

## COUNCIL

Tuesday 15 October 2024

### Present:-

Councillors Allcock, Asvachin, Atkinson, Banyard, Bennett, Bialyk, Ellis-Jones, Foale, Fullam, Haigh, Harding, Holland, Hussain, Jobson, Ketchin, Knott, Miller-Boam, Mitchell, M, Moore, Palmer, Parkhouse, Patrick, Pole, Read, Rees, Rolstone, Sheridan, Snow, Vizard, Wardle, Williams, M, Williams, R, Wood and Wright.

### Apologies:-

Councillors Begley, Darling, Hughes and Wetenhall.

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## MINUTES

The minutes of the Ordinary meeting of the Council held on 16 July 2024 were moved by the Lord Mayor, taken as read, approved and signed as correct.

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## OFFICIAL COMMUNICATIONS

The Lord Mayor advised that he had attended the following:

- Topsham Swimming Pool 45<sup>th</sup> Year Celebration
- Ukrainian Independence Day Celebration
- Topsham Charter Day
- the Blue Light Emergency Services Service;
- a staff Commendation Award Ceremony;
- the 30<sup>th</sup> Anniversary of Isca Bowling Club; and
- the High Sheriff's Legal Sunday Service.

The Lord Mayor thanked the Deputy Lord Mayor for attending in his place on a number of occasions during the period.

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## PUBLIC QUESTIONS

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

### 1. Question from Mr P

**Has the City Council considered releasing any part of the vacant bus station site to temporarily house people who currently are sleeping on the streets? It is noted that such schemes are being used by other Councils.**

The Leader gave the following response:

The Council is currently exploring options for meanwhile uses for the bus station site. Any potential options for the site will be presented to Council for consideration before being implemented.

### 2. Question from Mrs S

**As the answers to questions asked by the public are often technical, could it be possible to provide the answer in writing before the meeting so that a meaningful subsequent question can be asked?**

The Lord Mayor and Leader responded:

Council officers have a short period of time in which to prepare answers to questions. Members of the public do not receive answers to their questions in advance of council meetings because the purpose is to ensure that questions and answers are addressed in public, with a follow-up question in order to allow further exploration of the subject matter of the question and that all things will be considered.

### **3. Question from Mr H**

**I would like the reason why work on Flowerpot Fields new changing pavilion, together with the construction of an all-weather pitch, has been allowed to continue despite Exeter College's revised plans now include classrooms but no changing facilities open for the general public and have yet to been formally approved.**

The Leader gave the following response:

The works currently taking place at Flowerpot Fields are in connection with Exeter College's original planning consent, which remains extant. While the College has submitted revised plans that include classrooms instead of the previously proposed public changing facilities, they can still proceed under the terms of their original consent until a decision is made on the new application.

We are actively monitoring the situation and communicating with the College to ensure compliance with the planning conditions.

In a supplementary question Mr H stated that this would be a betrayal of the original plans and would the community receive the promised facilities? The Leader explained that new plans must come before Planning Committee.

The meeting was adjourned at 6.22pm and reconvened at 6.32pm.

### **4. Question from Ms F**

**Given that the Harbour Board's vision statement includes the intention to "maintain the biodiversity and ecological health" of Exeter's waterways, is the Council willing to consider additional measures to ensure biodiversity concerns are represented on the Board, such as are taken on by forward-thinking companies such as Faith in Nature?**

The Portfolio Holder for City Management gave the following response:

Exeter Harbour Board welcomes applications for external membership of the Board from suitably qualified and experienced persons; the vacancy advert explicitly includes mention of Environmental Management, ecology and conservation. Two vacancies arise annually usually in April, and these are advertised on the ECC website as well as circulation to local waterways stakeholder groups.

In a supplementary question Ms F asked if the Council would invite members from relevant businesses to inform work with a specific remit for biodiversity? The Portfolio Holder responded stating that details of external Members of the Harbour Board could be found on the Council website and that Members take responsibility for a range of matters relating to harbour and waterways.

