



## Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 15 OCTOBER 2024**, at 6.00 pm, at which you are hereby summoned to attend.

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

The following business is proposed to be transacted:-

	Pages
1 Minutes	
To approve and sign the minutes of the meeting held on 16 July 2024.	5 - 10
2 Official Communications	
To receive the Lord Mayor's communications.	

### 3 Public Questions

Details of questions should be notified to Democratic Services at least three working days prior to the meeting - by 10am on Thursday 10 October 2024.

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 - 29 July 2024	11 - 24
5 Licensing Committee - 10 September 2024	25 - 30
6 Exeter Harbour Board - 5 September 2024	31 - 34
7 Audit and Governance Committee - 24 July 2024	35 - 38
8 Audit and Governance Committee - 25 September 2024	39 - 42
9 Strategic Scrutiny Committee - 12 September 2024	43 - 50
10 Strata - Joint Scrutiny Committee - 17 September 2024	51 - 54
11 Strata - Joint Executive Committee - 3 September 2024	55 - 58
12 Executive - 13 August 2024	59 - 62
13 Executive - 3 September 2024	63 - 68
14 Executive - 1 October 2024	69 - 88
Notices of Motion	

15 Notice of Motion from M.Mitchell under Standing Order No. 6

## **PROTECTING EXETER'S PENSIONERS FROM FUEL POVERTY**

Proposed by: Cllr Michael Mitchell

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.
- Council 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.

**Source:** *ALDC - Association of Liberal Democrat Councillors*

16 Notice of Motion from Bialyk under Standing Order No. 6

Proposed by: Cllr Philip Bialyk  
Seconded by: Cllr Matt Vizard

“That Exeter City Council calls upon the 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.”

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

To receive questions from Members on any matter for which the Council has powers, duties or affects the City.

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

Date: Monday 7 October 2024

**Bindu Arjoon**  
**Chief Executive**

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## COUNCIL

Tuesday 16 July 2024

### Present:-

The Right Worshipful the Lord Mayor Councillor Kevin Mitchell (Lord Mayor)

Councillors Allcock, Asvachin, Atkinson, Banyard, Begley, Bennett, Bialyk, Darling, Ellis-Jones, Foale, Fullam, Haigh, Harding, Holland, Hughes, Hussain, Jobson, Ketchin, Miller-Boam, Mitchell, M, Moore, Patrick, Pole, Rolstone, Snow, Vizard, Wetenhall, Williams, M, Williams, R, Wood and Wright

### Apologies:-

Councillors Knott, Palmer, Parkhouse, Read, Rees, Sheridan and Wardle

### Also Present:-

Strategic Director for Corporate Resources, Service Lead, Legal Services & Interim Monitoring Officer, Democratic Services Manager and Democratic Services Officer (PMD)

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## MINUTES

The minutes of the Ordinary meeting of the Council held on 23 April 2024, of the Annual meeting of the Council held on 14 May 2024 and of the Extraordinary meetings of the Council held on 28 May 2024 and on 10 June 2024 were moved by the Lord Mayor and taken as read, approved and signed as correct.

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## OFFICIAL COMMUNICATIONS

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

- the King's Garden Party at Buckingham Palace;
- the Devon & Cornwall Police Annual Recognition ceremony;
- a Kick Racism Out of Football tournament;
- the Exeter City Football Club Women's Promotion reception;
- the Exeter College Apprentice & Employer Awards;
- the RAF Brize Norton Freedom Parade & Armed Forces Day Parade; and
- an Evensong service in honour of the Rt Hon Sir Ben Bradshaw.

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## PUBLIC QUESTIONS

It was noted that no public questions had been received.

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## PLANNING COMMITTEE - 29 MAY 2024

The minutes of the Planning Committee of 29 May 2024 were presented by the Deputy Chair, Councillor Patrick, and taken as read.

In respect of **Minute No. 21 (Appeals Report)**, Councillor M Mitchell asked Councillor Patrick to ensure that the Chair, Councillor Knott, bring the issue of 68-72 Howell Road to the attention of the Portfolio Holder for City Development, Councillor Allcock, because of the implications on future Local Plans. Councillor Patrick confirmed that she would raise this with Councillor Knott.

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

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**STRATEGIC SCRUTINY COMMITTEE - 6 JUNE 2024**

The minutes of the Strategic Scrutiny Committee meeting of 6 June 2024 were presented by the Chair, Councillor Pole, and taken as read.

In respect of **Minute No. 24 (Commercial Property Review)**, Councillor M Mitchell encouraged Councillor Pole to ensure that she remind the Executive of the urgency of that matter so that it could be reported on at the next meeting of the Strategic Scrutiny Committee. Councillor Pole advised that she would speak to the relevant Portfolio Holder.

**RESOLVED** that the minutes of the Strategic Scrutiny Committee held on 6 June 2024 be received.

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**EXETER HARBOUR BOARD - 13 JUNE 2024**

The minutes of the Harbour Board of 13 June 2024 were presented by the Chair, Councillor R Williams, and taken as read.

**RESOLVED** that the minutes of the Harbour Board held on 13 June 2024 be received.

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**COMBINED STRATEGIC SCRUTINY & CUSTOMER FOCUS SCRUTINY COMMITTEE - 18 JUNE 2024**

The minutes of the Combined Strategic & Customer Focus Scrutiny Committee of 18 June 2024 were presented by the Chair, Councillor Pole, and taken as read.

In respect of **Minute No. 11 (The Medium Term Financial Plan: How It Works and Review of the Current Plan)**, Councillor M Mitchell asked Councillor Pole to comment on the fact that the Combined Strategic & Customer Focus Scrutiny Committee had no decision-making powers and to clarify the legal standing of the committee. Councillor Pole asked the Service Lead – Legal Services and Interim Monitoring Officer to answer Councillor M Mitchell's query. The Service Lead – Legal Services and Interim Monitoring Officer advised that he had already answered Councillor M Mitchell's question at the last meeting of the Combined Strategic & Customer Focus Scrutiny Committee; he offered to have a meeting with Councillor M Mitchell should he wish to discuss the matter further.

Councillor Wetenhall felt that, while the meeting in question had in effect been a helpful briefing, a process needed to be put in place enabling Members to scrutinise the budget. She also remarked that eight meetings of the Combined Strategic & Customer Focus Scrutiny Committee had taken place before it was pointed out that it was not constituted. Councillor Bialyk told the Council that his understanding was that the purpose of the Combined Strategic & Customer Focus Scrutiny Committee was to keep Members informed at the start of the budget-setting process. Councillor Pole explained that:-

- as a new Member and a new Chair, she was unable to comment on meetings that had taken place in the past; and
- she had been advised by Democratic Services that the Combined Strategic & Customer Focus Scrutiny Committee was not a decision-making body.

**RESOLVED** that the minutes of the Combined Strategic & Customer Focus Scrutiny Committee of 18 June 2024 be received.

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### **CUSTOMER FOCUS SCRUTINY COMMITTEE - 27 JUNE 2024**

The minutes of the Customer Focus Scrutiny Committee of 27 June 2024 were presented by Councillor Miller and taken as read.

In respect of **Minute No. 22 (Work of the Community Safety Partnership to Tackle Violence Against Women and Girls at Night)**, Councillor Wright remarked that the Exeter Safe Space had been incorrectly referred to as the Exeter Safe Place and asked for the minute to be amended accordingly.

Councillor Moore remarked that there was a delay in the publication of the Community Safety Partnership (CSP) minutes and asked if this could be addressed in the name of good public communication. Councillor Wright replied that she would take Councillor Moore's request to the next meeting of the CSP and report back to her.

**RESOLVED** that the minutes of the Customer Focus Scrutiny Committee held on 27 June 2024 be received.

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### **EXECUTIVE COMMITTEE - 4 JUNE 2024**

The minutes of the Executive of 4 June 2024 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 61 (Local Authority Housing Fund Round 3 Funding)**, the Leader explained that the seven recommendations went to the special meeting of the Executive on 9 July 2024, the minutes of which would be presented at the next item.

**RESOLVED** that the minutes of the Executive held on 4 June 2024 be received and, where appropriate, adopted.

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### **EXECUTIVE COMMITTEE - 9 JULY 2024 (MINUTES 68 TO 82)**

The minutes of the Executive of 9 July 2024 – which had been published as a late supplement and made available in print version at the meeting – were presented by the Leader, Councillor Bialyk.

In respect of **Minute No. 72 (Review of the Corporate Risk Register)**, Councillor Bennett asked which areas of the Risk Register had been identified by the Executive as requiring urgent attention. The Leader invited Councillor Bennett to email him on this matter and promised to reply to her after consulting with the Executive. Councillor Moore asked the Leader what involvement Portfolio Holders had in determining the various degrees of risk and testing the evidence in each risk calculation. Councillor Bialyk reminded Councillor Moore of the context of the risk register going to Executive, explaining that, ultimately, Portfolio Holders were responsible for their portfolio area and that they were fully aware of the need to prioritise certain risks and issues.

In respect of **Minute No. 73 (Overview of General Fund Revenue Budget 2023/24 - Quarter 4)**, Councillor Banyard asked if any progress had been made on offsetting the loss made on Exeter City Living. The Leader replied that the loss in question was not as sizeable as had been claimed by some; he advised that he would circulate the exact figures to all Councillors. Councillor Moore asked how the Leader would ensure that the expectations in the Budget around car parks income would be met. Councillor Bialyk explained that the original report on car parking

charges had been withdrawn; a revised version would be brought back to Members, possibly through a special meeting of the Council. Replying to a question from Councillor Patrick, the Leader welcomed the new Government's recent announcement on the promotion of green energy.

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

In respect of **Minute No. 74 (General Fund Capital Monitoring 2023/24 and Revised Capital Programme for 2024/25 and Future Years)**, Councillor M Mitchell asked when the Leader anticipated that repair works on the Northernhay Gardens section city wall would be carried out. Councillor Bialyk replied that he would be expecting an announcement to be made soon, and would be speaking to the Comms team about this.

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

In respect of **Minute No. 75 (2023/24 HRA Budget Monitoring Report - Outturn)**, the Leader moved and Councillor Wright seconded the recommendations and, following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 76 (Treasury Management 2023/24)**, the Leader moved and Councillor Wright seconded the recommendation and, following a vote, the recommendation was carried.

In respect of **Minute No. 78 (InExeter Business Improvement District Business Plan 2025 - 2030)**, Councillor Wright declared a non-pecuniary interest and left the meeting during consideration of this matter. Councillor Moore expressed support for the recommendations and encouraged the Council to consider extending the relationship to businesses by the quay. Councillor Bialyk replied that he had no objection to this but clarified that this would be a matter for the BID and only if its terms of reference allowed it.

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

In respect of **Minute No. 79 (Liveable Water Lane: Development Framework and Design Code Supplementary Planning Document)**, Councillor Moore generally welcomed the document and stressed its importance. She made the following further comments:-

- she had no issue with the increased density;
- she had written to NHS Devon about the need for a primary care facility;
- this document was about more than planning; and
- she urged the Leader to proactively push for a new surgery, a new GP contract and a new facility to be set up.

Replying to a query from Councillor Banyard on assurances about an environmental assessment, the Portfolio Holder for City Development, Councillor Allcock, advised that she would reply to him in writing. Similarly, she undertook to reply in writing to Councillor Ketchin who, noting that this would constitute the largest build in Exeter in recent history, had raised concerns about contamination risks and called for due diligence to be carried out on the matter. She also clarified that the recommendation was specifically about the adoption of the Water Lane Supplementary Planning Document.



Councillor Harding praised the idea mentioned in the document of a 'high-line' active travel corridor along the disused railway line, running from Alphington to the quay, reasoning that it would constitute an asset to West Exeter; he asked if Councillors could do anything to help make this aspirational concept materialise.

Councillor M Mitchell thanked all officers involved in the drafting of the document. He expressed concern about the mix of housing suggested, reminding Members of the importance of affordable housing.

The Leader addressed Councillors' comments as follows:-

- if Councillor Ketchin could email his notes with his concerns about contamination risks, the Leader would make sure that the Portfolio Holder for City Development and the Strategic Director for Place were sighted on these and could respond accordingly;
- while it was essential that all relevant surveys took place once the developers started work on the site, the Council would not be doing the developers' work for them;
- the 'high-line' active travel corridor along the disused railway line should be part of the strategy if the facility was there, but it would require liaising with Devon County Council; and
- there needed to be a strategic approach with the NHS about on-site GP provision.

He further made further specific reference to:-

- the new planning reforms taking place;
- the need for infrastructure;
- the need to influence the decision-makers nationwide; and
- his forthcoming meetings with the MPs concerned.

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

In respect of **Minute No. 80 (Productivity Plan)**, Councillor Moore raised the issue of the rise of inequality in the city as well as the increase in the cost of living. In his reply, Councillor Bialyk made the following comments:-

- the idea of a Productivity Plan had been devised by the previous Government and it was currently unclear what the new Government's intentions on the matter were;
- it was important not to make any sweeping generalisations; and
- Councillors were invited to bring any pressing matter to his attention and he would do his best to deal with it.

In respect of **Minute No. 81 (King George V Playing Fields)**, Councillor Foale told Members of his own experience of playing walking football all over Devon, but never in Exeter, remarking that the city did not have adequate facilities. He made further specific reference to the changing, diverse nature of modern football and called on the negotiations of detailed terms to take place as soon as possible. The Leader highlighted the importance of:-

- working in partnership with the Exeter Community Trust;
- providing a decent home for the Exeter City FC women and girls teams;
- securing funding; and
- respecting due process.

