions from Councillors.

The report was accepted and noted.

CLLR N HOOKWAY
Chairman

The meeting started at 4pm and finished at 5.13pm

EXECUTIVE

Tuesday 6 September 2022

Present:

Councillor Bialyk (Chair)

Councillors Wright, Denning, Morse, Parkhouse, Pearce, Williams and Wood

Apologies:

Councillors Ghusain

Councillor K. Mitchell (as an opposition group Leader)

Also present:

Councillor Jobson (as an opposition group Leader)

Councillor D. Moore (as an opposition group Leader)

Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Director Net Zero Exeter & City Management, Director of City Development, Director of Culture, Leisure and Tourism, Corporate Manager Democratic and Civic Support, Managing Director, Exeter City Living Ltd, Service Lead - Environmental Health & Community Safety, Programme Manager - Communities, Assistant Service Lead – Local Plan and Democratic Services Team Leader

79

MINUTES

The minutes of the meeting held on 5 July 2022, were taken as read, approved and signed by the Chair as a correct record.

80

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

81

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

A member of the public, Mr Cleasby submitted the following question, related to Minute No. 88:-

- The draft consultation document states that members of the Liveable Exeter Place Board “engage communities and stakeholders to address the challenges in achieving the vision”. How do Board members engage those communities not represented by Board members, and will the Council please provide a recent example of them doing so?

The Council Leader in responding, explained that the Liveable Exeter Place Board brought together a variety of leaders and individuals that had a responsibility for their own organisations or were influential people in their own right, such as the local MPs. The leaders of the city’s institutions and individual businesses or charities were rooted in the locality, and were able to inform on discussion and shape issues based on a wealth of information attained from their staff and customers. Those organisations for example had asset management plans, and would be thinking of their long investment plans and how their organisations conducted their business to ensure cross institutional co-operation to further the vision of the city.

Aspects of the city's vision related to outcomes that required co-ordination of the city's infrastructure or organisation of activity aligned with strategic goals such as delivering the most active city in the country or delivering world class education. No one organisation had the ability to achieve the goals, organisations needed to work together over a sustained period of time and work on aligning physical infrastructure with funding and wrap around packages of support involving revenue expenditure and various bids into government departments. Co-ordinating infrastructure and collaboration was assisted by the existence of a place based board.

The Place Board brought together the elected leaders of Devon County Council and Exeter City Council, the elected local MPs for Exeter, and the elected Police & Crime Commissioner, all of whom had their own processes and procedures for continually engaging with their constituents. This was complemented by the presence of the CEO of the Chamber of Commerce, and the CEO of the Business Improvement District. Those organisations spoke for a wide range of companies and had established ways of connecting with businesses. Further, educational institutions through the University of Exeter and Exeter College had a strong working relationship with all the educational organisations in the city.

An example was Professor Lee Elliot Major, who sat on the Place Board, had led the work on social mobility in the south west, levelling up through education. The Chair of the Place Board, Sir Steve Smith was one of the people mentioned in the report in providing oversight, feedback and advice throughout the project. The proposals of the commission directly addressed the requirements in the Levelling Up White Paper and its 2030 mission on education, skills and ultimately on living standards. The commission showed how not all young people in Devon were enjoying the opportunities and benefits of prosperity. The Chair of the Devon Community Foundation worked with the community and wellbeing support infrastructure, which was developed in conjunction with the two local authorities and GPs. Whether through sport, culture, transport, development or health work on the Covid recovery plan, this demonstrated the ability of the Place Board to reach out to stakeholders in an agile fashion to reflect the long term vision of the city and to translate it into short term action. The city should be proud of the work it had done to work in a collaborative fashion and the focus on delivering the vision.

Mr Cleasby on putting a supplementary question, commented on the impressive list of local leaders, and enquired about the position of the High Sheriff of Devon having a seat on the Place Board and about representation for those not aligned with the group.

The Council Leader responded that the previous High Sheriff of Devon (Lady Studholme) was no longer on the board and indeed had not been a member of the Board in that capacity. He also stated that the Place Board members would respond to the consultation on behalf of their various organisations. The consultation would seek to engage with all groups and individuals in the city, to ensure that their views were heard.

82

URGENT ITEM - HOUSEHOLD SUPPORT FUND EXTENSION - GENERAL SCHEME

The Executive noted the urgent decision for the Household Support Fund extension and that Exeter City Council has been allocated up to £122,838 to support low-income families for commencement by the end of September 2022.

Members were advised that, 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 by the Portfolio Holder for Customer Services and Council Housing and the Chair of the Customer Focus Scrutiny Committee who agreed that this was an urgent decision. Full details of the scheme would be made available through the Scrutiny Bulletin.

The Chair welcomed the scheme which provided support to residents and highlighted the support available from the Council.

The Support Scheme statistical data for the various schemes are appended to the minutes.

RESOLVED that the urgent decision be noted.

83 **URGENT ITEM - COUNCIL TAX ENERGY REBATE DISCRETIONARY SCHEME POLICY**

The Executive noted the urgent decision for the Council Tax Energy Rebate allocation of £188,700 for Exeter City Council households.

Members were advised that, due to the timescales involved it would not be possible to convene a meeting of the Council in advance of the implementation of the rebate. In accordance with the Council's Constitution, the matter was discussed by the Portfolio Holder for Customer Services and Council Housing and the Chair of the Customer Focus Scrutiny Committee who agreed that this was an urgent decision. Full details of the scheme would be made available through the Scrutiny Bulletin.