## **5. Question from Mrs T**

**With validated objections to Exeter City Council 2021/2022 Accounts still under review and a Statement of Reasons from the External Auditor to the objectors still pending, could the Section 151 Officer confirm if these objections will be resolved before the December 2024 backstop please?**

The Leader gave the following response:

The External Auditors are still working to sign off the Accounts for each outstanding year in advance of the respective backstop dates. It is outside the control of the Council however as to whether this is successful.

In a supplementary question Mrs T asked if it was possible to explain the backstop and consequences should it not be met? The Leader responded stating that he would speak to the s151 officer and provide a response outside the meeting.

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### **PLANNING COMMITTEE - 29 JULY 2024**

The minutes of the Planning Committee held on 29 July 2024 were presented by the Chair, Councillor Knott, and taken as read.

**In respect of Minute No. 24 (Land of Pendragon Road)**, Councillor Moore asked if the Executive decision would hold. The Leader responded that the Executive would not sell the land at Pendragon Road and the Deputy Lord Mayor added that planning issues were separate to ownership of land.

**RESOLVED** that the minutes of the Planning Committee of 29 July 2024 be received.

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### **LICENSING COMMITTEE - 10 SEPTEMBER 2024**

The minutes of the Licensing Committee of 10 September 2024 were presented by the Chair, Councillor Snow, and taken as read.

**RESOLVED** that the minutes of the Licensing Committee of 10 September 2024 be received.

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### **EXETER HARBOUR BOARD - 5 SEPTEMBER 2024**

The minutes of the Exeter Harbour Board of 5 September 2024 were presented by the Chair, Councillor R Williams, and taken as read.

**In respect of Minute No. 98 (Statutory Harbour Authority Statement of Account and 2024-25 fees and charges)** Councillor Read asked if more would be done to pursue income generation. Councillor R Williams responded stating that actions would appear in the minutes and that she had written to Members for ideas and had received two responses. She also reminded Members that there would be a visioning day in February 2025 and an informal meeting in December 2024 to look at short and medium-term plans.

**RESOLVED** that the minutes of the Exeter Harbour Board of 5 September 2024 be received.

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**AUDIT AND GOVERNANCE COMMITTEE - 24 JULY 2024**

The minutes of the Audit and Governance Committee 24 July 2024 were presented by the Chair, Councillor Wardle, and taken as read.

**RESOLVED** that the minutes of the Audit and Governance Committee 24 July 2024 be received.

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**AUDIT AND GOVERNANCE COMMITTEE - 25 SEPTEMBER 2024**

The minutes of the Audit and Governance Committee 25 September 2024 were presented by the Chair, Councillor Wardle, and taken as read.

**RESOLVED** that the minutes of the Audit and Governance Committee 25 September 2024 be received.

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**STRATEGIC SCRUTINY COMMITTEE - 12 SEPTEMBER 2024**

The minutes of the Strategic Scrutiny Committee 12 September 2024 were presented by the Chair, Councillor Pole, and taken as read.

**In respect of Minute No. 36 (Forward Plan of Business and Scrutiny Work Plan)** Councillor Moore asked if the Portfolio Holder would share with Council, the answer given to her question. In response the Portfolio Holder for City Development stated that there was nothing more the Council could do at present as a timescale for work was in place and that she understood the frustration of the public regarding this matter.

**RESOLVED** that the minutes of the Strategic Scrutiny Committee 12 September 2024 be received.

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**STRATA - JOINT SCRUTINY COMMITTEE - 17 SEPTEMBER 2024**

The minutes of the Strata – Joint Scrutiny Committee of 17 September 2024 were presented by Councillor Knott and taken as read.

**RESOLVED** that the minutes of the Strata – Joint Scrutiny Committee 17 September 2024 be received.

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**STRATA - JOINT EXECUTIVE COMMITTEE - 3 SEPTEMBER 2024**

The minutes of the Strata – Joint Executive Committee of 3 September 2024 were presented by the Leader and taken as read.