**RESOLVED** that minutes 68 to 82 of the Executive held on 9 July 2024 be received and, where appropriate, adopted.

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

**RESOLVED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of minutes 83, 84 and 85 of the Executive held on 9 July 2024, on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1, of Schedule 12A of the Act.

55 **EXECUTIVE COMMITTEE - 9 JULY 2024 (MINUTES 83 TO 85)**

In respect of **Minute No. 84 (Relocation of the Green Space Team and Disposal of the Existing Green Space Depot at Belle Isle)**, after debate, the Leader moved and Councillor Wright seconded the recommendations and, following a vote, the recommendations were carried.

**RESOLVED** that minutes 83 to 85 of the Executive held on 9 July 2024 be received and, where appropriate, adopted.

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

It was noted that no questions from Members of the Council had been received.

(The meeting commenced at 6.00 pm and closed at 7.20 pm)

Chair

## PLANNING COMMITTEE

Monday 29 July 2024

### Present:-

Councillor Knott (Chair)

Councillors Patrick, Asvachin, Banyard, Hughes, Hussain, Jobson, Ketchin, Miller-Boam, Mitchell, M and Pole

### Apologies

Councillors Atkinson, Bennett and Rolstone

### In attendance

Councillors Allcock, Snow and R Williams

### Also Present

Chief Executive, Strategic Director for Place, Head of Service - City Development, Principal Project Manager (Development) (MD), Principal Project Manager, City Development and Democratic Services Officer (PMD)

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### MINUTES

The minutes of the meeting held on 29 May 2024 were taken as read, approved and signed by the Chair as correct.

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### DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

Councillor M Mitchell remarked that Planning Application No. 22/0511/OUT (Land Off Pendragon Road) had legal implications and, in light of the recent meeting of the Executive where the possible sale of amenity land adjoining this site had been debated, wondered if the member of the Executive sitting on the Planning Committee might find herself in an awkward position. The Planning Lawyer clarified that the matter discussed at Executive was about the sale of land, whereas the matter at hand at the present meeting was a planning application. Councillor M Mitchell felt that it was also about access. The Planning Lawyer reiterated that only planning matters would be considered at the present meeting.

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### PLANNING APPLICATION NO. 22/0511/OUT - LAND OFF PENDRAGON ROAD, EXETER

The Principal Project Manager presented the application for a residential development of up to 100 dwellings and associated infrastructure (all matters reserved except access).

He provided the following information:-

- The application site was at the lower two-thirds of a 5.18 hectare set of fields located to the north of Pendragon Road. It was bordered by mature hedgebanks with a central hedgerow dividing the two fields;
- The top third of the set of fields, outlined in blue, was proposed to become public open space, with a new hedgerow installed to separate it from the development;

- Access was proposed from the southern boundary onto Pendragon Road, across an existing hedgebank and grass verge owned by the Council. Any sale of this land to allow the access fell outside of the remit of this planning application;
- There had been 196 comments received on the proposal with 132 objections and 62 supporting. The objections raised many issues including the loss of the open space, ecological harm, impacts on the landscape setting of the northern hills, highway concerns and lack of facilities. Supporting comments included the land gaining a use, the 50% affordable housing, the provision of more homes for the people of Exeter, lack of brownfield sites and the area having a history of residential developments.
- The site was located within the northern hills landscape setting area and was adjacent to Sites of Nature Conservation;
- The application followed application No. 21/0020/OUT, which had been refused at Planning Committee in March 2022 for the following reasons:
  - harm to the character and local distinctiveness of the landscape setting
  - loss of open space
  - harm to a Site of Nature Conservation along the southern boundary to create the access.
  - Access roads failing to integrate with the southern boundary and the landscape of the city.
- This refusal was appealed and, following a hearing, the Inspector allowed the application in August 2023;
- In relation to the appeal the following matters were of importance:
  - The southern boundary Site of Nature Conservation was confirmed as no longer existing and acceptable mitigation could be provided through the introduction of a new hedgebank between the new dwellings and the public open space area to the north.
  - The Inspector had considered that the loss of open space would be mitigated by the provision of public open space to the north of the site.
  - The Inspector considered that there would be 'limited' harm to the landscape setting and that the benefits of the scheme outweighed the harm.
- During the appeal process a revised planning application was submitted. This saw the red-line of the site boundary reduced to remove the top area from it.
- As this was a variation to the refused scheme, the application was accepted. The appeal decision was issued before a decision was made on this new application and it had remained as a live application. Following the appeal decision the applicant was asked if they wished to withdraw this second application but they declined to do so.
- It was examined whether the Council could refuse to determine the application; however as the proposal had changed from that originally refused application (through the alteration of the red-line), it was concluded that this was not possible. It was therefore brought to Committee for determination.
- The Inspector's decision to allow the appeal does set a precedent of acceptability for this scheme though, and the main considerations are therefore the changes from the appealed scheme.
- The red-line change was not considered to make any material change to the appeal decision as the area to the north of the site would be secured through a S106 agreement to ensure it became public open space.
- Therefore, the main issue was in relation to the Council's Housing Land Supply, the tilted balance and the overall planning balance of the proposal.

- The previous application was assessed and allowed at appeal under the tilted balance in favour of sustainable development as the Council could not demonstrate the required five-year land supply. This meant that development should be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- Since that date there had been a new National Planning Policy Framework (NPPF) published which had altered the housing supply requirements. As the Council was at Regulation 18 stage of the new Exeter Plan it was now subject to a four-year housing supply and it could demonstrate a supply of just under five years and one month. This meant that the tilted balance was not in effect and a full balance could be given to each material consideration.
- The primary consideration of this scheme was therefore the harm to the landscape setting and whether that would outweigh the overall benefits of the scheme.
- The Inspector's Decision was considered a significant material consideration on assessing this, with them advising that there was 'limited' harm.
- The Inspector stated that the site would be well screened by the surrounding hedgerow and that whilst it would be more visible in winter it would be seen in the context of the existing northern extent of Exeter. The rural and tranquil setting would remain and would simply be pushed further back.
- The Inspector noted that the middle and long distance views would see the tranquil and rural setting remain and that the harm would be limited.
- Whilst the inspector concluded that the proposal failed to comply with Policy CP16 of the CS, Policies LS1 and DG1 of the LPFR and Chapter 12 (in particular) Paragraphs 130c and 174ab of the Framework, they gave this matter moderate weight, they concluded that the harm was limited primarily to more local views.
- The tilted balance in favour of sustainable development was in effect and the Inspector placed substantial weight on the provision of housing and the provision of affordable housing. They did not consider there was harm that significantly or demonstrably outweighed the benefits, granting permission.
- In assessing this scheme the central element was therefore whether the moderate harm identified to the landscape setting outweighed the benefits of the scheme including 50% Affordable Housing, the creation of the public open space and associated S106 obligations to improve facilities.
- The landscape setting harm identified was confirmed by the Inspector to be limited to local impacts and that the medium and long-distance views of the rural setting of the hills are retained, although pushed further back, with this scheme sitting adjacent to the existing urban form of the city.
- It was considered that, in light of this position, the benefits continued to outweigh the harm caused and it was, on balance, put forward to the Committee with a recommendation for approval in line with the additional information sheet.

Members received a presentation which included:-

- aerial view of the site location;
- site location plan;
- indicative layout;
- proposed access;
- landscape setting area;
- County Wildlife Sites and Valley Parks;
- appeal scheme and application scheme comparison;
- changes to allowed appeal scheme;

- photo of proposed eastern access point;
- photos of the treed hedgebank along Pendragon Road;
- photos of panoramic views from the top of West Field and East Field; and
- chartered landscape architect report.

The presentation concluded with a summary of the potential benefits and harms of the project.

In response to queries from Members, the Principal Project Manager, the Assistant Service Lead – Development Management (Major Projects), the Strategic Director for Place and the Planning Lawyer clarified that:-

- the National Framework identified the three aspects of sustainability as economic, social and environmental;
- the site was on a bus route;
- the allowed appeal would still stand if the application at hand was refused;
- the only change between the two applications was the time limit;
- the proposed breakdown of affordable housing was in line with Council policy;
- the layout had not yet been confirmed for access points and buffer zones were being put in;
- the Landscape and Visual Impact Assessments (LVIAs) being used for this application were the ones used in the appeal;
- the Committee at the present meeting might have a different view from the opinion of the Inspector (who ruled that the harm was moderate), but would have to justify this extensively;
- both LVIAs had been considered by the Inspector but the tilted balance was a completely separate matter;
- even if Members had doubts about whether the developer would be able to deliver 50% of affordable housing, they had to rule on what was being presented, i.e. 50%;
- if a viability assessment were to indicate that the developers could not meet the 50%, the application would be brought back to Committee;
- the figure of 50% proposed by the developers was significantly above Council policy;
- maintenance would be secured through the s106 agreement and a point of contact would be provided;
- Government policy would supersede any of Exeter City Council's own SPD guidelines in terms of electric vehicle charging and parking provision;
- there was no current guidance on electric bicycle charging;
- the buffer zone between the site and the County Wildlife Site were dealt with in condition no. 15 ("Devon Hedgebank");
- Members were asked to vote on all the conditions listed in the Update Sheet;
- the Inspector did note the structural engineering work needed for the levelling of the field;
- the layout of the site was a reserved matter;
- the applicants could only apply for a variation of use after five years; and
- officers had limited powers to change the conditions of the S106 Agreement.

Dr Gillian Baker, speaking against the application, made the following points:-

- There was no more tilted balance;
- Exeter currently had 13 months' worth of housing supply more than was needed;
- Should the project go ahead when there was no tilted balance to offset the

- harm caused?;
- Should the application have had an EIA?; and
- Such a project was unlikely to be for the common good of the city.

She pleaded with members of the Committee to ask as many probing questions as possible when debating the application.

Speaking under Standing Order 44, Councillor R Williams thanked the Planning Officers for their work on the application as well as the previous – appealed – application and made the following points:-

- She was a member of the Planning Committee that refused the previous application;
- It was difficult to understand why the application being discussed had not been withdrawn when it was near-identical to the previous appealed decision (21/0020/OUT);
- Planning Officers were, in her opinion, left in an impossible situation, i.e. could they could they in all honesty go against the appeal decision of the Inspectorate given they recommended refusal last time?;
- No tilted balance applied to the application being presented;
- It was deeply regrettable to be speaking against an application that promised to provide more affordable homes than required by Council policy; and
- There was, however, no guarantee that 50% affordable housing would be delivered if this application was approved today - the developer could later claim it was financially unviable to do so.

On the issue of Harm to landscape character, she made particular reference to:-

- the need to steer developments away from the ridgeline;
- the long-distance views enjoyed by all;
- the landscape architect's unequivocal view that the development would be "highly detrimental" and would conflict with Policy CP16; and
- the many parallels between this site and a similar one on Pennsylvania Road.

On the issue of Loss of public open space, she made particular reference to:-

- testimonies from residents about the need for open spaces;
- how the fields affected by the proposal provided an important sanctuary for residents; and
- how the application did not meet the criteria of Policy L3.

On the issue of Harm to trees and biodiversity, she made particular reference to:-

- the site being a biodiversity haven and an important wildlife corridor for neighbouring Mincinglake Valley Park;
- established trees up to 17 metres tall, including mature and early mature oaks;
- residents' testimonies of land buzzing with wildlife, including glow worms, foxes, deer, rabbits, field mice, butterflies, and birds including owls and jays; and
- contravention to policies CP16 and LS4.

On the issue of Harm to environmental sustainability, she made particular reference to:-

- how the high hills in this part of the city coupled with the scarcity of local amenities meant that any housing development would necessarily be car-led;
- contravention to Local Plan T10;

- inadequate provision for safe and active travel; and
- the inappropriateness of relying on a private company to make the project sustainable in public transport.

In her conclusion, she acknowledged there was a need to build housing but reminded Members that one of Exeter City Council's three strategic priorities was to "build great neighbourhoods". Noting the healthy current housing supply in the city, she felt the development would be a disservice to current and future Exeter residents and asked Members to refuse the application.

Councillor Ketchin asked her why she thought this application had come forward given that the developers already had planning approval upon appeal. Councillor R Williams replied that the pertinent question was "why did the developers not withdraw this application?", given that it had been submitted before the appeal for the original application (21/0020/OUT) had been heard.

The Director City Development made the following concluding points:-

- As Members were aware, by law planning applications must be determined in accordance with the Development Plan unless material considerations indicated otherwise;
- The application was contrary to the Development Plan, as it conflicted with Policy CP16, the spatial element of saved Policy LS1 and saved Policy DG1, as it would harm the character of the landscape. This was something the appeal Inspector agreed with for the previous application, allowed at appeal;
- the tilted balance in the NPPF that leans towards approval did not apply to this application as it had done to the appeal;
- However, the appeal decision was an important material consideration, as were the Inspector's conclusions on the harm to the character of the landscape and landscape setting;
- The Inspector had only given moderate weight to this harm because they considered that the harm would be limited, due to the site, in their words, being "heavily screened to all sides", and in middle- and long-distance views "the locally distinctive setting of Exeter would remain, particularly because the steeper fields and the ridgeline to the north would remain undisturbed";
- Balanced against this, the Inspector had given significant weight to the market housing, in the context of the Council not having a five-year supply, substantial weight on the policy-compliant affordable housing and very substantial weight on the proposed 15% affordable housing above this level;
- They had also given significant weight to the Biodiversity Net Gain and economic benefits, and moderate weight to the public open space improvements;
- It was now up to Members to decide if they agreed with the Inspector's conclusions on the level of harm to the character of the landscape and landscape setting, and how much weight they gave this compared to the positive benefits of the application set out;
- Members should read the Inspector's comments on landscape harm carefully before coming to their own views; and
- In the context of the Council now having a five-year land supply, this application was more finely balanced than the appeal; however, officers had concluded that the Inspector's comments indicated that the application should be approved, despite it being contrary to the Development Plan.