The Portfolio Holder for Customer Services and Council Housing expressed her thanks to the team for timely action of the work to ensure funding was available for residents during the cost-of-living crisis.

The Support Scheme statistical data for the various schemes are appended to the minutes.

RESOLVED that the urgent decision be noted.

84 **COST OF LIVING AND ENERGY CRISIS**

The Portfolio Holder for Communities & Homelessness Prevention raised the cost of living and energy crisis and highlighted the focus of what the Council could do to support residents in the city. Ahead of the next Executive Committee meeting in October, opposition leaders would be contacted to provide contributions as to ways to support addressing the situation.

The Council was limited in what it could do, but this did not limit the Council's ambition to provide support, security and solace to residents as the crisis likely continued. The Council would also be coordinating with the community voluntary sector who had already commenced meetings and undertaken a work plan to address the situation and explore all available options.

The Chair advised that the Council would be monitoring announcements from the Government and would look to address what the Council could do to help resident's in-line with resources in October 2022.

85 **PROPOSED ADOPTION OF COMMUNITY ASSET TRANSFER POLICY**

The Executive received the report which provided Members with an overview of the proposed purpose, procedure and resource implications of adopting the Community Asset Transfer policy. An eight-week consultation with stakeholders was undertaken in June 2021, as well as two workshops held in July 2021. The feedback from the consultation had fed into the final policy proposal, to help ensure that it was fit for purpose, clear and delivered benefits to the communities of Exeter.

The report provided a definition of Community Asset Transfer (CAT), and details of the rationale behind Exeter City Council creating a transparent and consistent policy for organisations wanting to progress an application.

Particular reference was made to the existing practice for long leases and asset transfers which were already implemented by the Council, with a notable example being the transfer of the Valley Parks to Devon Wildlife Trust. There was clear value in developing partnerships with community groups and organisations as this helped to increase the resources that could be made available to residents in the city

Councillor D. Moore, as an opposition group leader, spoke on this item. She welcomed the policy and responses from the community sector and proposed a technical amendment to the Policy for the Portfolio Holder to consider:-

- Section 8.2 of the policy did not include Community Benefit Societies, which were created alongside the formal legal structures of the Co-operative and Community Benefit Societies Act 2014, and suggested that they also be included in this section.

Councillor D. Moore also commented that she hoped that the building transfers would include environmental improvements and that there would be flexibility from the Council in offering leases ahead of any investment made.

The Chair welcomed the amendment but advised that amendments could only be made by a member of the Executive committee. Given that there were technical details to be addressed, he advised that the Portfolio Holder for Communities & Homelessness Prevention would address the technical detail outside of the meeting and make the amendment as part of the recommendations to Council on 18 October.

Councillor Jobson, as an opposition group leader, spoke on this item. She welcomed the report and highlighted that the Exeter St James Community Association referred to in the report, needed to be changed to the Exeter and St James Community Trust Ltd as they were a corporate body to enable the transfer.

The Chair advised that the Portfolio Holder for Communities & Homelessness Prevention would address the detail outside of the meeting and make the amendment as part of the recommendations to Council on 18 October.

The Director of Culture, Leisure and Tourism in response to the suggestions stated, that there were no issues of including the Community Benefit Societies in the section 8.2, which listed various organisations and wasn't specifically including or excluding organisations. In regards to the title to Exeter and St James Community Trust Ltd, it was important that this was correct.

The Director of Culture, Leisure and Tourism and the Programme Manager - Communities, in responding to a Members' question stated that safeguarding assets was a risk outlined in the report and that if a property was transferred

through a leasehold, it would enable the Council to maintain partnership working and support for the relevant group. Members would address each application during the processing stage to ensure financial resilience and stability with the applicant.

The Portfolio Holder for Communities & Homelessness Prevention in summarising the report highlighted that the policy was a framework for the whole process and each application was addressed on a case-by-case basis. He thanked the officers for the time and effort in bringing the report and policy together to support community groups in the city.

RECOMMENDED that Council adopt the Community Asset Transfer Policy.

86 **FOOD LAW AND HEALTH AND SAFETY ENFORCEMENT SERVICE PLAN 2022 - 2023**

The Executive received the report which sought approval to adopt the Food Law and Health and Safety Service Plan 2022-23, which set out the Council's regulatory function in respect of food safety and health and safety over the forthcoming year. The Food Law Enforcement Plan highlighted how the Council would meet its regulatory obligations in respect of food safety and the Health and Safety Services Plan demonstrated the arrangements for enforcing health and safety.

Members noted that the Environmental Health team had been disrupted during the Pandemic, and had been assisting on the national track and trace system, assessing Covid compliance for businesses and there had been periods where businesses were closed and food inspections could not take place.

Particular reference was made to the focus on the national framework for recovery by the Food Standards Agency, which Exeter was in a very good position. There were 150 more food businesses in operation now, than before the Pandemic, which further highlighted the impact of resources on a small team.

The Service Lead - Environmental Health & Community Safety, in responding to a Members' question explained that any changes to the food hygiene legislation would require a change to the Council's constitution and a report would be presented to the Executive for Council approval accordingly.

RECOMMENDED that Council:-

- (1) approve the Food Law and Health and Safety Service Plan 2022/23;
and
- (2) authorise the Service Lead – Environmental Health and Community Safety to change the plan in the light of national guidance and/or to meet operational needs.