**RESOLVED** that the minutes of the Strata – Joint Executive Committee 3 September 2024 be received.

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**EXECUTIVE - 13 AUGUST 2024**

The minutes of the Executive of 13 August 2024 were presented by the Leader, Councillor Bialyk, and taken as read.

**In respect of Minute No. 88 (Parking Tariffs 2024)** Councillor Knott asked if the former bus station would become a permanent car park. Councillor Holland asked if current users would be exempt from payment as they were at present. Councillor Banyard enquired if there was a time frame for the car park proposal and if there

would be consultation. Councillor Moore asked if there were better ideas than a temporary car park.

The Leader responded making the following points:

- currently there were no charges at the Arena or Riverside car parks;
- he would expect to see these issues commented upon within the consultation;
- that the Council would be mindful of existing users;
- that the forward plan showed Citypoint as an item on the next agenda;
- there was an intention to work with partners to redevelop this large site;
- that regeneration was needed not, a car park;
- that his vision was for residential, retail, amenity space, public realm;
- in the meantime it would be best to make use of the space;
- the space could be used for pop-up shops; and
- to consider obtaining a parking order.

**RESOLVED** that the minutes of the Executive 13 August 2024 be received.

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#### **EXECUTIVE - 3 SEPTEMBER 2024**

The minutes of the Executive of 3 September 2024 were presented by the Leader, Councillor Bialyk, and taken as read.

**In respect of Minute No. 92 (Relocation of Council Services based in the Civic Centre)** Councillor Mitchell enquired as to the timescale. Councillor Moore sought reassurance that HRA Community Rooms would not be turned into offices and Councillor Harding asked about cycle storage at the proposed new site.

The Leader responded making the following points:

- that the timescale would be as soon as possible, however officers' time must be considered;
- that he would be surprised if the Council intended to use community rooms as office space; and
- that a travel plan would be agreed in discussion with Members and unions.

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

**In respect of Minute No. 93 (Revised Local Development Scheme 2024)**

Councillor Palmer asked if any co-living would be considered overdevelopment by its nature. The Leader responded that he did not believe so.

**RESOLVED** that the minutes of the Executive 3 September 2024 be received.

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#### **EXECUTIVE - 1 OCTOBER 2024**

The minutes of the Executive of 1 October 2024 were presented by the Leader, Councillor Bialyk, and taken as read.

**In respect of Minute No.97 (Chairs Announcements)** Councillor Ketchin asked for an indication of whether there had been any interest in, or offer on the Clifton Hill site? He also enquired about the Mary Arches car park sale and closure of Exeter City Living and what debt remained.

In his response the Leader stated that there would be no shortfall, all debt had been paid and detail of this would be part two information. He also stated that nothing had come forward so far for Clifton Hill.

Councillor Mitchell asked of the Leader was in favour of 2-tier local government to which the Leader answered that his party were opposed to local government re-organisation but that there would be papers to share in due course.

**In respect of Minute No. 99 (Air Quality Annual Status Report)** Councillor Moore asked to what extent air quality improvement was as a result of actions taken.

Councillor Moore moved and Councillor Ketchin seconded, an additional recommendation that the Council refer the report to the Director of Public Health for a response.

Councillor Read spoke in support of the recommendation. Councillor R Williams explained that discussion would take place following the Air Quality report, management area and plan for 2024, data for which would not be available until the middle of 2025 and DEFRA had suggested that the current plan be continued for another year. Councillor Williams also clarified that she had alerted DCC officers of this today and supported this recommendation.

Councillor Pole congratulated the Council for going beyond the scope of DEFRA and believed that there was a shared aspiration for Devon to be a healthy ageing area.

In summing up Councillor Moore welcomed Councillor R Williams' support and wished the two councils to discuss together.