During debate, Members expressed the following views:-



Councillor M Mitchell:-

- noted the unusual nature of the application;
- wondered what aspects the Inspector took into account for the appeal;
- voiced concerns about the 50% of affordable housing promised by the developers;
- felt that the applicant's wording on Biodiversity Net Gain was not reassuring; and
- remarked that the applicant in effect already had approval following the appeal of the original application.

Councillor Hughes:-

- found it difficult to see how this space could be protected;
- raised the risk of the developers reneging on promises due to unviability down the line;
- made reference to areas of concern raised by the police and by the fire service; and
- ultimately felt that they did not possess sufficient information to decide how they would vote.

Councillor Ketchin felt that the proposal was not sustainable on the following grounds:-

- harm to nature and environment;
- cityscape, specifically a low-density sprawl on a hill site which would be car-dependant; and
- a social setting which would lock people into lifestyles.

Councillor Patrick, while agreeing with many previous comments, voiced concern at the possible consequences of refusing the application, namely losing a subsequent appeal.

Councillor Pole:-

- understood Councillor Patrick's concerns but struggled to see the case for approving the application;
- felt that approval would set a bad precedent whereby all applicants submitted two applications;
- did not see the impact as moderate;
- felt that the project would push the countryside further away;
- told Members that, as a Councillor in this ward, she could vouch for the fact that there was little active travel; and
- remarked that this was not an area of employment.

Councillor Asvachin reminded Members that she did not like the original application but warned of the consequences of refusing the new application at the present meeting. She felt that Committee members found themselves in a difficult position and, on balance, reluctantly agreed that approving the application at hand represented the lesser of two evils.

Councillor Miller-Boam advised that she was conflicted on the issue but agreed with Councillor Asvachin about the consequences of refusal.

The Chair made the following points:-

- the whole essence of a Planning Committee was one of balance;
- effectively, Committee members would be making a decision on the same application but without tilted balance;
- he had listened to the recording of the meeting when the original application

- had been heard; and
- he could not find that, despite contradictions with the emerging Local Plan, he could not overrule the officer recommendation and therefore could not vote against the application being presented.

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

The Chair moved and Councillor Patrick seconded the recommendation, which was voted upon and CARRIED.

**RESOLVED** that planning permission for a residential development of up to 100 dwellings and associated infrastructure (all matters reserved except access) be approved subject to the conditions set out in the update sheet.

25

### **PLANNING APPLICATION NO. 23/1380/OUT - LAND TO THE NORTH OF EXETER, STOKE HILL, EXETER**

The Principal Project Manager presented the application for outline planning permission for up to 85 dwellings (35% affordable), community hub and associated infrastructure (all matters reserved except access).

He provided the following information:-

- The application site was 4.88 hectares of agricultural land, currently split into two areas;
- There is an existing vehicular access on the western boundary onto Stoke Hill and a large agricultural barn in the centre of the site;
- There had been 303 representations received on this application - 302 objecting and 1 supporting;
- The objections raised issues that included loss of green space, impact on the rural setting and character of the area, urbanisation of the ridgeline, harm to the Valley Park, increase in traffic on already dangerous roads, inadequate access roads, loss of biodiversity, drainage issues, bus connection problems, encircling of the valley park, no need for a community hub, policy conflicts as brownfield land should be used, few job opportunities within walking distance;
- The supporting comment made reference to building homes for future generations and helping with the housing shortage;
- Objections had been received from a number of consultees (Devon County Council Highways, Devon Wildlife Trust, Exeter Civic Society, Exeter Cycling Campaign) as well as Exeter City Council's Ecologist and Tree Manager;
- The vehicular access is proposed using the existing point on the western boundary of the site leading onto Stoke Hill;
- There was currently no safe and accessible footway for pedestrians to link up to the wider city, such as the closest bus stop on Mincinglake Road. It was therefore proposed to install a footway along Stoke Hill, leading south all the way up to join Mincinglake Road;
- The site was within the northern hills of Exeter and is within a Landscape Setting Area;
- The site had been subject to two Landscape studies and two Housing and Economic Land Availability Assessments, all of which concluded that the site was not suitable for housing or employment due to the high sensitivity of the area;
- A landscape Visual Impact Assessment had been submitted with the

application and followed by with a statement in response to initial objections from the Council's Urban Design and Landscape Officer;

- The Council had commissioned an independent consultant on the previous application and, whilst the red-line had been changed, the conclusion that the overall site was not suitable for development due to landscape harm was still relevant;
- The Council's Urban Design and Landscape Officer raised objections to the scheme, noting that '...the essential nature of the proposal can clearly be seen to be an isolated development form poorly connected to the existing structure of any existing neighbourhoods, posited in the green space that provides a natural subdivision of the urban structure';
- The development would see amenity impacts through additional vehicle movements and domestic noise that will impact on the amenity of the Mincinglake Valley Park;
- It has been demonstrated that larger vehicles will be able to enter the site;
- The pedestrian access into the site had originally been proposed to be via a stepped access; however this would not be accessible to all and it was now proposed to install a sloped route through the site. This had been shown to have a gradient of no greater than 1 in 10. Whilst this gradient was acceptable, there would need to be flat space to offer recover due to the increased length of the access route and this had not been demonstrated at this time;
- There was also proposed to be a new footway installed on Stoke Hill to allow non-stepped access to connect up to Mincinglake Road to the south, and link towards local schools and other facilities. DCC Highways had advised that there was a steep gradient on this road which could lead to accessibility issues; however it would need to be considered that it was existing carriageway and highway land;
- The issue of trip generation must also be considered. Trip calculations did not include any details for users, workers or deliveries to the 'community hub' building;
- The site was positioned immediately adjacent to Mincinglake Valley Park and had the potential to significantly impact a Site of Nature Conservation;
- The ECC Ecologist had objected to the proposal for a number of reasons. Updated surveys were required on roosting bats, as well as a Phase 2 Habitat Survey and demonstration of overall biodiversity net gain;
- The submitted Arboricultural Assessment had noted a veteran oak tree close to the vehicular entrance. The Council's Tree Manager objected to the scheme, noting that the proposed access route would be within its root protection zone and would cause unacceptable harm to the tree;
- The proposal was acceptable at Outline stage in relation to drainage, would be conditioned to require 10% public open space and was acceptable in relation to neighbour amenity impacts.
- Air Quality Impacts could not be confirmed as the trip generation had not been fully considered; however this can be dealt with via condition;
- In assessing the overall planning balance of the proposal there were benefits such as the 35% Affordable Housing, the improvements to Stoke Hill Roundabout, provision of play areas and employment; and
- The overall proposal was considered to generate significant harm for the full reasons set out at the end of the report and was recommended to this Committee for refusal.

Members received a presentation which included:-

- site location;
- wider ownership;
- indicative layout;

- vehicular and pedestrian access;
- proposed footways;
- landscape setting;
- 2007 and 2022 landscape studies;
- LVIA viewpoints;
- highways;
- nature conservation; and
- T1 tree location.

In response to queries from Members, the Principal Project Manager and the Devon County Council Highways Development Management Officer (Exeter) clarified that:-

- the proposal did feature a non-stepped accessible area for pedestrians and cyclists but it was very long; and
- the access itself provided sufficient visibility as far as Devon County Council Highways were concerned, although the visibility splays were to the near-side carriageway edge, which would pick up any cyclist that went up that section of the carriageway.

Speaking against the application, Mr Francis Hallam praised the Principal Project Manager for his work on the application and advised that he had organised leafletting and public events about the application at own expense. He made the following points:-

- the earlier – withdrawn – application had received 390 objections;
- the statement about the proposal not being visible was incorrect, as the site was visible even from Exmouth;
- reducing the size of the project to 85 houses amounted to greenwashing;
- public patience was close to being exhausted; and
- the credibility of the present application had to be questioned.

He called on the Committee to not only refuse the application but also to ensure that it doesn't come back in front of the Committee in another guise.

Speaking under Standing Order 44, Councillor Snow strongly opposed the proposal, making particular reference to:-

- transport issues;
- the lack of pavement on either side of the access road;
- the shaded and slippery nature of the access road;
- increased car use;
- how the combination of the narrowness of the bridge and economic reality made a bus service unlikely;
- conflicts with Policy CP16; and
- net biodiversity loss instead of gain.

He advised the Committee of his membership of the Bat Conservation Trust and urged them to refuse the application.

Also speaking under Standing Order 44, Councillor R Williams praised the work of the Principal Project Manager as well as the speeches from Mr Hallam and Councillor Snow. She made particular reference to:-

- the sensitive setting;
- the significant harm to the landscape; and
- the fact that the application was even more sensitive than the one heard earlier in the meeting.

She urged Committee members to refuse the application.

The Director City Development made the following concluding points:-

- the proposal was contrary to the Local Plan and conflicted with several policies; and
- the harm caused by the proposal outweighed its benefits.

During debate, Members expressed the following views:-

- It was telling that the applicant was not in attendance;
- It was reassuring to see the Local Plan being defended; and
- The applicant had displayed a lack of consideration for people with mobility issues.

The recommendation was for refusal.

The Chair moved and Councillor Ketchin seconded the recommendation, which was voted upon and CARRIED unanimously.

**RESOLVED** that planning permission for outline planning permission for up to 85 dwellings (35% affordable), community hub and associated infrastructure (all matters reserved except access) be refused.

26

**PLANNING APPLICATION NO. 24/0009/FUL - TESCO STORES LTD, RUSSELL WAY, EXETER EX2 7EZ**

The Assistant Service Lead – Development Management (Major Projects) presented the application for the erection of a freestanding restaurant with drive through facility, car parking, landscaping and associated works, including Customer Order Displays (COD). He talked Members through a presentation which included:-

- site location plan;
- aerial view;
- proposed development;
- site layout;
- elevations;
- the 26 objections received;
- the acceptable principle of the proposed development;
- the absence of objections from the consultees (including the NO objections from consultees including the Local Highway Authority and Environmental Health);
- the withdrawal of the previous objections from the Urban Design Officer;
- improvements;
- character of area;
- tree screening (summer and winter);
- pedestrian access;
- biodiversity enhancement;
- mitigation; and
- planning balance.

It was considered that the adverse impacts of this proposal would not outweigh the benefits and, therefore, planning permission should be granted subject to the conditions set out in the report.

In response to queries from Members, the Assistant Service Lead – Development

Management (Major Projects) and the Devon County Council Highways Development Management Officer (Exeter) clarified that:-

- the site was constrained and the dense piece of vegetation would mitigate visibility;
- applications for an associated logo and for lighting would have to be made separately;
- any application for the restaurant to be open 24/7 would have to go through Licensing;
- detailed reports had been submitted about lighting and odours; Exeter City Council's Environmental Health team had been consulted these matters and found the levels acceptable;
- no confirmation had been received about the positioning and reach of the CCTV cameras;
- it was not possible to reduce the 30mph maximum speed limit between the roundabout and the traffic lights but, if speeding became an issue, the matter should be reported to the police;
- it was unlikely that there would be major instances of cars backing up at the drive-through; and
- it was not the remit of the Planning Committee to insist that a sign reminding members of the public of speed limits in force be displayed on the site;
- the possible weight given to the Exeter Plan was limited at this stage and, while officers agreed with the assessment that the site should be allocated to housing, they deemed the site equally viable for commercial use;
- a condition had been added about litter picking; and
- conditions needed to be relevant to the development and as opposed to addressing existing problems.

During debate, Members expressed the following views:-

- the application needed to be judged on planning terms alone;
- it was regrettable that a drive-through was part of the application;
- crossing Russell Way was dangerous for pedestrians;
- there had been a precedent of unpleasant odours emanating from another fast-food restaurant on the site;
- the lighting coming from the restaurant would be intrusive;
- the CCTV should cover the wider Tesco car park;
- the application provided the opportunity to urge everyone at Exeter City Council to look into anti-social behaviour on supermarket car parks, e.g. joyriders;
- the proposal offered opportunities for residents;
- the site was in a state of neglect;
- with regard to traffic concerns, there was nothing stopping people from parking at Tesco and walking to the restaurant;
- the Tesco supermarket itself had been plagued by shoplifting; and
- there was a bus service serving the site.

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

The Chair moved and Councillor Patrick seconded the recommendation, which was voted upon and CARRIED unanimously.

**RESOLVED** that planning permission for the erection of a freestanding restaurant with drive through facility, car parking, landscaping and associated works, including Customer Order Displays (COD) be approved subject to the conditions set out in the report.