87 **AIR QUALITY ANNUAL STATUS REPORT**

The Executive received the report on the statutory Air Quality Annual Status, which contained monitoring data from 2021 and the summary of the actions taken in that year to improve local air quality. The Council had a statutory duty to monitor and report on air quality and had submitted the report to the Department of Environment, Food and Rural Affairs (DEFRA).

Particular reference was made to the five high points raised in the DEFRA appraisal letter, included with the agenda, which highlighted the high standard and accuracy

of work undertaken. The Service Lead - Environmental Health & Community Safety expressed his thanks to the staff involved in writing the report.

Councillor D. Moore, as an opposition group leader, spoke on this item. She welcomed the report and highlighted the importance of seeing the status of air quality in the city. She enquired on the evidence for the actions for improving air quality and had concerns that air pollution was rising. She further enquired if the Portfolio Holder would be minded to send the report to Devon County Council and ask for their response to the report and comment on what actions they were undertaking to improve the city's air quality.

The Portfolio Holder for Climate Change commented that it was a statutory report produced to a specific standard. The Council's role was to measure and report on air quality, but worked with various partners on measures to improve the air quality, whilst being mindful of the Council's resources. The report presented was for noting but the Council would be engaging with Devon County Council on means to improve air quality measures.

The Service Lead - Environmental Health & Community Safety explained that the report had been shared with the Director of Public Health at Devon County Council, who had commented on the findings. He also highlighted that the Air Quality Action Plan required an update due to the figures for 2020 being discounted and 49 of the 50 locations within the air quality management area were below the legal objective.

Members welcomed the report and expressed thanks to the team for an informative and well-presented report.

RECOMMENDED that Council note the statutory annual status report.

88

NORTHBROOK WILD ARBORETUM: PROJECT INITIATION AND FUNDING

The Executive received the report which provided the detail for commencing the development of the wild arboretum project and the funding required. A report had been previously presented to the Executive in October 2021, which highlighted the details of the 2021 consultation and the 96% support for the wild arboretum. The report now set out the next steps required in delivering the green space.

Particular reference was made to the work that had been undertaken with the Devon Wildlife Trust, the Parks and Engineering teams and with Devon County Council for green transport aspects to progress the project. Discussions were also underway with the Environment Agency for additional contributions.

Councillor D. Moore, as an opposition group leader, welcomed the report.

Councillor Jobson, as an opposition group leader, spoke on this item and welcomed the report. She enquired about CIL allocation funding and whether the 85% allocation would be focussed on infrastructure. The Leader confirmed that the 85% allocation was correct.

The Director Net Zero Exeter & City Management in response to a Members' question, explained that the longer term use of the building on site was being discussed with the Devon Wildlife Trust and an option for transferring the property as a lease agreement was still to be decided. The Car Park would likely stay under the Council's control, and maintenance of the green space would be undertaken by the Devon Wildlife Trust.

During the discussion, the following points were made:-

- This was a good example of the positivity for asset transfers, which would ensure the safety and future enhancements for the green space. The report embraced biodiversity and offsetting carbon emissions by encouraging active travel and the planting of trees; and
- The project would also encourage physical activity and promote active travel in the city.

The Chair welcomed the report and welcomed the consultation with the community and the positive response received.

RESOLVED that the stages required to develop the Northbrook Wild Arboretum in partnership with Devon Wildlife Trust be approved in principle.

RECOMMENDED that Council approve the allocation of £288,583 in total towards the project made up of £222,615 from a mixture of the Community Infrastructure Levy funding or Section 106 if available, and contributions of £65,968 from partners.

89

EXETER PLAN: OUTLINE DRAFT CONSULTATION

The Executive received the report on the progress made on the new Exeter Plan (Local Plan) which sought approval for undertaking a public consultation on the 'Outline Draft' plan which set out the city vision, spatial strategy, draft strategic policies and potential development sites for comment.

A previous public consultation had been held in Autumn 2021 and additional work had been undertaken based on the evidence and issues identified to prepare the outline Draft Plan for consultation. Exeter City Council had a statutory responsibility to prepare planning policy for the city, and the new Exeter Local Plan would replace the Core Strategy and the Local Plan First Review documents. Consultation was an important part of the process for preparing the Exeter Plan and fulfilled the statutory requirements and the adopted Statement of Community Involvement

Members were provided a presentation on the draft Exeter Plan, (appended to the minutes), and particular points raised in the presentation included:-

- The Exeter Plan was the new name for the Local Plan, and would become a statutory planning policy for the city, once adopted;
- The Exeter Plan was the first new local plan in 10 years and looked ahead to 2040 and also included the Councils Exeter Vision 2040;
- The consultation and plan would be available in a digital format, both online and on a new digital platform to be more interactive and accessible;
- Consultation and engagement would also be available in hard copy, available at public events with available questions on each section of the document;
- To ensure more residents could make their voices heard, a variety of engagement and events were planned;
- The plan would include the spatial strategy to encompass net zero, health and wellbeing and city centre vitality;
- There would be a focus on development of brownfield sites and good access to green infrastructure;
- Liveable Exeter was an anchor of the plan with the intent to build homes, to reinvigorate existing communities and create sustainable neighbourhoods;
- Details of the evidence, policies, and various development sites were highlighted; and

- The consultation would run between 26 September and 21 November 2022 with another consultation to be held in 2023. A final draft of the document will be published for comment ahead of submission to the Planning Inspectorate for examination.