Following a vote the additional recommendation was CARRIED.

The Leader moved and Councillor Wright seconded the recommendations and following a vote was CARRIED unanimously as amended.

**In respect of Minute No. 101 (Overview Of General Fund Revenue Budget 2024/25 – Quarter 1)** Councillor Moore expressed concern at a trend in budget and impact on services. She asked what consideration the Portfolio Holder would give to supporting staff and building a resilient council as officers were under severe pressure.

The Leader responded saying that he was unable to answer immediately but would welcome discussion with Councillor Moore the next time they met.

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

**In respect of the Minute No. 102 (2024/25 General Fund Capital Monitoring Statement – Quarter 1)** Councillor Banyard and Councillor Read asked about RAMM roof and City Wall repairs including the possibility of re-opening the Rougemont archway.

The Leader advised that detail was needed about the City Wall and that he was confident that could be obtained. He requested that Councillor Read email him to ensure that a better report could be sought.

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

**In respect of Minute No. 103 (2024/25 HRA Budget Monitoring Report – Quarter 1)** the Leader moved and Councillor Wright seconded and following a vote were CARRIED.

**In respect of Minute No. 104 (Approved Projects Options Report)** Councillors Rees and Pole asked for an update on the progress of the Vaughn Road development.

The Leader advised that he had news of the Brownfield Release Fund of which the Council would be a beneficiary, allowing decontamination and other improvements. Exeter would receive over £860,000 to develop in the region of 37 homes. The Portfolio Holder for Housing, Homelessness Prevention and Customer Services, Councillor Asvachin thanked the Leader for this news and added that the Council continues to review the financial viability of Whipton Gardens.

**In respect of Minute No. 105 (Household Support Fund Scheme 6)** the Leader moved and Councillor Wright seconded the recommendation and following a vote was CARRIED.

**In respect of Minute No. 106 (Public Sector Decarbonisation Scheme 3b Project – Ramm & Riverside Leisure Centre)** Councillor Harding asked if the Leader was approached with a view as to whether the project could be completed on time and to budget. Councillor Mitchell asked what lessons had been learnt.

Councillor Vizard reflected that thanks were due to officers for their diligent hard work. Councillor Miller-Boam noted that costs associated had been absorbed. Councillor Moore asked as solutions were not viable, were there additional expense and also how much extra preparation was needed for the new bid.

The Leader responded making the following points:

- that discussion was needed as the Council was waiting for the next PSDS
- he had not been approached by officers;
- that the management-led approach had worked efficiently;
- he had confidence in officers and had been briefed on progress;
- it would have been a mistake if it had come to March 2025 and he had to ask Council for additional funds;
- that there had been learning from the process; and
- that the £871,000 allocated in the budget remained.

**In respect of Minute No. 108 (RAMM Business Plan for Arts Council England National Portfolio Organisation Extension Year 2026-27)** the Leader moved and Councillor Wood seconded the recommendations and following a vote were CARRIED unanimously.

**In respect of Minute No. 109 (Food Law and Health and Safety Enforcement Service Plan 2024- 2025)** the Leader moved and Councillor Wood seconded the recommendation and following a vote was CARRIED unanimously.

**In respect of Minute No. 110 (Tree and Woodland Maintenance and Inspections Contract)** the Leader moved and Councillor Wood seconded the recommendation and following a vote was CARRIED unanimously.

**In respect of Minute No. 111 (Honorary Aldermen – Mr Richard Branston)** the Leader moved and Councillor Wright seconded the recommendation and following a vote was CARRIED unanimously.

**RESOLVED** that the minutes of the Executive 1 October 2024 be received.

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

Councillor M Mitchell moved and was seconded by Councillor Palmer a Notice of Motion in the following terms:-

Exeter City Council notes the recent announcement by the Labour Government to end universal winter fuel payments and restrict eligibility to only those in receipt of Pension Credits and other benefits.