27

**LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

Councillor M Mitchell remarked that there was a discrepancy in the headers and dates of delegation briefings listed in the report. The Head of City Development acknowledged this and advised that he would look into it and write to Councillor M Mitchell.

The report of the Strategic Director for Place was noted.

28

**APPEALS REPORT**

Councillor M Mitchell drew the attention of Members to the fact that the appeal for application no. 22/0756/FUL (Newbery Car Breakers, Redhills) had been dismissed and that the Planning Inspectorate had supported the view of the Planning Committee Members, who had taken a decision opposite to that of the Highways authority.

The report of the Strategic Director for Place was noted.

(The meeting commenced at 5.30 pm and closed at 8.51 pm)

Chair

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## LICENSING COMMITTEE

10 September 2024

### Present:

Councillor Martyn Snow (Chair)  
Councillors Begley, Bennett, Banyard, Fullam, Haigh, Harding, Holland, Hussain, Miller-Boam, Parkhouse, Sheridan and Wood

### Apologies:

Councillor Williams, M

### Also present:

Interim Director Community Services (SL), Legal Advisor, Principal Licensing Officer and Democratic Services Officer (LS)

## 1 **Minutes**

The minutes of the meeting held on 19 March 2024 were taken as read, approved and signed by the Chair as correct.

## 2 **Declarations of Interest**

The following Member declared a personal interest as indicated:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Hussain	4

## 3 **Working Group Representation**

Councillor Hussain declared a non-pecuniary interest in this item and left the room.

The Interim Director for Community Services set out the Taxi working group purpose which included previous work to review policy and likely areas which would be covered in coming months.

Councillor Hussain returned to the room.

The Interim Director for Community Services set out the Licensing Act 2003 working group purpose and the timeframe for requirement to review the policy.

Councillor Hussain left the room.

Representation on the Taxi working group was determined and can be seen at Appendix A.

Councillor Hussain returned to the room.

Representation on the Licensing Act 2003 working group was determined and can be seen at Appendix A.

The Chair moved and Councillor Parkhouse seconded that the Licensing Committee agree representation on the working groups which following a vote was carried unanimously.

The Chair reminded Members of the importance of the Licensing sub-committee.

The Chair called upon Councillor Holland to provide an overview of the Taxi Forum and reminded Members that the next meeting would be on 19 November. Councillor Holland gave an overview of the history of the Taxi Forum and the Interim Strategic Director for Communities added that this was a Member-led group and it was important for the committee to hear of its work.

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

### **4 Street Trading Policy**

The Principal Licensing Officer presented the Street Trading Policy Consultation Report making the following points:

- that the working group had reviewed the current policy;
- the Licensing Committee had agreed to the consultation;
- the major changes were mandatory requirement for basic DBS Checks on applicants and staff, an assessment framework for officers to be completed as part of the application process, enhanced health and safety requirements, clarity around trading around Schools and Educational Establishments and Emissions Standards; and
- that Appendix A shows comments most of which had been addressed.

The Principle Licensing officer and Interim Strategic Director for Communities answered questions from Members making the following points:

- plant-based food would be preferred but it would be for committee to decide;
- the policy would act as a transparent document for applicants to prepare for application;
- time was not an issue with the DBS application as the license application process takes longer;
- each member of staff would require a basic DBS check;
- mandatory DBS checks were discussed by the working group;
- policies across the country were looked at during the review;
- that there is an historic link between street trading and criminal behaviour;
- that the ethos is of priority to local people;
- that consideration would be given to risk assessment if DBS was not clear;
- DBS checks could be carried out from age 16 but other regulations apply to those under 16; and
- Policies were in place for single-use plastic and to encourage recycling.

The Chair proposed and it was seconded that the Licensing Committee had considered the responses to the consultation and recommended the policy for adoption with effect from 1<sup>st</sup> January 2025, and following a vote was carried unanimously.

The meeting commenced at 5.31 pm and closed at 6.31 pm

Chair

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**APPENDIX A**  
Allocation of Working Groups

**Item: 5. Working Group Representation**

<b>COUNCILLORS</b>	<b>Taxi</b>	<b>Licensing Act</b>
SNOW	<b>X</b>	<b>X</b>
BEGLEY		<b>X</b>
BENNETT	<b>X</b>	<b>X</b>
BANYARD		<b>X</b>
FULLAM	<b>X</b>	
HAIGH	<b>X</b>	
HARDING		<b>X</b>
HOLLAND	<b>X</b>	
HUSSAIN		<b>X</b>
MILLER-BOAM		<b>X</b>
PARKHOUSE		<b>X</b>
SHERIDAN	<b>X</b>	
WILLIAMS		
WOOD	<b>X</b>	
<i>(X)</i>		
<b>TOTAL:</b>	<b>7</b>	<b>8</b>

Chair of first meeting of each:

Taxi working group – Councillor Holland

Licensing Act 2003 – Councillor Bennett

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## EXETER HARBOUR BOARD

Thursday 5 September 2024

### Present:-

Councillor Williams, R (Chair)

Councillors Read, Rolstone, Snow and Williams, M

A Garratt, J Green, Lt Col D Marino, J Prescott and C Seddon

### Apologies

R Eggleton

### Also Present

Harbour Master Exeter Port Authority, Waterways Team Manager, Harbour Patroller and Democratic Services Officer (PMD)

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### MINUTES

The minutes of the meeting held on 13 June 2024 were taken as read and signed by the Chair as correct, with one minor amendment to Minute No. 82.

90

### DECLARATIONS OF INTEREST

No declarations of pecuniary interest were made.

91

### PUBLIC QUESTIONS

The Chair advised that no public question had been received.

92

### CHAIR'S ANNOUNCEMENTS

#### External Members' Profiles on the Website

The Chair thanked the Board's external members for submitting short biographies and thumbnail pictures as requested at the previous meeting. She advised that she would ensure that no personal information is published on the website.

#### Terms of Reference

The Chair also thanked Board members for their comments on the updated Terms of Reference and informed that she would be discussing these with the Interim Director of Environment, Waste and Operations.

#### Duty Holder Training

The Chair announced that there were still spaces available for the forthcoming Duty Holder training session at the Civic Centre and that, for those unable to make it, online training could be booked.

#### Visioning Day 2025

The Chair suggested the date of 1 February 2025 for the next Visioning Day and gave new Board members a summary of what Visioning Day entailed.

Finally, she advised that more opportunities would be arranged for Councillors to go out on the water.

93

### **EXETER PORT USER GROUP UPDATE**

The Chair circulated the report of the Chair of the Exeter Port User Group (EPUG) and informed the Board that Mr Frost was unable to attend the present meeting.

The Harbour Master noted a couple of factual inaccuracies in the document, particularly around the delay to the Harbour Revision Order. He clarified that:-

- the delay was not a result of the three informal consultation sessions; and
- the informal consultation sessions had taken place despite legal advice received that there was no requirement for this.

Responding to a query from a Member, he explained that water quality was an issue for the Environment Agency and South West Water.

Members noted the document as well as the aforementioned factual inaccuracies.

94

### **DESIGNATED PERSON ROLE FOR THE EXETER PORT AUTHORITY**

The Chair thanked Members to their contributions to and comments on the job ad for the position of Designated Person role for Exeter Port Authority. The Harbour Master made particular reference to:-

- the involvement of four consultants and one company in the recruitment process;
- the closing date of 23 September 2024; and
- how, so far, two people had responded positively.

95

### **HARBOUR REVISION ORDER UPDATE**

The Harbour Master gave Members a Harbour Revision Order (HRO) update as follows:-

- there were four port authorities ahead of Exeter awaiting the HRO;
- he was in regular contact with legal experts on how to speed up the process but their scope was limited;
- work was ongoing with Ashfords regarding rewriting byelaws; and
- formal consultation adverts would have to be prepared for publication in local newspapers and on the website.

He replied to Members' questions as follows:-

- Ashfords could not reasonably apply more pressure on the Department for Transport;
- the "multiple complicated questions" mentioned in the EPUG report discussed earlier were in fact relatively generic and the responses were available on the Exeter Port Authority website;
- the application for the HRO had been submitted before any fee increase could be applied.

96

### **HARBOUR MASTER'S REPORT**

The Harbour Master introduced his report remarking that local media outlets had been reporting about recent wild swimming incidents and commented that only a fraction that what actually happens on our waterways usually got reported on. As an example, he told Members how, on the morning of the meeting alone, he had



received two phone calls about boats breaking down and floating. The Chair added that, while on the water with the Harbour Master recently, she had witnessed numerous infractions such as speeding or not having life jackets.

During discussion, Members and officers commented on:-

- the possibility of making the RHIB visible;
- how Plymouth had a moorings officer but would not pay for a boat;
- the need for volunteers to be recognised; and
- the need for the figures in the Harbour Master's report to be publicised.

The Harbour Patroller took an action to publicise the figures and salient points from the Harbour Master's report.

On the issue of wild swimming, a Member felt that:-

- people swimming in the canal took water quality at their own risk;
- swimming was always going to happen, and banning it was the wrong mindset; and
- instead, making swimming safe would demonstrate a more positive approach.

The Waterways Team Manager responded to the Member making particular reference to:-

- the numerous cases of anti-social behaviour linked to wild swimming (sometimes necessitating patrols);
- the Double Locks ferry running every half hour along the canal; and
- the Authority's duty of care, especially in absence of a lifeguarded area.

Both the Chair and the Waterways Team Manager agreed, however, that wild swimming would make a good topic for the next visioning day.

97

### **PORT MARINE SAFETY CODE AND SAFETY IN DOCKS - UPDATE**

The Harbour Master advised that the Gap Analysis report had come back and that he and the Waterways Team had begun addressing the 27 points identified but added that some relied on Exeter having the Harbour Revision Order. He updated Members on the following:-

- Standard Operating Procedures (SOP) and Dynamic Risk Assessment: work had started on these;
- KPIs: clarity was needed about which indicators merited inclusion;
- Towage Guidelines: this had never been done in the Exe before; and
- Pilotage: it was still being assessed whether Exeter was a Statutory or Competent Harbour Authority.

The Chair called for progress against the 27 points to be monitored and suggested adding a column to the table.

98

### **STATUTORY HARBOUR AUTHORITY STATEMENT OF ACCOUNT AND 2024-25 FEES & CHARGES**

Addressing a query from a Member about the significant drop in income figures between 2021-22 and 2022-23, the Harbour Master explained that there had been an incorrect accrual which created an anomaly between the two financial years, but there had also been an underlying £69k reduction in income in 2022-23 compared with 2021-22 across sales and rent income streams.

A Member felt that the Board should actively discuss new ways of generating income, such as restaurant boats, rack storage and live-aboards. The Chair thought this, too, would make a good topic for the next visioning day. The Waterways Team Manager, however, warned that, if such a conversation was left until February, the opportunity would be missed to capitalise on good income generation ideas in time for next summer.

The Chair took an action to write to all Members before the end of September to seek their views on income generation.

(The meeting commenced at 6.00 pm and closed at 6.49 pm)

Chair

## AUDIT AND GOVERNANCE COMMITTEE

Wednesday 24 July 2024

### Present:-

Councillor Wardle (Chair)

Councillors Jobson, Begley, Ketchin, Knott, Miller-Boam, Mitchell, M, Palmer, Patrick and Williams, M

### Apologies

Councillors Atkinson and Moore

### Also Present

Chief Executive, Service Lead, Legal Services & Interim Monitoring Officer, Head of Service, Finance, SWAP Internal Audit Services and Democratic Services Officer(LS).

14

### Apologies

Apologies were received from Councillors Atkinson and Moore.

15

### Minutes

The minutes of the meeting held on 6 March 2024 were taken as read, approved and signed by the Chair as correct.

16

### Declaration of Interests

No declarations of disclosable pecuniary interests were made.

17

### External Audit Progress Report

The Audit Manager of Grant Thornton presented the progress report which provided Members with updates on progress in delivering Grant Thornton's responsibilities as the Council's external auditors.

Members were advised of the current position for 2020-21, 2021-22 and 2022-23 which had two objections to resolve before being signed. Members' attention was drawn to page ten.

In response to Members' questions the Audit Manager, Chief Executive and Deputy Chief Finance Officer made the following points:

- there was no indication that 2020-21, 2021-22 and 2022-23 would not be signed off;
- the recent change of Government may have an effect;
- audit procurement had followed due process and Grant Thornton were appointed until 2026 as the Council opted into the Government's national scheme for appointing auditors via Public Sector Audit Appointments Ltd; and

- appropriate procurement procedures were followed across the Council.

**RESOLVED** that the Audit and Governance Committee note the External Audit Progress Report.

18

### **Informing the Audit Risk Assessment 2023/24**

The Deputy Chief Finance Officer presented Informing the Audit Risk Assessment 2023/24, which is a key questionnaire for Grant Thornton in planning the audit of the 2023/24 annual accounts. The most significant key event that had a significant impact on the financial statements related to the Council's decision to reduce the capacity of Exeter City Living Ltd, which was disclosed in the questionnaire.

**RESOLVED** that the Audit and Governance Committee note the responses given in the Informing the Risk Assessment Questionnaire.

19

### **Annual Governance Statement 2023/24**

The Deputy Chief Finance Officer presented the report of the Annual Governance Statement 2023/24 and made the following points:

- the statutory deadline for publication of the Annual Governance Statement was 31 May 2024;
- the Annual Governance Statement 2023/24 had been published;
- the main change was in format, which better complied with accessibility standards;
- the key issues reported included the significant work required now to deliver a balanced budget in 2025/26; and
- the Annual Governance Statement reflected the senior management restructure and the need to maintain a strong internal control environment.