Councillor Jobson, as an opposition group leader, spoke on this item. She thanked the officers for the hard work that been put into the plan, and enquired when a list of dates and venues will be made available to start informing local residents.

Councillor D. Moore, as an opposition group leader, spoke on this item. She welcomed the presentation and the work that had been undertaken. She enquired on the following:-

- would there be a list for community facilities and health services included as part of the evidence base?
- What was the contribution from Exeter University, who made a large contribution to the city and would their new plan contribute or form part of the Exeter Plan for public consultation?
- Could the Liveable Exeter Place Board include co-creative input from community organisations who are not represented on the Place Board and could a community panel be established to contribute to the strategic direction of the city.

Councillor D. Moore welcomed the inclusion of supporting Gypsies and Travellers needs in the Exeter Plan.

The Chair highlighted that the Liveable Exeter Place Board would not be making decisions on the consultation. The Council would be working closely with its delivery partners and would be reaching out to other groups and organisations to include them. All submissions to the consultation would be welcome, whether from an individual or from a group. The consultation would aim to reach out to as many people as possible.

In response to a Members' question, the Chair advised that there were national organisations who represented Gypsies and Travellers, who would be contacted to notify travellers of the consultation, to enable them to participate in the consultation.

During the discussion, a Member welcomed the focus on the brownfield first strategy, which would protect the green city ridgeline. Members should, now reach out to residents to encourage them to take part in the consultation.

The Portfolio Holder for City Development & Planning welcomed the plan and expressed her thanks to the team and those involved, for the work that had been undertaken on the first draft and advised, that everyone in the city was welcome to engage with the consultation. Members were further advised that there had been legislative changes relating to Travellers, but there were organisations who represented them who would be contacted.

RESOLVED that

- (1) the Outline Draft Exeter Plan (content included in Appendix A of the report) be approved as the basis for public consultation for eight weeks commencing on 26 September 2022; and
- (2) delegated authority be granted to the Director of City Development, in consultation with the Council Leader and Portfolio Holder for City Development,

to agree minor changes to the Outline Draft Plan content before it is published for consultation.

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

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 representations received had been included on the agenda with the statement of response to the representations.

The reason for the exemption for Minute No. 91, was that the report was an informative update report, which contained information relating to the financial or business affairs of the company and it was in the public interest to maintain the confidentiality of the company's financial or business affairs. The recommendation that Minute No. 91 be taken under Part 2 would be maintained.

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in paragraph's 1,2 and 3 of Part 1, Schedule 12A of the Act.

91 **MEMBER TRAINING**

The Executive received the report which provided a quarterly update on the progress of work on the Members' training programme and also included Members' attendance records and feedback on the various training sessions held since May 2022 to present.

Particular reference was made to the new online training platform which would soon be made available to Members. The system would enable Members to undertake an array of training sessions including GDPR and Safeguarding. Attendance and completion of the training would also be included in the training indicators.

Councillor D. Moore, as an opposition group leader, welcomed the quality of the training provided.

During the discussion, the following points were made:-

- The new training package will have mandatory training requirements for all Members to undertake;
- New carbon literacy training would be provided to Members later in the year, which was highly recommended;
- Shadowing and site visit sessions from various teams had been very beneficial and Members were encouraged to attend for their own development.

The Deputy Leader & Portfolio Holder for Arts & Culture and Corporate Services suggested that the report be presented publically for future meetings, with any relevant redactions, to highlight the training and development that elected Members had undertaken.

RESOLVED that the Executive note the Members' Training report.

92 **EXETER CITY LIVING SIX MONTH UPDATE - FINANCIAL YEAR 2022/2023**

The Executive received the report on the mid-term update on the Exeter City Living business plan covering the period March 2022 to 31st July 2022. The report was an informative update which provided an overview of the market conditions affecting the company over the last six months, including the challenges it faced in an unprecedented volatile construction sector, along with an update on Company activity. The Report did not propose any changes to the agreed Business Plan for 2022-2023.

The Managing Director, Exeter City Living Ltd made particular reference to:-

- The challenges faced by procurement issues in the South West, which had caused delays to the start of construction on various sites;
- The report provided a financial overview for the year to date, with an explanation for the key variations against the Budget for 2022-2023.,
- The potential for an addition to the Company's development pipeline strategy with the conversion and remodelling of existing stock. This potential strategy was being explored as a means of increasing the housing stock in the City ahead of new build developments commencing and as a means of reducing carbon by remodelling and re-using existing buildings.
- There had been some notable progress including new homes commencing on sites at Hamlin Gardens, demolition works commencing at Clifton Hill and good progress with the Development Work stages for a number of new developments which had the potential to deliver over 600 new homes.
- New staff had been appointed to Exeter City Living and the Company had also been providing consultancy services to Teignbridge District Council to assist them with their own ambitions to build new homes; and
- The board structure for Exeter City Living was being addressed along with its governance arrangements and changes would be presented to the Executive and Council in due course.

Councillor D. Moore, as an opposition group leader, spoke on this item. She enquired as to whether the Company were in a position to repay its loan interest liabilities and further enquired on whether any new homes modelled from existing buildings would meet national space standards.