Though many suggest that universal Winter Fuel Payments are not necessary, this Council is deeply concerned that many pensioners on lower and middle incomes will now not receive the payments. Across England and Wales, the number of people eligible for winter fuel payments will fall by 10 million (from 11.4 million to only 1.5 million).

20,384 pensioners in Exeter received winter fuel payments in 2022/23. Under the new policy only 2,240 pensioners will receive the benefit this year. 18,144 Exeter pensioners will lose this benefit under the new rules.

Council believes that the Labour Government has set the threshold at which pensioners do not qualify for Winter Fuel Payments far too low. Those whose income is less than £218.15 a week (or £332.95 a week for couples) are eligible for pension credits. This is significantly lower than the living wage rate.

Council is also concerned by the low take up of pension credit with only 63% of those eligible nationwide receiving pension credit, currently over 880,000 eligible pensioners do not receive this benefit.

Council recognises the role we must play to increase awareness of benefits such as Pension Credit to ensure people are aware of the support they are entitled to. Council further notes that the Energy Price Cap is due to rise by 10% in October, which combined by the removal of Winter Fuel Payments will push many local pensioners into fuel poverty.

**Council resolves to:**

- Instruct the Leader of the Council and other Group Leaders to write to the Chancellor of the Exchequer calling for the policy of linking Winter Fuel Payments to Pension Credit receipt to be immediately paused and to introduce a new threshold to determine eligibility for Winter Fuel Payments.
- further requests the Leader of the Council and other Group Leaders to write to both MPs representing Exeter asking them to give their formal support to halting the proposed changes to the Winter Fuel Payment eligibility.
- Urgently commence a significant awareness campaign to maximise uptake of pension credits and other benefits. This will include use of council noticeboards, social media, promotion in the local press and working with organisations such as Citizens Advice, Age UK and others.

In presenting his motion Councillor Mitchell made the following points:-

- that over 18,000 pensioners in Exeter would lose out;
- that only 2,240 would receive the allowance; and



- that whilst some have asset wealth he is concerned about the impact on some of those most vulnerable in the community.

Councillor Asvachin proposed, seconded by Councillor Pole, an amendment in the following terms:-

“Exeter City Council notes that the last Conservative government wrecked our economy, leaving a £22bn black hole in the public finances. They made commitments they couldn’t pay for, as reported by the OBR.

The Labour government will protect the triple lock on pensions, which saw the new state Pension rise by £900 in April this year. A further increase in the region of £460 per annum will be announced at the Budget in October.

Exeter City Council notes the recent announcement by the Labour Government to revise universal winter fuel payments and restrict eligibility to only those in receipt of Pension Credits and other benefits.

Council is concerned that many pensioners on lower and middle incomes will now not receive the payments. Across England and Wales, the number of people eligible for winter fuel payments will fall by 10 million (from 11.4 million to only 1.5 million). 20,384 pensioners in Exeter received winter fuel payments in 2022/23. Under the revised policy only 2,240 pensioners will receive the benefit this year. During the last Labour government over 500,000 pensioners were lifted out of poverty, and since then a further 200,000 are now in poverty.

Council believes that the Labour Government has set the threshold at which pensioners do not qualify for Winter Fuel Payments far too low. Those whose income is less than £218.15 a week (or £332.95 a week for couples) are eligible for pension credits.

Council is also concerned by the low take up of pension credit with only 63% of those eligible nationwide receiving pension credit, currently over 880,000 eligible pensioners do not receive this benefit across England & Wales. This Council is and are absolutely determined to do everything possible to protect the poorest pensioners, and to increase the uptake of pension credit which the Conservative government failed to do for more than a decade. The Labour government is also supporting pensioners through their Warm Homes plan, supporting investment in insulation and low carbon heating upgrading homes over the course of this parliament.