**RESOLVED** that the Audit and Governance Committee supports the Annual Governance Statement be included within the Council's Annual Statement of Accounts 2023/24.

20

### **Code of Corporate Governance 2024/25**

The Deputy Chief Finance Officer presented the report of the Code of Corporate Governance 2024/25 which was a repeat of the Annual Governance Statement omitting the Key Issues.

**RESOLVED** that the Audit and Governance Committee support the Code of Corporate Governance 2024/25.

21

### **Annual Internal Audit Report**

The Assistant Director, SWAP Internal Audit Services presented the Annual Internal Audit Report and made the following points:-

- there had been a change in internal auditor;
- the majority of the work had been completed when the team were internal;
- there had been a smooth transition for existing staff;
- there were good working relationships;
- weaknesses have had remedial action taken;

- Strata was not included; and
- there were three items given limited assurance.

In response to Members' questions, the Assistant Director SWAP, Chief Executive and Deputy Chief Finance Officer made the following points:-

- all limited assurance would be followed up;
- mitigating action had already been taken by the Service Leads;
- each Service had an action plan;
- SWAP would consider benchmarking against other authorities;
- One Exeter would identify cross-cutting themes and aim to apply standards across the organisation;
- utilising system controls to prevent budget overspends was discussed but there was no advantage identified; and
- robust controls were in place to ensure balanced budgets on individual projects.

**RESOLVED** that the Audit and Governance Committee noted the Annual Internal Audit Report.

22

### **Review of Corporate Governance Risk Register**

The Chair noted that Appendix A to the Corporate Risk Register had not been published with the agenda but felt this item should be considered as a matter of urgency. There were no objections to this.

The Chief Executive presented the report which advised the Audit and Governance Committee of the Council's risk management progress and presented the revised Corporate Risk Register, which has been linked to the Council's Strategic Priorities as identified in the Council's Corporate Plan.

The Chief Executive made the following points:

- the Corporate Risk Register addressed the strategic risks for the council; each service plan had an associated risk register and this approach was being standardised across the council;
- risk 3 implementation date should read 'Jan-24';
- it was the responsibility of this committee to ensure that the Council had an appropriate risk management system in place;
- Exeter City Council had appropriately identified risks with the correct methodology; and
- the Strategic Management Board reviewed the Risk Register quarterly.

In response to questions from Members, the Chief Executive responded that:

- the register was based on corporate plan priorities;
- it was not the responsibility of officers to prioritise the council's strategic priorities - that was the role of Members;
- greater clarity could be given on timescales for remedial action;
- each service area should have an action plan identifying resource need to mitigate identified risk. Any resources required to mitigate corporate risks would be discussed with the appropriate portfolio holder and a request for resources submitted to Council via the normal process;
- the risk register was a self-assessment by officers and members rather than an independent exercise; which of course external and internal audit was;
- Individual staff's Performance & Development Reviews (PDRs) were aligned to departmental and corporate plans;

- Portfolio Holders work with their Strategic Directors to track priorities and monitor risk registers; and
- Officers would look to reflect, in the Risk Register, issues that are within or outside the Council's control.

Councillor Mitchell moved to recommend to Executive that the risk register show prioritisation; however, after discussion and advice from the Monitoring Officer, Councillor Mitchell withdrew the motion.

**RESOLVED** that the Audit and Governance Committee reviewed and noted the updated Corporate Risk Register.

(The meeting commenced at 5.30 pm and closed at 6.42 pm)

Chair

## AUDIT AND GOVERNANCE COMMITTEE

Wednesday 25 September 2024

### Present:-

Councillor Wardle (Chair)  
Councillors Jobson, Atkinson, Begley, Ketchin, Knott, Moore and Palmer

### Apologies

Councillors Mitchell, M and Williams, M

### Also Present

Strategic Director for Corporate Resources, Strategic Director for Place, Head of Service - Finance, Manager, SWAP Internal Audit Services, Audit Manager (DAJ), Net Zero Project Manager and Democratic Services Officer (LS)

23

### APOLOGIES

Apologies were received from Councillors Mitchell and Williams, M.

24

### MINUTES

The minutes of the meeting held 24 July 2024 were taken as read, approved and signed by the Chair as correct.

25

### DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interests were made.

26

### CORPORATE NET ZERO RISK REGISTER

The Net Zero Project Manager presented the Corporate Net Zero Risk Register Report making the following points:-

- that a costed organisational review was underway;
- a report would be presented to Strategic Scrutiny in December;
- a representative from the Exeter University would present to Strategic Scrutiny on the decent report;
- that there were constraints in the City for grid connects as a result of works needed at the Matford Bulk Supply Point which was estimated to last 3-4 years and may restrict the ability to deliver decarbonisation projects;
- new procurement rules implemented in May require carbon footprint data from all contracts over £25,000, together with more stringent environmental standards for contracts over £100,000;
- funding projects were constrained by the scope of grants and borrowing costs; and
- that collaboration with Devon County Council and the Climate Emergency Tactical Group continued to ensure alignment.

## **INTERNAL AUDIT PROGRESS REPORT QUARTER 1 INCLUDING AUDIT PLAN**

The Assistant Director, SWAP Internal Audit Services presented the Internal Audit Progress Report for Quarter 1 including the Audit Plan making the following points:-

- that 2023/24 was substantially complete;
- that 2024/25 there were 6 review in progress;
- that new Strategic Management Board were familiarising with audit and amendments would be reported to Audit and Governance Committee in future; and
- that whilst there was limited assurance on Sundry Debtors action plans were in place.

In response a Members question, the Assistant Director, SWAP explained that some of the work had not yet begun and placeholders could be seen on page 24.

One Member expressed disappointment that the audit was almost complete as their ward was predominantly affected and would have liked to be involved. The Assistant Director agreed to consider what had been said.

The Assistant Director agreed to follow up on a question regarding how NCIL was allocated and what community consultation in respect of its use was carried out.

The Audit and Governance Committee noted the Internal Audit Progress Report for Quarter 1 Including Audit Plan.

## **EXTERNAL AUDIT PLAN 2023/24**

The Council's External Auditor presented the report on the External Audit Plan for the year 2023-24 drawing attention to:

- the context of the report;
- material entries as a result of Exeter City Living;
- Value for Money including governance, financial control and partnerships;
- change of Audit Manager bringing further oversight to the audit; and
- back-stop would mean that any audits now signed by December 2024 would be disclaimed.

The Audit Manager, Strategic Director for Corporate Resources and Head of Service - Finance answered Members' questions making the following points:

- that he understood that letters were being drafted regarding 2021/22 audit;
- that 2022/23 were expected to be signed off before the back-stop;
- the value of the Guildhall Shopping Centre would go to Grant Thornton partner panel as there was disagreement however no impact on the tax payer;
- the Estates team were carrying out a valuation;
- that Exeter Quay and Canal Trust was a charity therefore independently audit not through Grant Thornton;
- that it would be a management decision whether the Policy came back to committee; and
- that the Council held influence within Exeter Quay and Canal Trust but no interest in the equity.

Councillor Moore stated that she was one of the complainants.



The Audit & Governance Committee noted the report of the External Auditor.

29

### **REVIEW OF CORPORATE GOVERNANCE RISK REGISTER**

The Strategic Director for Corporate Resources presented the report which advised the Audit and Governance Committee of the Council's risk management process and presented the updated Corporate Risk Register which has been linked to the Council's Strategic Priorities. In presenting the report the Strategic Director for Corporate Resources made the following points:-

- that a number of officers who supported Portfolio Holders had changed;
- that as a result their would be updates following review of the register; and
- that he hoped the register was now more readable as changes had been made.

In response to questions from Members, the Strategic Director for Corporate Resources and Strategic Director for Place responded:-

- that no formal response had been received from Sport England as yet;
- that a strategy had been drafted and would likely be considered in October;
- that the Council invests significantly in the Culture offer
- that the City Wall would lie within Maintaining property and Infrastructure;
- that there were a lot of historically important buildings and infrastructure which would be overwhelming were all to be represented in detail within the register; and
- that a Property Assets service plan would identify those buildings.

The Strategic Director of Corporate Resources agreed to raise with the Executive the following points made by Members:-

- that Progressing the design & delivery of a Corporate Customer and Digital Strategy, actions were all internally facing;
- query whether anti-fraud in the Planning process was included; and
- that some Members felt that the City Wall was of such importance as to be identified separately within the risk register.

The Strategic Director of Corporate Resources agreed to raise with the Strategic Director for People whether the NCIL amount reflects the 25%.

The Acting Monitoring Officer and Strategic Director of Corporate Resources explained that the process for adding items to the agenda would be reviewed and that the Audit and Governance Committee could recommend that the Executive approve the risk register.

The Chair moved and Councillor Atkinson seconded that the Audit and Governance Committee considers the council's Corporate Risk Register and recommends its approval to Executive; and notes the revised Corporate Risk Policy which has been approved and following a vote was CARRIED.

(The meeting commenced at 5.30 pm and closed at 6.37 pm)

Chair

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## STRATEGIC SCRUTINY COMMITTEE

12 September 2024

### Present:

Councillor Liz Pole (Chair)

Councillors Mitchell, M, Atkinson, Haigh, Hughes, Knott, Moore, Palmer, Rees, Rolstone, Snow and Williams, M

### Apologies:

Councillor Ellis-Jones

### Also present:

Head of Service - City Centre and Net Zero, Head of Service - Legal and Democratic Services & Acting Monitoring Officer and Democratic Services Officer (LS)

### Attending as Portfolio Holder:

Councillors Vizard and Wood

## 28 **Minutes**

The minutes of the meeting held on 6 June 2024 were taken as read, approved and signed by the Chair as correct.

## 29 **Declarations of Interest**

No declarations of interest were made by Members.

## 30 **Questions from Members of the Public Under Standing Order No.19**

There were no questions submitted by the public.

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

In accordance with Standing Order No. 20, the following questions were submitted by Councillor Moore and responses were given by Councillor Vizard, Portfolio Holder for Climate, Ecological Change and Communities.

### **Question**

#### **1. The Royal Clarence Hotel Planning Application 22/0236/FUL**

1. What progress has the developer made in applying for and discharging the conditions for this granted permission?
2. When does the Council expect work to start onsite and to be completed?
3. What assessment has the council made of the effectiveness of the measures to protect the remaining historic fabric before the work commences?

### **Response**

1. **Progress on Applying for and Discharging Conditions:** The developer has made some progress following the conditional approval granted on 10 October 2022. Exeter City Council drafted the Section 106 agreement on 17 April 2023 and it was signed on 25 August 2023. However, no formal

applications have been submitted to discharge the specific planning conditions associated with the development. Several urgent works have been undertaken to stabilise the structure, including reducing the height of two chimneys under an Urgent Works Notice to prevent the risk of collapse and damage to neighbouring properties. Additional measures include introducing new internal structural scaffolding to provide stability and regular maintenance, such as pumping out standing water from the basement and removing vegetation. The site is inspected weekly by the owners' representatives to ensure the integrity of the scaffolding and check for structural defects.

2. **Expected Start and Completion Dates for Onsite Work:** The Council cannot currently provide a specific start date for the construction works. While the developer has indicated a potential start date in Spring 2025, this is contingent on completing the detailed design phase (RIBA Stage 4) and subsequent procurement of construction packages. Given that these elements are outside the control of the Council, we are cautious about setting public expectations. We continue to engage with the developer to encourage timely progression, but it is essential to note that these timelines may be subject to change.
3. **Effectiveness of Measures to Protect Remaining Historic Fabric:** In collaboration with Historic England, the Council has emphasised the importance of protecting the remaining historic fabric of the Royal Clarence Hotel site. Protective measures have been implemented, including installing new internal structural scaffolding for additional stabilisation and repairs to the lead valley between the Wellhouse and 15 Cathedral Yard. The site is subject to regular inspections and maintenance, such as replacing scaffold sheeting and hoarding as needed. These steps have been deemed adequate to prevent further deterioration of the structure while awaiting the commencement of construction. However, these inspections and maintenance works are carried out by the owner's representatives rather than the Council.

## **Supplementary Question and Response**

Councillor Moore asked when enforcement would be put in place and Councillor Vizard answered that deadlines would be in place as with any planning application.

### **Question**

#### **2. NPPF consultation**

In the Council's response to the National Planning Policy Framework consultation will the Portfolio Holder ask the Government to remove the provision for viability assessments (i.e. guaranteeing developer's profit) and request that Government work with developers to finance risk in other ways, so the expectations of local planning authorities for developers to meet obligations such as affordable housing can be assured?

### **Response**

The Council will provide a response to the National Planning Policy Framework consultation. In doing so it will set out the importance of delivering development that complies with local plan policy and delivers appropriate contributions towards infrastructure and affordable housing. The emerging Exeter Plan will also provide for robust approaches to viability assessment in order to achieve such development.

## **Supplementary Question and Response**

Councillor Moore asked that the option for funding viability in other ways be included in the response to Government and Councillor Vizard responded that Councillor Allcock had initiated discussion and he will refer to her for a written response.