The Managing Director, Exeter City Living Ltd explained that the interest rate the Company paid on their loans varied as to when the loan was taken out by the Council for each development, but that the rate that the Council charged the Company was fixed, which was reflected in the Company's budget and cash flow. The Managing Director confirmed that the size of homes created by ECL whether new build or from conversion would conform to the National Space Standards and Exeter City Council's Residential Design Standards.

The Chair thanked the Managing Director, Exeter City Living Ltd for the update and acknowledged the issues faced by the company.

RESOLVED that the Executive note the midterm update report.

(The meeting commenced at 5.30 pm and closed at 7.33 pm)

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny

Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 18 October 2022.

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EXECUTIVE

Tuesday 4 October 2022

Present:

Councillor Bialyk (Chair)

Councillors Wright, Denning, Ghusain, Morse, Parkhouse, Pearce, Williams and Wood

Also present:

Councillor Jobson (as an opposition group Leader)

Councillor D. Moore (as an opposition group Leader)

Apologies:

Councillor K. Mitchell (as an opposition group Leader)

Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Director of City Development, Director of Culture, Leisure and Tourism, Director Finance, Corporate Manager Democratic and Civic Support, Corporate Manager – Executive Support, Assistant Director of Housing (LB), Service Lead - Environmental Health & Community Safety and Democratic Services Team Leader

93

MINUTES

The minutes of the meeting held on 6 September 2022, were taken as read, approved and signed by the Chair as a correct record.

94

ALDERMAN GEORGE CLARKE

The Leader passed on his condolences, and reflected on the memory of the former Mayor of Exeter and Honorary Alderman George Clark, who had recently passed away. Alderman Clark had represented the Wonford Ward between 1983 and 1998 and had been a good friend to many people. The Leader thanked staff and Councillors who had sent condolences and attended his funeral. References and Members' thoughts would be presented at the full Council meeting on 18 October 2022.

95

MATTERS ARISING: COST OF LIVING CRISIS

The Leader raised the matter of the cost of living crisis which had been highlighted as a matter of urgency at the previous meeting (Minute No. 84). He highlighted that there had been impacts over the course of the month relating to the mourning period, following the passing of HRH Queen Elizabeth and limited guidance from the Government.

The Deputy Chief Executive explained that officers had assembled information on how the city was mobilising to support those affected by the cost of living pressures. Currently several organisations had been identified in the public, business, community and voluntary sectors who were working to support residents and businesses, which the City Council had also been included. The list had been shared with Members and would be regularly updated by the Communities team as more offers and support were made known. The Council was working with the information as it was made available, to help direct people to contact the Council for advice and support.

The Portfolio Holder for Communities & Homelessness Prevention thanked the Deputy Chief Executive and the officers for the work undertaken to date. He highlighted that there had been a great response with residents, organisations and the Council working together. Although the Council didn't have a statutory duty to do so, it was considered important that support was given to residents and the list would be provided to as many people as possible.

In addition to directing people to the list, community grants funding would be repurposed with an allocation of £10,000 made available, with up to £500 grant funding available to help cover additional costs during the winter period. A new application form would also be made available through the Council's website to support communities in opening warm spaces in the city. The Portfolio Holder for Communities & Homelessness Prevention advised that existing applications would not be penalised under the new scheme and more information would be made available in due course.

The Chair welcomed the update and considered that in line with the current crisis, it was important to provide an update to Members.

96

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

97

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

98

CORPORATE PLAN 2022-26

The Executive received the report on the Council's draft 2022-26 Corporate Plan, which set out how the Council would operate in its role in delivering the agreed Exeter Vision 2040. There were five strategic priorities outlined in the plan to achieve the vision for the city, which would be delivered through various strategies such as the Exeter Plan, as well as through the service plans of various Council departments.

Particular reference was made to the focus on leading a well-run Council which underlined the importance of ensuring that the Council was a fit for purpose organisation in order to deliver on the key priorities. The priorities would be reviewed on an annual basis and its progress would be monitored by the Strategic Management Board (SMB) and Members.

The Leader highlighted that an all Members' Briefing on the Corporate Plan had been scheduled, but had been cancelled due to the recent mourning period for HRH Queen Elizabeth, and there had been no time to arrange a subsequent briefing ahead of bringing the Plan to Members for approval.

Councillor Jobson, as an opposition group leader, spoke on this item and highlighted that an all Members' briefing would be welcomed.

RECOMMENDED that Council:-

- (1) approve the Council's 2022-26 draft Corporate Plan; and

- (2) grant delegated authority to the Chief Executive & Growth Director, in consultation with the Leader of the Council to draft any necessary amendments before publication.

99

CATERING PROVISION AT EDWARDS COURT

The Executive received the report on the proposal for providing in-house catering provisions at Edwards Court with an increase in staffing to provide the service. In February 2022, Council approved for all non-care services operating for the 51 properties at Edwards Court to be managed by Exeter City Council, with care provisions provided by Devon County Council. However, following an unsuccessful tendering exercise for the catering service, a decision was required to provide catering to the residents and an in-house provision was considered the only viable option.

The Deputy Chief Executive suggested the following amendment to the recommendations in the report:-

That Executive recommend and Council approve that, subject to the outcome of discussion with Devon County Council, the Deputy Chief Executive, in consultation with the Portfolio Holder for Customer Services and Council Housing be given delegated powers to agree:

- (1) that Exeter City Council provides in-house catering at Edwards Court; and
- (2) that Exeter City Council creates and recruits to the following posts: Head Chef, Assistant Chef and 2 x Catering Assistants contracted for 25 hours per week at estimated grades of F, D and B respectively and that they are added to the Council's staffing establishment.