Council recognises the role to increase awareness of benefits such as Pension Credit to ensure people are aware of the support they are entitled to. Council is absolutely committed to supporting the most vulnerable pensioners – Pension Credit tops up the income of our lower income pensioners and getting Pension Credit could mean automatically getting a Winter Fuel Payment. This would be £200 for eligible households or £300 for eligible households with someone aged over 80s. The new HSF6 fund has now opened and will bring £5,064.876.12 for use across Devon, with £440,000.00 allocated to Energy Relief across the county and £2,816,454.60 to District Councils. The allocation to Exeter will remain similar to the previous allocation.

**Council resolves to:**

- Instruct the Leader of the Council and Chief Executive write to the Chancellor of the Exchequer to request a review into the threshold for Pension Credit, which would assess whether it is set at the right level and if not to support a rise in the

threshold to encompass more pensioners who are receipt of lower incomes; and to encourage government to develop an action to tackle pensioner poverty.

- The Leader and Chief Executive to write to both MPs representing Exeter asking them to give their formal support to this approach.
- The Council will continue their awareness campaign to maximise uptake of pension credits and other benefits and promote applications to the HSF6 fund.”

Councillor Mitchell raised a point of order under Standing Order 10(6)e to which the Monitoring Officer clarified that the amendment did not negate the motion.

In presenting the amendment Councillor Asvachin made the following points:

- that a safety net was needed for those who would just miss out;
- that some did not need the allowance; and
- that it was important to pause and review.

During debate Members' made the following points:-

- that universal provision was not a good system;
- that thresholds must be revisited;
- that long forms were not good; and
- that the triple lock would protect.

Councillor Palmer as seconder of the original motion, made the following points:-

- that pension credit take up was only 63%
- that letters to encourage did not work for all;
- that two of every five excess deaths were caused by heart attack which was exacerbated by cold; and
- that many took to bed by 4pm due to cold.

A Member during debate felt that those eligible for Pension Credit may not be the poorest, rather those a few pounds above the threshold and that there had been no adjustment time or impact assessment. The intention to improve take up had been tried with little improvement.

Councillor Pole as seconder spoke in support of the amendment stating that Government had to protect the country's finances but had seen the biggest increase in Pension Credit take-up.

In summing up Councillor Asvachin stated that this was an emotive subject and thanked everyone for speaking and that all clearly wanted to help those most vulnerable residents.

Councillor Mitchell, as the mover of the original motion, thanked everyone for their contribution, stated that the motion was about an injustice which needed to change and in summing up made the following points:-

- that the two-tier pension system was complex;
- that pensions were due to increase by 4% next April yet energy prices by 10% now;

- that he offered thanks to the government for increasing HSF6 funding which last year helped 2100 households yet only 14% were low income pensioners; and
- that the motion called for immediate pausing of the new Winter Fuel Payment scheme and introduction of new thresholds.

Councillor M Mitchell called for a roll call vote on the amendment, which was supported by Councillors Bialyk, Wood, Vizard, Palmer, Fullam, Rees and Read.

In accordance with Standing Order 30, a named vote on the amendment, was recorded, as follows:-

Voting for:-

Councillors Allcock, Asvachin, Atkinson, Bialyk, Ellis-Jones, Foale, Harding, Hussain, Knott, Miller-Boam, Parkhouse, Patrick, Pole, Rolstone, Snow, Vizard, Wardle, Williams, M, Williams, R, Wood and Wright

(21 Members)

Voting against:-

Councillors Banyard, Bennett, Fullam, Haigh, Holland, Jobson, Ketchin, Mitchell, M, Moore, Palmer, Read, Rees and Sheridan

(13 Members)

Abstain:-

The Lord Mayor

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(1 Members)

Absent:-

Councillors Begley, Darling, Hughes and Wetenhall.

(4 Members)

Following a vote the amendment was CARRIED and became the substantive motion.

Councillor Moore, seconded by Councillor Read proposed an amendment to the motion in the following terms:

“Request the process to apply for Pension Credit is simplified” and the addition of “that winter fuel payments to all pensioners continue until” within the first bullet point of the resolution contained in the motion.