### **32 Portfolio Holder report - Councillor Vizard**

The Portfolio Holder and the Head of Service, City Centre and Net Zero responded to Members' questions making the following points:

- That 22,797 homes were now part of the food waste scheme;
- That 2,438.8 tonnes of food waste had been collected;
- Calculating the carbon reduction of food waste was in progress;
- Challenges of overall budget were included in the report;
- Scrutiny would be welcomed in looking a ways to find net gains;
- All areas are priority but that some were within the Council's gift and others not;
- That the Leader had called on DCC to engage regarding opportunities for a different model of bus service;
- Existing ECC EV charging was not tied to the existing devon scheme; and
- That revenue covers electricity and small surplus which is used for maintenance.

### **33 Working Towards Net Zero: ECC Corporate Carbon Footprint Report & Carbon reduction Action Plan**

Head of Service, City Centre and Net Zero provided a verbal update on the Council's Corporate Carbon Footprint Report and Carbon Reduction Action Plan making the following points:

- Recruitment challenges from the South West Energy & Environment Group, from the University, had now been overcome;
- That SWEEG was now in its final stages of reporting to the Council;
- A breakdown of the spend of the net zero budget would be provided within the next report; and
- That the report would be presented in November.

### **34 City Wide Net Zero Programme and update on delivery**

Head of Service, City Centre and Net Zero provided a verbal update on the Citywide Net Zero Programme making the following points:

- that the Net Zero City Wide Programme Manager had been recruited;
- actions from the Exeter Net Zero 2030 plan were being updated;
- the Exeter Net Zero 2030 plan was being cross-referenced with the Devon Carbon Plan and the Devon and Cornwall Adaptation Plan to create a work programme for the Programme Manager;
- that a full list of additional actions were contained within the Portfolio Holder update; and
- that the report would be presented in November.

The Head of Service, City Centre and Net Zero answered a question from a Member stating that the work programme will cross-reference with the Climate Change Committee and National Action Plan.

### 35 **Progress Report Shared Prosperity Fund update**

Head of Service, City Centre and Net Zero presented the Progress Report of the Shared Prosperity Fund making the following points:

- The Council had spent or allocated all of year 2 funding thereby releasing 100% of year 3 allocation, £892,000;
- For year 3 projects, 50% of funding had been paid to the major projects with the remaining 50% due to be paid this month;
- Year 3 focussed on support people with 3 major projects funded which include the Urban Learning Academy, the Exeter Youth Hub and Exeter College's Retrofit Academy.
- That there was a watching brief on the Prosper Project that may result in a small underspend on that project, but if that was the case existing projects would be reviewed and if they were unable to utilise the underspend then it maybe offered to projects which weren't successful in achieving SPF funding;
- That all funds must be spent by 31 March 2025;
- No projects could roll into the next financial year; and
- That it was anticipated that all funds would be spent within the timeframe.

The Head of Service, City Centre and Net Zero answered Members questions making the following points:

- That they will link with the Urban Learning Academy regarding possible links between E5 and People and Skills;
- Would link with project lead regarding biodiversity; and
- Feasibility study outcomes and whether these were met would be brought to committee.

### 36 **Forward Plan of Business and Scrutiny Work Plan**

Members commented on the work plan.

Councillor M Mitchell moved and Councillor Palmer seconded that the two Air Quality items be merged and following a vote this was not carried.

The Monitoring Officer clarified that SMB comments would mean the Strategic Scrutiny Committee would be fully informed and ensure the best report from officers. Councillor Hughes stated for the minutes that had additional information been available they would have voted differently.

Councillor Atkinson proposed and Councillor Knott seconded that the tabled Air Quality item be taken to SMB and returned to the committee with comments and following a vote was carried.

Councillor Knott proposed and Councillor Mitchell seconded that another meeting date be added in December for the Local Plan and following a vote was carried unanimously.

Members noted the Council's Forward Plan and draft Scrutiny Work Plan.

The meeting commenced at 5.30 pm and closed at 7.27 pm

Chair

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## RESPONSES

Responses given after the meeting to questions asked by Members:

- The Council currently does not have its own Biodiversity Action Plan, this is covered by The Devon Biodiversity Action Plan (BAP) - Environment;
- Capacity issues had been the challenge in developing our own Biodiversity Plan;
- In regards to food waste rollout, timescales regarding rollout would be announced when necessary infrastructure work timescales had been finalised;
- Devon's Tree and Woodland strategy was developed in partnership with the District councils and Exeter had fed into that process throughout; and
- The principles and objectives in the Devon Strategy closely match our own, however Exeter's strategy was targeted specifically at delivering sustainable tree management and development within a city urban setting.

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## **STRATA - JOINT SCRUTINY COMMITTEE**

**TUESDAY, 17 SEPTEMBER 2024**

Present:

Councillors Olive, Levine, Westerman, Knott, Mitchell, Radford, Smith and Sanders (Substitute)

Members Attendance:

Councillor Peter Faithful (East Devon)

Apologies:

Councillors Patrick and Swain

Officers in Attendance:

David Sercombe, Head of Business Systems & Business Intelligence

Suzanne Edwards, Strata Finance Director

Steve Mawn, Director of IT and Digital Transformation

Andrew Hopkins, Corporate Lead – Communications, Digital Services & Engagement, EDDC

Sarah Jenkins, Democratic Services EDDC

**These decisions will take effect from 10.00 a.m. on Tuesday 24 September unless called-in or identified as urgent in the minute**

**27. ELECTION OF CHAIR 2024/25**

Councillor Sanders proposed that Councillor Radford be elected Chair for 2024/25. This was seconded by Councillor Smith and was resolved.

RESOLVED

That Councillor John Radford be elected Chair for the civic year 2024/25.

**28. MINUTES**

Councillor Knott proposed that the minutes of the meeting held on 13 February 2024 be approved as a correct record. This was seconded by Councillor Westerman and was resolved.

RESOLVED

That the minutes of the last meeting held on 13 February 2024 be agreed as a correct record and signed by the Chair.

**29. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**30. QUESTIONS FROM THE PUBLIC UNDER PROCEDURAL RULES**

There were no questions from the public.

**31. QUESTION FROM MEMBERS OF THE COUNCILS UNDER PROCEDURE RULES**

There were no questions from Members of the Councils.

**32. FINANCIAL - OUTTURN**

The Director of IT and Digital Transformation [Strata IT Director] presented the report which advised on the financial position of Strata at the end of 2023-24. The company had been given a total of £7.38 million to run the IT services in 2023-24 along with funding for various capital projects. The company maintains an account for additional purchases throughout the year, which is invoiced to each Council based on actual purchases made.

The Committee was pleased to have a permanent Director in place and thanked Mr Mawn and his team for their work.

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

- An amount of £200,017 had been contracted for, but not provided in the financial statements. This was the outstanding amount for a project to which Strata was committed, but the work had not yet been done.
- Strata had achieved the projected savings over the ten year period since its inception.
- It was noted that staff costs had increased as the recent pay award had been higher than expected. The re-engineering of processes had resulted in a reduction in consultancy fees.
- Pension provision operates in the same way as the member Councils and is underwritten by the Councils.

The Committee noted the contents of the report.

The report was accepted and noted.

**33. FINANCIAL - BUDGET MONITORING**

The Finance Director presented the report which advised on the financial position of Strata at the end of June 2024.

The company had been given £8.299 million to run the IT services in 2024-25. The original ten year Business Case had met its objectives and savings profile. Therefore, the 2024-25 Business Plan had moved away from delivering a savings profile and had shifted to a transformational focus.

There were no questions from Councillors.

The report was accepted and noted.

### **34. STRATA AUDIT REPORT**

The Internal Audit 2023-24 Annual Report set out the work completed during 2023-24 and provided the Head of Internal Audit Opinion for 2023-24.

The draft internal audit activity provided independent assurance to the Strata senior leaders, Board members and shareholders that governance, risk management and controls were sufficient to ensure delivery of the service's objectives.

The Strata Board had not yet reviewed the draft audit report due to its scheduling alongside elections and report release date.

The Strata IT Director advised that the Board was aware of the future impact caused by plans for Exeter City Council to re-locate from its current premises, as the data centre is located there. Strata had engaged Microsoft to run the data centre in the Cloud and migration would occur during 2025-26. The move from Exeter City Council would not require any further Strata staff restructuring.

Work had been done to produce a reasonably accurate asset register, and the individual councils need to inform Strata of staff changes, as well as having a robust system in place for managing IT equipment.

In response to questions regarding business continuity, the IT Director advised that partnering with Microsoft would provide the ability to switch data centres which would be highly beneficial if the need to fix issues arises. Microsoft systems have resilience built in which would reduce the impact of Strata being wholly reliant on Microsoft, in the same way as other large national bodies are also affected. There was always a balance to be struck between resilience and cost.

There was discussion regarding the re-use of old IT equipment. It was noted that the cost of making old equipment suitable for re-use usually outweighs any benefit.

The Audit Report was noted for information.

The Strata IT Director provided background information to the very recent outage on the Mod.Gov pages on the Councils' websites. Security procedures had been invoked and investigations undertaken with the system remaining down while the

suspicious file was identified. Strata had worked with the Mod.Gov provider, Civica, and put a temporary solution in place for Democratic Services. The incident had demonstrated that a good level of security was in place.

The Chair thanked everyone present for attending the meeting.

The meeting started at 3.00 pm and finished at 4.01 pm.

Chair  
Cllr John Radford

## **STRATA - JOINT EXECUTIVE COMMITTEE**

**TUESDAY, 3 SEPTEMBER 2024**

Present:

Councillors Bialyk, Arnott and Palethorpe (Substitute)

Apologies:

Councillors Keeling

Officers in Attendance:

Steve Mawn, Director of IT and Digital Transformation

Jo Yelland, Director - Exeter

David Sercombe, Head of Business Systems & Business Intelligence

Christopher Morgan, Trainee Democratic Services Officer - Teignbridge

Martin Flitcroft, Chief Finance Officer & Head of Corporate Services - Teignbridge

Andrew Hopkins, Communications – East Devon

**These decisions will take effect from 10.00 a.m. on Tuesday 11 September unless called-in or identified as urgent in the minute**

### **19. APOLOGIES**

Councillor Keeling gave his apologies and Councillor Palethorpe was present as substitute. However before the meeting, Democratic Services were informed that Councillor Palethorpe would be Teignbridge's Committee Member and representative going forward.

### **20. ELECTION OF CHAIR 2024/25**

It was proposed by Cllr Palethorpe and seconded by Cllr Arnott that Cllr Bialyk be appointed Chair of the Committee for 2024-25.

Resolved

That Cllr Bialyk be appointed Chair of the Committee for 2024-25.

### **21. MINUTES**

It was proposed by Cllr Palethorpe and seconded by Cllr Arnott that the minutes of the previous meeting be approved as a correct record and signed by the Chair

Resolved

That the minutes of the previous meeting be approved as a correct record and signed by the Chair

**22. DECLARATIONS OF INTEREST**

None

**23. QUESTIONS FROM THE PUBLIC UNDER PROCEDURAL RULES**

None

**24. QUESTION FROM MEMBERS OF THE COUNCILS UNDER PROCEDURE RULES**

None

**25. FINANCIAL - 23/24 - OUTTURN**

The Director of IT and Digital Transformation introduced the report to the Committee.

He noted that there had been £935,000 savings with £337,000 invested back into the partnership. £19,000 of this had been used to fund transformation in 2024.

In response to questions, the Director of IT and Digital Transformation confirmed that they were reviewing recent tax implications and a higher audit fee has occurred due to indexation.

It was proposed by Cllr Arnott and seconded by Cllr Palethorpe that the report be noted

Resolved

That the report be noted

**26. FINANCIAL - 24/25 - BUDGET MONITORING**

The Head of Business Systems introduced the report to the Committee.

The Committee were informed that the Budget Monitoring was to focus on the cost of the service rather than considering savings as well. There was higher taxation



but also higher income from interest. Although an underspend was predicted for the year, this would likely be rectified.

It was proposed by Cllr Arnott and seconded by Cllr Palethorpe that the report be noted.

Resolved

That the report be noted.

## **27. PERFORMANCE - DASHBOARD.**

The Head of Business Systems presented the performance dashboard to the Committee.

He informed the Committee that Strata had reached upwards of 96 percent of its SLA target. This meant there was high satisfaction. It was noted that the Councils set the SLA targets.

Each of the 3 Committee Members (2 leaders, one deputy leader) thanked Strata for their upward performance and noted that they were very happy with the current level of service.

## **28. STRATA AUDIT REPORT**

The Director for IT and Digital Transformation introduced the report to the Committee.

The Committee were informed that the Audit had completed a month prior to the meeting and that the report hadn't been to the Strata Board yet.

It was proposed by Cllr Palethorpe and seconded by Cllr Arnott that the report be noted.

Resolved

That the report be noted

The meeting started at 2.25 pm and finished at 2.43 pm.

Chair  
Cllr Phil Bialyk

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## EXECUTIVE

Tuesday 13 August 2024

Present:

Councillor Bialyk (Chair)

Councillors Wright, Allcock, Asvachin, Foale, Vizard, Williams, R and Wood

Also present:

Councillor Jobson (as an opposition group Leader);

Councillor Moore (as an opposition group Leader); and

Councillor M. Mitchell (as an opposition group Leader).

Also present:

Chief Executive, Strategic Director for Corporate Resources, Service Lead, Legal Services & Interim Monitoring Officer, Head of Service, City Centre and Net Zero and Democratic Services Manager.