It was explained that the reason for the amendment was that since the report had been drafted, further work had been undertaken by officers to understand the impact on the estimated costs on the City Council. Further analysis of the projected cash flow showed that the anticipated financial return over the projected 30-year period would reduce in the region of £3 million as a result of the in-house provision and projected increase in costs as a result of inflation.

There was still value in providing catering to residents at Edwards Court, and the creation of a communal area would help prevent social isolation and provide tenants with a daily hot meal. While the Council was contractually committed to using best endeavours to provide a daily two course hot meal every day, the impact on the Council's Housing Revenue Account could not be ignored. Conversations had commenced with Devon County Council as a partner in the Scheme, to help understand how the increased costs could be shared, and recognising that the catering provision funded by Exeter City Council would also have a positive impact on the care delivery costs of the County Council.

The Leader advised that the number of positions and salary grades would be agreed with the relevant trade unions and would follow the appropriate recruitment process.

Councillor D. Moore, as an opposition group leader, spoke on this item. She welcomed and supported the in-house service provision and commented on the assumptions for the cost and quality of service. The report stated, that there would be no direct carbon and environmental issues arising from the recommendations, however, the production and quality of food provision would have environmental and carbon impacts and needed to be considered as the service was commenced.

During the discussion the following points were made:-

- residents had been confirmed as now living at Edwards Court, which was welcomed;
- there would be neither a positive or negative carbon impact at the site as the Council would provide residents with the means to eat at the premises; and
- Edwards Court was one of the first UK Passivhaus extra care homes built and it highlighted the Council's commitment to building to Passivhaus standard.

The Portfolio Holder for Customer Services and Council Housing commented that Edwards Court was a good building and the report showed the Council's commitment to developing Passivhaus homes. She expressed her thanks to the Assistant Director of Housing for the hard work that had been undertaken, to ensure the residents' need were met.

RECOMMENDED that Council approve, subject to the outcome of discussion with Devon County Council, that the Deputy Chief Executive, in consultation with the Portfolio Holder for Customer Services and Council Housing be given delegated powers to agree that:

- (1) Exeter City Council provides in-house catering at Edwards Court; and
- (2) Exeter City Council creates and recruits to the following posts: Head Chef, Assistant Chef and 2 x Catering Assistants contracted for 25 hours per week at estimated grades of F, D and B respectively and that they are added to the Council's staffing establishment.

100

OPERATION LONDON BRIDGE - EXPENDITURE

The Executive received the report which set out the details of the urgent decision relating to the expenditure of £31,000 which had been incurred in the Council's response to Operation London Bridge. In accordance with the Council's constitution the expenditure had been reported to Members at the first available meeting of the Executive for noting. The decision was taken by the Chief Executive & Growth Director, in consultation with the Director of Finance, the Leader of the Council and Chair of the Customer Focus Scrutiny Committee. The report would also be presented to the Customer Focus Scrutiny Committee on 6 October 2022.

Particular reference was made to how Operation London Bridge was actioned within minutes of the news of the passing of the Queen and highlighted how well Exeter managed the process to ensure the event was successful.

Councillor Jobson, as an opposition group leader, spoke on this item. She thanked everyone involved for their hard work and highlighted that the efforts had shown the city in a good light.

Councillor D. Moore, as an opposition group leader, also thanked all those involved for the work undertaken.

The Leader highlighted how well Operation London Bridge had been managed and thanked all staff and Members, who went beyond the call of duty and working together, demonstrating the city's great respect to the Queen. The Leader formally thanked the Lord Mayor for the work undertaken in taking the book of condolence to retirement homes, the hospital and the prison to sign the book.

Additional thanks, were also given to the Council's partners, notably Sandy Park, Exeter City Football Club and Exeter Cathedral for their help and support

RESOLVED that the urgent decision be noted.

101 **AMENDMENTS TO THE SCHEME OF DELEGATION**

The Executive considered the report which set out the proposals to amend the Scheme of Delegation to Officers to match operational arrangements of the Council and to ensure suitable day to day operational decisions could be taken. The Scheme of Delegation was reviewed on an annual basis to ensure that they were up to date. It was confirmed that there were no additional delegations given to officers in the report.

RECOMMENDED that Council approve the changes to the Scheme of Delegation to Officers as set out in the Appendix of the report presented to the meeting.

102 **MINOR AMENDMENT OF PARLIAMENTARY POLLING DISTRICTS AND POLLING PLACES FOR EXETER AND EAST DEVON CONSTITUENCIES**

The Executive received the report for a minor amendment to the current polling district arrangements for the Exeter Parliamentary Constituency and the part of the East Devon Parliamentary Constituency, which was within the Exeter City Council area. The report was requesting two minor amendments to polling districts within the city. The first amendment was in the St. Thomas Ward, which proposed to combine two polling districts into a single polling district, to make it more accessible for the public. The second amendment was to the Topsham area in relation to a number of houses within the polling district.

Particular reference was made to amendments to polling districts being a Council decision, whereas the situation of the polling stations within the Polling Districts, was the decision of the Returning Officer.

RECOMMENDED that Council adopt the proposals as set out in paragraphs 8.1 and 8.4 of the report presented to the meeting.