Councillor Moore in presenting the amendment referring to an earlier debate and aimed to build consensus at a time when finances were challenging.

During the debate, a Member noted that unpaid carers must be considered.

Following a vote, the amendment was NOT CARRIED.

Councillor Knott, seconded by Councillor Patrick proposed an amendment to the motion in the following terms:

“to request that the process to apply for Pension Credit be simplified”

Following a vote the amendment was CARRIED and added to the motion to become the substantive motion.

Councillor Palmer, seconded by Councillor Moore, proposed an amendment in the following terms:

To “ensure that older carers are considered specifically in the review” be added at the end of the first paragraph to read:

“Instruct the Leader of the Council and Chief Executive write to the Chancellor of the Exchequer to request a review into the threshold for Pension Credit, which would assess whether it is set at the right level and if not to support a rise in the threshold to encompass more pensioners who are receipt of lower incomes; and to encourage government to develop an action to tackle pensioner poverty and ensure that older carers are considered specifically in the review”.

Following a vote, the amendment was carried, incorporated within the substantive motion.

Following a vote on the substantive motion as amended, the motion was CARRIED as amended.

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#### **NOTICE OF MOTION FROM BIALYK UNDER STANDING ORDER NO. 6**

The Leader, Councillor Bialyk, seconded by Councillor Vizard moved a Notice of Motion in the following terms:-

That Exeter City Council calls upon Devon County Council as the Transport authority for Devon, to take advantage of the package of measures to empower local leaders to take control of their bus services unveiled by the Transport Secretary on 9th September 2024. The expectation is that these measures will be the first stop on the journey to better buses. Exeter City council requests that Devon as the transport authority, gives serious consideration to these powers and how they may be used in Exeter, and elsewhere in Devon, to improve bus services.

Exeter City further requests that the County Council consider creating a report into the feasibility of these proposals for Exeter and Devon. We would also urge that the County Council consider bringing strategic partners such as Exeter City Council into the discussion, as the provision of effective bus services is something that affects us all and does not recognise boundaries.

Councillor Moore moved an amendment to include the words “and decarbonise” which was accepted the Leader..

Councillor Jobson moved a motion to defer the matter and following a vote the motion was NOT CARRIED.

During debate, Members’ made the following points in support of the motion:

- that following Member intervention, the P bus had been reinstated;
- that meaningful consultation would be welcomed;
- with a fast-growing population it would be important to have a simpler, cheaper and more reliable bus service;
- that Cornwall had a joined-up service;
- that the aspiration was for a bus service rather than business;
- that bravery was needed in creating efficient public transport; and

- that it must be acknowledged that not all areas would be covered.

Councillor Vizard having reserved his right to speak stated that a result of this motion could support Devon County Council to address the climate emergency and would take into account passenger safety and driver welfare.

The Leader in concluding stated that the Equalities Act would be important and that other areas had tap-in/tap-out systems which could benefit the city.

Following a vote, the substantive motion as amended was CARRIED.

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

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

**“What is the position now regarding its land at Pendragon Road in Beacon Heath?”**

The Leader in responding advised that the Executive had decided to not sell the land at Pendragon Road.

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

**“Regarding the part sale of the Council owned Grace Road Playing Fields, if this is a purely commercial decision, a matter of making money, which is what I have been led to believe it is by the council, how does the council justify selling off this part of our precious River Valley Park?”**

The Leader gave the following response:-

The proposal made is to provide an energy centre to support the delivery of a district heat network in the City, which has clear links to our corporate objectives. This clearly is a part of the decision-making process. The point in the report about best consideration determines whether we can make the decision or need to seek Secretary of State approval.

In a supplementary question, Councillor Ketchin asked the Leader if he would share documentation of a robust case from the developer for the site.

The Leader suggested that the Member meet with the appropriate Director and that he would enable this to happen.