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### DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

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### CHAIRS ANNOUNCEMENTS

The Leader passed on his condolences and reflected on the memory of the former Lord Mayor and Honorary Alderman Marcel Choules, who had represented the Priory Ward and was well known across the city. References and Members' thoughts would be presented at the full Council meeting on 15 October 2024.

The Leader also welcomed the meeting of people from 'Exeter Together,' in standing up to racism, which was held on Saturday 10 August, which demonstrated Exeter being an exemplar city for community cohesion during recent troubling events.

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### PARKING TARIFFS 2024

The Executive received the report which sought to make amendments under the Parking Places Order to Exeter City Council car parks, which was important in delivering key services to attract people to live, visit or work in Exeter.

Particular reference was made to:-

- There was a legal requirement to consult with residents, businesses, and communities as part of the process of amending the Parking Places Order.
- The six-week consultation period would commence the week beginning 19 August 2024, consisting of posters in car parks, an advert in the Express and Echo, an online consultation, and letters delivered to the residents around Belmont Road car park.
- The recommendations were related to comments and concerns received from the business community, InExeter and Exeter Chamber of commerce.
- Encouraging shoppers to visit the city on a Sunday, would assist in reducing busy Saturday congestion.
- The proposed introduction of car parking charges at leisure sites would ensure they were used by their intended customers, which was currently problematic at the Riverside Leisure Centre and Wonford Sports Centre.

- Income generated from city centre car parks would be used to address ASB within some car parks, in particular, the Cathedral & Quay car parks.
- During 2024 seasonal, business, and residential parking permits were being reviewed for eligibility, and once completed all permits would be available to purchase on the Council website.

Opposition group leaders spoke on the item as follows:-

- Cllr Moore made the following points:-
  - although parking tariffs contributed toward the transport challenges, it was important to address the volume of daily commuters coming into the city;
  - would income from car parking address structural problems in multi-storey car parks;
  - the analysis on transport carbon emissions was welcomed, and given the rise of emissions since 2020, the consultation should include reference to tariff change impact on emissions;
  - were bus ticket prices an incentive to reduce the number of cars driving into the city centre to tackle climate emergency;
  - more attention was needed on the creation of a new sustainable car park; and
  - the inclusion of secure bike racks was welcomed.
- Cllr Mitchell made the following points:-
  - there was a need to compare tariffs with other neighbouring city areas, to ensure the Council was in line with them;
  - car parking charges were a smaller aspect of a larger matter; and
  - there was a contradiction between raising income and delivering the Net Zero ambition in the Corporate Plan.
- Cllr Jobson enquired on whether the consultation would be available in hard copy for residents to read or comment on and whether consideration had been given on the signs for operating hours of various car parks?

The Leader in thanking opposition Members noted the issues raised and encouraged members to contribute them through the consultation process. He advised that the focus of the meeting was on the process.

During the discussion, the following points were made:

- there was a challenging balance between achieving Net Zero in the city centre strategy and generating essential income from car parks;
- work was ongoing across the Council in achieving its objectives and there were issues of being in a two-tier system that needed to be considered;
- although there had been a decrease in the number of car parking tickets issued and city footfall, there was no data available to address the metrics of how people were coming into the city;
- would the consultation include detail on where car park income was used and what people were contributing toward;
- there were two stands in the process, relating to varying existing charges and introducing new charges;
- there were a number of car parks for leisure facilities, which were linked to the Healthy and Active City policy;

- it was important that there was strong engagement with car park users, key stakeholders, public and businesses in the consultation process; and
- there would be collaborative engagement with Devon County Council and Stagecoach, due to the limitations of the Council's role for transport matters.

The Leader in addressing points raised, made the following comments:-

- the Transport Working Group and potentially Scrutiny would address transport and corporate policy issues raised;
- the issues raised about the city centre strategy were important and were interlinked;
- £100,000 had been allocated to address antisocial behaviour and other matters, however, the Council required additional income to fully address these matters;
- hard copies of the consultation would be available to people and proper operating hour signage would be included;
- this was the start of a six-week consultation period, to enable the Council to listen to car park users and further changes could be made as a result of the feedback; and
- other issues would be picked up as a consequence of the consultation.

The Leader moved the recommendations, which was seconded by Councillor Wright, voted upon, and CARRIED unanimously.

**RESOLVED** that the Executive agree to:-

- (1) set aside £100,000 of the income achieved from Car Parks for maintenance and improvements to city centre car parks;
- (2) consult with nearby residents on a proposal to introduce residential car parking after 6.00pm at Belmont Road Car Park;
- (3) change the cost of seasonal, residential, and business parking permits as set out in the report presented at the meeting; and
- (4) amend the Car Park Places Order 2014 as follows:

- to change the car parking charges in accordance with the table in section 8 of the report;
- to re-introduce 1hr parking for city centre car parks located in Zone 2;
- to amend the opening and closing hours at the John Lewis car park to 8.00am - midnight;
- the addition of the following new car parks to the Parking Places Order in accordance with the plans at Appendix 2:

a. Central Zone

i. Paris Street Car Park (Old Bus Station site)

b. Zone 3

i. Pinhoe Railway Station Car Park;

ii. Bridge Road Car Park;

iii. Riverside Leisure Centre;

iv. Wonford Sports Centre; free for the first 3 hrs; and

v. Exeter Arena; free for the first 3 hrs.

(The meeting commenced at 5.30 pm and closed at 6.00 pm)

**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 15 October 2024.**

DRAFT

## EXECUTIVE

Tuesday 3 September 2024

Present:

Councillor Bialyk (Chair)

Councillors Wright, Allcock, Asvachin, Vizard, Williams, R and Wood

Also present:

Councillor Jobson (as an opposition group Leader);

Councillor Moore (as an opposition group Leader); and

Councillor M. Mitchell (as an opposition group Leader).

Apologies:

Councillor Foale

Also present:

Chief Executive, Strategic Director for Place, Strategic Director for Corporate Resources, Strategic Director for People, Interim Director Community Services (SL), Head of Service - Legal and Democratic Services & Acting Monitoring Officer and Democratic Services Manager

89

### MINUTES

The minutes of the meetings held on 9 July 2024 and 13 August 2024, were taken as read, approved and signed by the Chair as a correct record.

90

### DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

91

### QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

A member of the public, Mr Cleasby submitted the following question, related to Minute No. 92:-

- In commissioning the study for options for relocating services from the Civic Centre will the Council rule out the use of the historic Guildhall for committee meetings?

The Council Leader in responding, advised that the use of the historic Guildhall for committee meetings would not be ruled out at the current time.

Mr Cleasby on putting a supplementary question, enquired whether the Council would take account of the issues of the building and address the downside of the use of the Guildhall, including acoustics and layout?

The Council Leader advised that only full Council meetings were held in the Guildhall. All issues would be addressed and all options and suggestions would be considered, but nothing was being ruled out or in at the current stage.

92

### RELOCATION OF COUNCIL SERVICES BASED IN THE CIVIC CENTRE

The Executive received the report which sought approval to enable officers to proceed to the next stage of planning for a potential move of the Council services

currently based at the Civic Centre to a number of Council owned sites. The potential move would relocate all three phase buildings at the Civic Centre site.

The current layout of the Civic Centre did not promote modern workplace practices for hybrid meetings, had surplus capacity and due to the Council's current financial resources, it was not possible to spend significantly on a new building. Making better use of existing assets would be more cost-effective in improving working conditions and enable the Council to fully embrace collaborative working across teams and services.

Particular reference was made to the freeing up a site for regeneration, which would enable surplus funds from the Guildhall Shopping Centre being used to fund the work without impacting on the taxpayer.

Councillor's Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by Senior Officers, as detailed further in this minute.

During the discussion, Executive Members raised the following points and questions:-

- how would the Council avoid silo working, with a number of different physical locations being considered?
- would the potential move align with the One Exeter work programme?
- would there be problematic for staff working in different physical locations?
- clarity was sought on the ring-fenced Guildhall surplus funds and why it was not usable for other services?
- It was clarified that 8.6 of the report regarding the floor of the Bradninch Place, referred to the second floor of the Bradninch Place;
- the report was welcomed, notably the carbon footprint and environmental information; and
- having a representative from the Net Zero team being invited to the project was welcomed and assurance was sought that projected carbon impact information would be provided as the project moved forward.

In response to questions and points raised by Members and opposition group leaders, the Chief Executive advised that:-

- carbon impact projections would be addressed in the next stage of work;
- it was confirmed that the report was referring to the second floor of the Bradninch Place;
- silo working was a cultural issue and work had commenced to address the issue. Regular meetings were also held to enable the senior leadership team and heads of service to work together for the benefit of the whole Council;
- the Council was looking to create more modern workspaces for improved and collaborative environments;
- there had been work undertaken for the current layout of the civic centre, to provide agile and flexible working and open plan spaces. This work also supported the Council during the Covid lockdown, allowing staff to continue working from home;
- all partners with a signed Council lease were aware of the intention to move premises;
- work was being undertaken to explore co-location options, but the primary focus was ensuring there was suitable accommodation for Council staff, with a focus on vacant units for office space at the Guildhall Shopping Centre;



- the requested funding in the recommendations, would provide the opportunity to do undertake work on various issues and costings to form an evidence base for moving forward; and
- the Council worked with trade unions through the Joint Consultation and Negotiation Committee (JCNC). The trade union also sat on the Council staff sounding board, working with staff on the existing Civic Centre arrangements. The sounding board and Union would also be involved with the Guildhall plans.

In response to questions and points raised by Members and opposition group leaders, the Strategic Director for Corporate Resources advised that:-

- any surplus made from the Guildhall could only be used either to enhance the centre or for housing regeneration projects, and therefore could only be used for specific purposes as agreed with the Government as part of the purchase for the Guildhall shopping centre;
- there was an internal resource to manage disposal plans and the £100,000 budget would be used to provide additional support for developing the proposals; and
- the first recommendation was asking the Executive to agree for officers to proceed with plans and costings to move the project forward. Council were being asked to approve the second recommendation, and should they reject that, then work for the full costing would not proceed, but internal work would continue.

The Leader moved the recommendations, which was seconded by Councillor Wright, voted upon, and CARRIED unanimously.

**RESOLVED** that the Executive agree for officers to proceed with detailed plans and costings for the enhancement of a number of Council-owned sites in order to relocate staff currently based at the Civic Centre.

**RECOMMENDED** that Council approve a budget of up to £100,000 to develop full designs and costings for the project, funded from ringfenced surplus funds from the Guildhall Shopping Centre.

93

### **REVISED LOCAL DEVELOPMENT SCHEME 2024**

The Executive received the report on the revised Local Development Scheme (LDS) which provided a scope and timetable for preparing Council planning policy documents, including the Exeter Plan, and Supplementary Planning Documents (SPDs). Although the existing Local Development Scheme was approved in July 2023, work on the Exeter Plan and other planning policy documents had progressed and it was a statutory requirement to ensure the Local Development Scheme was up to date.

Particular reference was made to:-

- the latest update included a slightly amended timetable for the Exeter Plan and new work on an SPD for a new state-of-the-art health campus at the University of St Luke's site;
- significant progress had been made on bringing forward the Exeter Plan including the full draft that was subject to public consultation, earlier this year;
- several significant projects had been completed since the last LDS, which included a new SPD for Water Lane, a new CIL charging scheme, and a revised Householder Extensions and Alterations SPD;

- an extension of the area of the city centre covered by the Article 4 Direction, relating to Houses in Multiple occupation (HMOs);
- the current published Exeter Plan timetable included the publication of a draft version (Regulation 19) for consultation, in October 2024;
- it was now proposed to publish the draft Publication version for consultation in December 2024 - January 2025, with a final submission to the Planning Inspectorate scheduled for June 2025, with an anticipated adoption date for November 2026; and
- a delay was required to prepare further evidence in response to an earlier consultation at the beginning of the year. The Council remained committed to bringing forward a new local plan quickly and providing sufficient quality and quantity of homes including affordable homes.

Councillor's Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by the Strategic Director for Place, as detailed further in this minute.

During the discussion, Executive Members raised the following points and questions:-

- the report and significant work and achievements of the team was commended;
- clarification was sought that Exeter currently could demonstrate a 5-year land supply ;
- clarification that the impact of the increased housing targets would not take effect until after the Exeter Plan was adopted;
- although there were other supplementary planning policies, it was important for the team to focus on the new timeline to prevent starting the process over;
- the housing reforms were welcomed and the Council wanted to deliver the right number and quality of homes in the right places to meet resident's needs;
- the Council would be responding to the consultation on the National Planning Policy Framework (NPPF), but there would be a considerable uplift in the realistic delivery of housing;
- it was important that the Exeter Plan was robust to ensure it passed examination, and required strong evidence to support it; and
- reassurance was sought that the current Local Plan still carried weight for planning decisions and despite a delay, emerging policies in the Exeter Plan also carried weight.

The Leader highlighted Exeter's ambitions for delivering homes and commended the work and engagement undertaken.

In response to questions and points raised by Members and opposition group leaders, the Strategic Director for Place advised that:-

- the four-year land supply had been clarified by Government guidance, in which the Council was now working to a five-year land supply;
- the Council had previously adopted a local plan which carried full weight but required updating;
- completing the Local Plan quickly was important and once adopted, planning for the uplift in housing numbers could commence;
- the current draft consultation had minimal weight, but the publication version, once submitted, would carry greater weight;
- the Local Development Scheme (LDS) was a high-level programme and there would have different stages for Member and public involvement in plan making.