103 **OVERVIEW OF GENERAL FUND REVENUE BUDGET 2022/23 - QUARTER 1**

The Executive received the report on the overall financial position of the General Fund Revenue Budgets for the 2022/23 financial year after three months and sought Council approval for additional expenditure required during the financial year.

There had been a significant increase in the cost of living which had a major impact on the Council, with two significant financial pressures identified this year. The first pressure was the proposed pay award, which was £1.5 million more than was budgeted for. The second pressure was the substantially higher energy costs, which, even with the Government's six-month energy support scheme, it was estimated that the Council would incur an additional cost of £600,000 for energy. This would lead to a considerable overspend of more than £2 million on the budget, which had been partially offset by vacant posts and recruitment difficulties.

Members noted that during the Covid Pandemic, the Council had set aside an earmarked reserve of £4 million for budget changes. The Council would need to use £2 million to keep the General Fund Balance where it should be in the Medium Term Financial Plan. The pressure from the pay award of £1.5 million needed to be

addressed ahead of the forthcoming year and the energy cost, if the support cap was not extended, was expected to be £2.25 million more than the current budget.

Particular reference was made to the General Fund working balance which was now expected to stand at £4.5 million and was not currently projected to go below the minimum balance, however work was needed to address the significant financial challenges ahead.

The Director Finance referred to Appendix 4 which showed areas of key budgetary risk, Appendix 5, which outlined the performance against the One Exeter reductions highlighting that the Council was £30,000 lower against the £2.2 million that was expected. Appendix 6 showed the analysis of the progress of the One Exeter Programme against the Medium Term Financial Plan predictions.

Councillor D. Moore, as an opposition group leader, spoke on this item. She enquired if the income generation shown in Appendix 6, would require further budget cuts or whether there would be any potential turn around before the end of the financial year.

The Director Finance clarified that the £2.3 million was from the previous year and was reported against this figure, with a £30,000 shortfall against the £2.3 million. In regards to commercialisation, the One Exeter Programme, was a four year programme with targets set against the end of the programme. There were a number of tenders bid for, which had been unsuccessful which highlighted the challenges faced. There were no requirements for Commercialisation in the One Exeter programme for 2023/24, but additional financial pressures were expected as set out previously.

Councillor Jobson, as an opposition group leader, spoke on this item. She noted that a report would be coming in November and updates to figures could be assessed by Members.

Members thanked the Director Finance and his team for the work they had undertaken. £2.5 million would have a large impact on residents, businesses, and Council services. Having prudent financial management had ensured that earmarked reserves were available.

RECOMMENDED that Council notes and approves (where applicable):

- (1) the General Fund forecast financial position for the 2022 financial year;
- (2) the supplementary budgets as detailed in paragraph 8.12 and Appendix 3 of the report;
- (3) the outstanding Sundry Debt position as at June 2022;
- (4) the creditors payments performance; and
- (5) the One Exeter programme update.

104

2022/23 GENERAL FUND CAPITAL MONITORING STATEMENT - QUARTER 1

The Executive received the report on the current position of the Council's revised annual capital programme and the anticipated level of deferred expenditure into future years. The report further sought approval to amend the annual capital programme in order to reflect the reported variations.

Members noted that the amount that the Council could borrow, was linked to the central government borrowing rates, with large fluctuations in the cost of borrowing for both central and local government. Following intervention from the Bank of

England, the amount that the Council could borrow had reduced with interest rates being 2.9% higher than interest rates in December 2021.

Particular reference was made to the longer term borrowing, which was at a fixed rate with no impact on existing borrowed money. However, planning for future borrowing on the Capital Programme, equated to £30,000 a year more for each million that was borrowed.

The Director Finance advised that SMB were reviewing the Capital Programme and looking at what could be deferred or stopped, with any proposals being brought back to Members later in the year. At Quarter 1, £38 million of the Capital Programme was being proposed for deferral with reviews to take place, and Members would be updated.

Councillor D. Moore, as an opposition group leader, spoke on this item. She enquired about the £38 million capital programme which was introduced based on risk assessments for the capital structure and what would happen for immediate risks to health and safety. She further enquired about St. Sidwells Point and if the final amount would be disclosed this year?

The Director Finance explained that a major conditions survey was undertaken which highlighted issues and that health and safety issues were a priority. The St. Sidwell's Point contract was with legal services and an update would be brought to Members within this financial year, once all negotiations were finalised.

RECOMMENDED that Council approve:

- (1) the overall financial position for the 2022/23 annual capital programme; and
- (2) the amendments and further funding requests to the Council's annual capital programme for 2022/23.

105

2022/23 HRA BUDGET MONITORING REPORT - QUARTER 1

The Executive received the report on the financial position of the HRA Revenue and Capital Budgets for the 2022/23 financial year after three months and the reported budgetary over/under-spend. The report further highlighted areas of risk, where certain budgets had been identified as being vulnerable to factors beyond the control of the Council, which may result in potential deviations from the budget, and were being closely monitored by officers.

The Director Finance explained that the pay award was expected to be £138,000 over budget and the anticipated additional energy budget for the next financial year would be £350,000, which equated to around half a million pounds in cost pressures.

The HRA interest rates would impact on borrowing for new properties, which would be reviewed by the housing team. Maintenance to existing properties was generally managed by the housing financial resources and therefore not reliant on borrowing. HRA interest received, would be higher due to receiving more from the General Fund but there were no other significant movements to report.