(The meeting commenced at 6.00 pm and closed at 9.59 pm)

Chair

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## Council 15 October

### Public supplementary question: Explanation of the backstop and the consequences if it is not met

#### Background

The backlog in the publication of audited accounts of local bodies in England has grown to an unacceptable level. The number of outstanding audit opinions stood at 918 on 30 September 2023. As at 31 December 2023, the backlog of outstanding audit opinions stood at 771.

In 2023, just one percent of councils and other local bodies published audited accounts on time.

In February 2024 the Government consulted on amending the Accounts and Audit Regulations 2015 as part of a package of cross-system measures to clear the backlog and put the audit system on a sustainable footing for the future.

On 9 September 2024, the Government laid before Parliament the amendments to the Accounts and Audit Regulations 2015 (The Accounts and Audit (Amendment) Regulations 2024) that implemented backstop dates in relation to outstanding local audits.

Effective local audit helps ensure transparency and accountability for public money spent on these services. A growing backlog will continue to undermine local accountability and governance. The backstop measures are intended to help rebuild the audit system.

#### Explanation of backstop

To clear the backlog of historical accounts and ‘reset’ the system, the Department for Levelling Up, Housing and Communities (DLUCH) put dates in law (the backstop date), which requires local bodies to publish audited accounts for all outstanding years up to and including 2022/23 through to 2027/28.

Where an audit has not started or completed for financial years up to and including 2022/23 and through to 2027/28, the auditor will issue a modified or disclaimed opinion on outstanding accounts if they do not have enough time to complete all the audit work before the ‘backstop dates’.

The backstop dates are:

- |                                               |                  |
|-----------------------------------------------|------------------|
| • Financial years up to and including 2022/23 | 13 December 2024 |
| • Financial year 2023/24                      | 28 February 2025 |
| • Financial year 2024/25                      | 27 February 2026 |
| • Financial year 2025/26                      | 31 January 2027  |
| • Financial year 2026/27                      | 30 November 2027 |
| • Financial year 2027/28                      | 30 November 2028 |

#### Modified or Disclaimed Opinion

A disclaimed opinion is when an auditor issues a disclaimer of opinion report, which means that they are unable to provide any opinion at all related to the financial statements.

A modified opinion might be issued when there is a lack of sufficient audit evidence in a particular area of the financial statements, including disclosures, but except for the possible effects of this area, the auditor is able to state that the financial statements give a true and fair view.

Auditors will be expected to provide clear reasons for the issuing of such opinions to mitigate the potential reputational risk that local bodies may face, when disclaimed or modified opinions are caused by the introduction of the backstop dates that are largely beyond their control.

### **Consequences if audits not completed by the backstop date**

There are scenarios in which bodies may be exempt;

- where auditors are considering a material objection,
- when the auditor is considering whether to apply to the courts for a declaration that an item of account is unlawful,
- where the auditors are not yet satisfied with the body's Value for Money arrangements.

Where such an exemption exists, there is a requirement to publish the audit opinion as soon as practicable.

Bodies that are non-exempt but have failed to comply with a backstop date will be required to publish an explanation, to send a copy of this to the Secretary of State (to facilitate scrutiny) and publish audited accounts as soon as practicable. The Government also intends to publish a list of bodies and auditors that do not meet the proposed backstop dates.

The statement from MHCLG made on 30 July 2024 also advised that failure to meet the backstop dates will be kept under close review and that Government may explore further mechanisms to take appropriate action, should reasons given be inadequate.

In terms of audit fees, where an auditor has carried out work in good faith, they will be due the appropriate fee, even if the audit is disclaimed. Where an authority has paid fees that are more than the total audit work carried out, the auditor must return the balance.

### **Exeter City Council Audits**

At the time of writing this response, it is anticipated that all outstanding audits up to and including 2022/23 will be concluded ahead of the 13 December backstop date and therefore the Council is not expecting to seek any form of exemption and will be publishing audited accounts with unqualified audit opinions.