In response to a Member's question, the Director Finance clarified that the HRA had previously borrowed £15 million at a fixed low rate, which had a low risk to social housing. Future planning would be re-assessed by the finance team to address the 3% interest rate increase.

RECOMMENDED that Council note and approve (where applicable):-

- (1) the HRA forecast financial position for 2022/23 financial year; and
- (2) the revision of the HRA Capital Programme to reflect the reported variations detailed in Appendix 4.

106

A PUBLIC ART STRATEGY FOR EXETER

The Executive received the report for a Public Art Strategy for Exeter, which provided an overview of the new ways of thinking about Public Art in Exeter and acknowledging the need for greater coherence and transparency around current practices across the city. The Strategy had been commissioned by Exeter City Council in partnership with the University of Exeter and Exeter Culture, and had been drafted by Art Work Exeter.

An investment of £12,000 from Research England's Strategic Policy Fund had been secured through the University of Exeter to develop the Strategy. The investment would seek to develop a new Public Art policy and strategy to bring ambition and improved future public art opportunities in a growing city. Art Work Exeter had consulted with several artist's curators, commissioners, consultants and specialists in developing the Public Art Strategy to ensure that there were key quality criteria, for all involved with art and culture.

Councillor D. Moore, as an opposition group leader, spoke on this item. She welcomed the Strategy and enquired about whether future funding would be coming from the Community Infrastructure Levy (CIL)?

The Director of Culture, Leisure and Tourism explained that the Strategy was funded by the University of Exeter and there were no future financial impacts from the report.

Members welcomed the Strategy.

RECOMMENDED that Council approve the Public Art Strategy for Exeter, to implement it where feasible and support the work of the Liveable Place Board, Exeter Culture, the cultural sector, local businesses, and key stakeholders in delivering the Strategy.

107

REQUEST FOR A VARIATION OF HACKNEY CARRIAGE FARES

The Executive received the report for an increase to the Hackney Carriage Fare Tariff, which had been made by the Chair of Exeter St David's Hackney Carriage Association. The report sought approval to commence a public consultation, having considered the requested variation of fares for the hire of hackney carriages.

Members noted that there had not been an increase in Hackney Carriage taxi fares since 2013, and amendments to the tariffs was an Executive function. The proposal was based on discussions with the Hackney Carriage taxi trade ahead of taking the proposal out for a public consultation, in accordance with Section 65 of the Local Government Miscellaneous Provisions Act. The proposal followed the tested Guildford model which had stood up to legal challenges in the courts and was based on local information to consider the cost of living in the city.

Particular reference was made to the proposed tariff increase, which if approved in November 2022, would put Exeter at the top of the Devon Tariff charts and 54th in the national list.

During the discussion the following points were made:-

- The Guildford model localised the figures for Exeter and was favourable in line with the request from the taxi trade to increase the tariff; and
- There had been no tariff increase since 2013, so any increase would be fair to support the drivers, especially with increased demand for taxis due to current public transport issues.

RESOLVED that the Executive approve:-

- (1) that the proposals set out in the report are put out to public consultation to run from 5 October 2022 until 2 November 2022 (4 weeks);
- (2) that a public notice containing the proposed variation table be published in one local newspaper during the above period; and
- (3) that the matter be brought back to Executive on 29 November 2022 for determination.

(The meeting commenced at 5.30 pm and closed at 6.35 pm)

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 18 October 2022.

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SEATING IN THE GUILDHALL Agenda Annex

		Deputy Lord Mayor Councillor Newby (C)	Chief Executive & Growth Director	Lord Mayor Councillor Mrs Henson (C)	Corporate Manager Democratic/Civic Support	Director Corporate Services	
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Democratic Services Officers				Deputy Chief Executive	Director Finance	Director
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Councillors	Councillors	Councillors	TABLE	Councillors	Councillors
Warwick (L)	Snow (L)	Bialyk (L)		Moore, D.F. (G)*	Jobson (C)
Oliver (L)	Hannaford (L)	Wright (L)		Mitchell, K.J. (LD)*	Leadbetter(C)
Ellis-Jones (L)	Packham (L)	Morse (L)		Sparling (G)*	
Atkinson (L)	Lights (L)	Ghusain (L)		Read (G)*	Holland (C)
Allcock (L)	Foale (L)	Williams (L)		Bennett (G)*	
Branston (L)	Vizard (L)	Parkhouse (L)		Rees (G)*	
	Knott (L)				

Cllr Asvachin (L)	Cllr Sutton (L)	Cllr Wardle (L)	Cllr Wood (L)	Cllr Denning (L)	Cllr Pearce (L)	Cllr Mitchell, M. (LD)*	Cllr Moore, J. (I)*	Cllr Harvey (I)
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L: Labour: 25
G: Green: 5*
LD: Liberal Democrat 2*
C: Conservative: 5
I: Independent 1*
I: Independent 1
 * Known as the
Progressive Group

Portfolio Holders

Bialyk: Leader
 Wright: Deputy Leader and Arts and Culture and Corporate Services
 Wood: Climate Change
 Williams: Recycling, Waste Management and Waterways
 Denning: Customer Services and Council Housing
 Parkhouse: Leisure Services and Physical Activity
 Ghusain: City Management and Environmental Services
 Morse: City Development and Chair of Planning
 Pearce: Communities and Homelessness Prevention