Exeter maintained an excellent consultation and engagement record in its planning process;

- all the issues being addressed were evidence focussed, which created extra work in addressing all the sustainability issues;
- the Council was obtaining social, environmental, climate and economic sustainability evidence as part of the legal requirements of the plan;
- the Council understood where co-living developments were coming forward and had been taken into account through the Exeter Plan;
- waste and minerals were outlined in the strategic assessment and the Council's response also strengthened the legality of the plan when it goes to examination;
- the Exeter University Master plan had been adopted and but did not have SPD status. Elements of it were included in the core strategy, but it required an update by the University; and
- a master plan for St. Luke's Campus would be different to the main campus documents and therefore would be considered differently.

The Leader moved the recommendations, which was seconded by Councillor Wright, voted upon, and CARRIED unanimously.

**RESOLVED** that the revised Local Development Scheme (Appendix A of the report) be approved as the basis for preparing local planning policy.

94

### **RISK MANAGEMENT POLICY**

The Executive received the report which sought approval of the updated Risk Management Policy which reflected the new Strategic Leadership structure and reporting arrangements. It was important that the Council had a robust policy and approach for identifying, managing, and monitoring corporate risks which could impact on delivering the Council's strategic priorities and the policy would be reviewed every two years.

Councillor's Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by the Strategic Director for Corporate Resources, as detailed further in this minute.

During the discussion, Executive Members raised the following points and questions:-

- the policy referenced the responsibilities of the Executive and Strategic Management Board (SMB) and highlighted that the Executive was responsible for approving the policy;
- Portfolio Holders as the elected Executive Members, regularly reviewed their areas of responsibility, working with their relevant Strategic Director, which were then presented with the Council Leader, who had overall responsibility for accepting and managing risks; and
- the register was a living document, in which Portfolio Holders monitored and updated their risks and mitigations accordingly.

In response to questions and points raised by Members and opposition group leaders, the Strategic Director for Corporate Resources advised that:-

- the Executive consisted of the responsible Portfolio Holders, and had been grouped as such in the policy accordingly;

- Portfolio Holders were responsible for working alongside the Strategic Management Board (SMB) in monitoring risks, and had the opportunity to propose for risks to be removed at the Executive meeting;
- in the event a risk was considered to be in an unacceptable position, SMB would bring the matter to full Council to address; and
- the policy reflected the Financial Regulations set out in the Council's Constitution, which required that the risk register be presented to the Audit and Governance for consideration ahead of the Executive for approval.

The Leader moved the recommendations, which was seconded by Councillor Wright, voted upon, and CARRIED unanimously.

**RESOLVED** that the dated Risk Management Policy be approved in accordance with paragraph 5 of the Council's Financial Regulations.

(The meeting commenced at 5.30 pm and closed at 6.39 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 15 October 2024.**

## EXECUTIVE

Tuesday 1 October 2024

Present:

Councillor Bialyk (Chair)

Councillors Wright, Allcock, Asvachin, Foale, Vizard, Williams, R and Wood

Councillor Moore (as an opposition group Leader); and

Councillor M. Mitchell (as an opposition group Leader).

Apologies:

Councillor Jobson (as an opposition group Leader).

Also present:

Strategic Director for Place, Strategic Director for Corporate Resources, Interim Director – Environment, Waste and Operations (CC), Interim Director – Environment, Waste and Operations (SL), Net Zero Project Manager, Head of Service - Legal and Democratic Services & Acting Monitoring Officer and Democratic Services Manager

95

### MINUTES

The minutes of the meeting held on 3 September 2024, were taken as read, approved and signed by the Chair as a correct record.

96

### DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

97

### CHAIRS ANNOUNCEMENTS

#### Submitted Questions from Councillor Jobson (as an opposition Leader)

Apologies were received from Councillor Jobson, who had submitted a number of questions prior to the meeting which had been responded to outside of the meeting. A copy of the questions and responses are appended to the minutes.

#### Mary Arches Car Park

The Leader provided an update on the Mary Arches Car Park, advising that the Council had marketed the Mary Arches car park for sale during the year. Delegated power had been granted to the Strategic Director in consultation with him regarding the disposal. The Leader having committed to report back on progress, advised:-

- there had been strong interest with 14 bids received from 11 different bidders;
- the Council had signed the heads of terms with the successful party for a sale, subject to planning;
- although unable to provide details in the current process stage, the proposed scheme was in-line with the requirements set by Council when the sale was approved;
- once successfully concluded, it would also address the write off approved by Council last year, as a consequence of the reduction in Exeter City Living; and
- thanks were made to all the officers involved in concluding this matter successfully.

## **Devon Devolution Deal**

The Leader advised Members on the Devon Devolution which had been presented and noted by Council. He advised that that the two principal authorities were currently working with the Government to agree the timeline for the Statutory Instrument (SI) to be laid in Parliament. Devon and Torbay's Monitoring Officer's had agreed the main body of the statutory instrument with government's solicitors and had drafted a large amount of the constitution with the exception of the skills element which would be worked through with the DfE.

The next steps of the process were:-

- the Ministry of Housing, Communities and Local Government (MHCLG) had invited comments on the draft regulations;
- the Minister would write to Cabinet colleagues to say that they are minded to proceed to seek Parliamentary approval for the Combined County Authority (CCA), which would take about a fortnight;
- the Secretary of State would write to Devon County Council and Torbay Council Leaders with a draft of the SI;
- the final draft of SI would then go to Parliamentary lawyers for comments on the drafting before it and an explanatory memorandum was laid in Parliament;
- there was 6-8 sitting weeks during which there was a 15-minute debate by the Joint Committee on Statutory Instruments (JCSI) which would take evidence from MHCLG. JCSI did not consider the merits of the SI but was responsible for ensuring that a Minister's powers were being carried out in accordance with the provisions of the enabling Act;
- the SI would also considered by the House of Lords Committee, which met weekly to consider the policy implications of SI; and
- the motion to approve in the House of Commons would be put forthwith (i.e. without debate) on the floor of the House and the Minister would sign the SI and the CCA comes into being.

Devon County Council and Torbay Council would await the final timeline but were working towards November. As this impacted Exeter as a Council, a full paper for consideration would be presented to Council in due course once matters had been concluded.

## **Interim Directors – Environment, Waste and Operations**

The Leader congratulated Simon Lane and Cat Chambers on their recent appointments as Interim Directors for Environment, Waste and Operations.

98

### **QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19**

**A member of the public, Mr F submitted the following question, related to Minute No. 99:-**

- East Wonford Hill, Fore St Heavitree, Pinhoe & Honiton Rd, Livery Dole, all experienced Year on Year increases in NO<sup>2</sup>. We know why, does Council agree with the HATOC decision, supported by 4 ECC councillors that suspending the LTN trial was best for the health of the residents of these streets.

The Portfolio Holder for City Management in responding advised that concentrations of NO<sup>2</sup> had in fact reduced at these five sites, as was the case with all sites in Exeter since 2019, which was shown in the graphs included within the report. The

report being presented concluded, that it had not been possible to identify any impact from the LTN trial in the 2023 either positive or negative.

Mr F made asked a supplementary question:-

- The air quality issue was year on year and not just from 2019. People living in Heavitree believe that since the suspension of the LCN there had been a reduction in traffic and congestion on East Wonford Hill, and therefore NO<sup>2</sup> emissions may have reduced. As there was now real-time data, why did residents have to wait another year to find out and would the Council consider sharing this potential good news sooner?

The Portfolio Holder for City Management and the Interim Director for Environment, Waste and Operations responded that Exeter had two fixed air quality monitoring stations which were calibrated and approved by DEFRA located on Queen Street and Alphington Road.

The Council currently didn't have real time data due to the use nitro-converter tubes and monitoring data is sent off to accredited labs to be analysed, before being reported back.

**A member of the public, Mr M submitted the following question, related to Minute No. 9:-**

- Once again NO<sub>2</sub> year on year measured for East Wonford Hill has exceeded 40mg, the exceedance objective, increasing again last year perhaps due to increased traffic forced onto it by the failed LTN trial. When and what action would Exeter City Council take to reduce it and protect the residents of Heavitree?

The Portfolio Holder for City Management in responding stated that the measured level of NO<sup>2</sup> at East Wonford Hill was 0.1 micro gram per meter cubed higher in 2023 than 2022, which was a 0.2% increase, and likely to be statistically insignificant. This could also be compared to a fall of 35% since 2019 or a 43% reduction since 2012, which were when the levels were the highest measures at this location.

The measures which the Council and other key partners continue to take to improve air quality were clearly set out in the action plan contained in the report being presented at the meeting.

Mr M on putting a supplementary question, asked that given that the Air Quality Act had been in place in Exeter for a number of years, East Watford Hill had fallen below 40, which had only happened once in ten years, following Covid. The action plan didn't seem to be working, so what could be done to help the people in Heavitree?

The Portfolio Holder for City Management advised that the action plan was in place, but another years' worth of data was needed. The 2024 data would not be available until July 2025 for analysis. In the meantime, the current air quality action plan management area, still included East Watford Hill.

The Executive received the statutory Annual Status report that had been submitted to the Department of Environment, Food and Rural Affairs (DEFRA) and contained

monitoring data from 2023, a summary of air quality improvement actions taken and future plans.

Particular reference was made to the proposal which had been issued to DEFRA to review the air quality management area. DEFRA had requested the Council wait another 12 months to receive the 2024 data before making a decision. This was mainly concerned with discounting the 2020 data which was deemed unreliable due to the Covid lockdown.

The Leader advised that Councillor Haigh had submitted a question under Standing Order No. 44 but was unable to be in attendance. A response had been provided outside of the meeting and would be appended to the minutes.

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by Senior Officers, as detailed further in this minute.

During the discussion, Executive Members raised the following points and questions:-

- like many places, there was still a way to go with the work to improve air quality, however, Exeter was one of the better areas for air quality in the country;
- monitoring devices were placed in the areas with the most pollution so the NO<sup>2</sup> can be picked up with Devon County Council, but was not representative of air quality across the whole city;
- air quality issues could be raised with Devon County Council as part of issues with buses and running a municipal bus service, to reduce the volume of cars;
- Exeter was below the legal objective for air quality in all but one location in 2023;
- continuing with current arrangements was important. The current air quality action plan covered the period of 2019-2024 and required 2024 data to make an evaluation on its success; and
- in developing a new plan based on evidence up to 2024, work can be done with partners to define a new air quality plan to address areas with higher levels.

In response to questions and points raised by Members and opposition group leaders, the Interim Director – Environment, Waste and Operations (SL) advised that:-

- Exeter City Council was the lead authority for measuring and collecting air quality data and coordinate with other organisations for developing an air quality action plan.
- Air quality had no boundaries and was impacted by a number of factors including industrial, traffic, domestic and atmospheric issues.
- The enquiries raised by Councillor Moore in regard to the Air Quality Action Plan, its actions and reducing air pollution would be considered and responded to outside of the meeting.

The Leader moved the recommendations, which was seconded by Councillor Wright, voted upon, and CARRIED unanimously.

**RECOMMENDED** that Council:-

(1) note the statutory annual status report; and



(2) agree that an update be made to the Executive should the DEFRA clarification on the City Council timetable for future actions be different than that outlined in this report.

100

### **REVIEW OF CORPORATE RISK REGISTER**

The Executive received the report on the Council's risk management progress and the revised Corporate Risk Register which was linked to the Council's Strategic Priorities. The register had received a significant update, following the new management team structure and risks had moved between Strategic Directors, and updated accordingly in consultation with the relevant Portfolio Holder.

The Audit and Governance Committee had considered and reviewed the risk register at its meeting held on 25<sup>th</sup> September 2024 and the following suggestions had been raised at that meeting:-

- the concern on the actions for progressing the design & delivery of a Corporate Customer and Digital Strategy were only internally facing and didn't focus on external factors;
- enquiries on whether anti-fraud in the planning process was covered in the register; and
- concern that the city wall was considered to be an important asset which should be separated out to provide more information and better understanding of the risk.

The Leader advised that the suggestions of the Audit and Governance Committee would be considered by the Portfolio Holders and Strategic Directors for inclusion on the register.

During the discussion, an Executive Members enquired on the process for receiving feedback from Audit and Governance, notably in relation to the timing of the meetings. Going forward could the meeting calendars be looked at to allow time for the suggestions to be included with the report.

In response to the question raised, the Strategic Director for Corporate Resources advised that there was a review of Corporate Governance being undertaken and timetabling of meetings was being addressed. Currently the timetable of committee meetings ran to April 2025 and the timetable of meetings could be changed after this time. Currently there would be too big a gap between meetings if the Executive received the report at the following meeting.

The Leader moved the recommendations, which was seconded by Councillor Wright, voted upon, and CARRIED unanimously.

**RESOLVED** that the Council's Corporate Risk Register and, Corporate Risk Register summary be approved.

101

### **OVERVIEW OF GENERAL FUND REVENUE BUDGET 2024/25 – QUARTER 1**

The Executive received the report on the overall financial position of the General Fund Revenue Budgets for the 2024/25 financial year after three months. The Council was projecting a reasonable underspend in the budget, however there were some areas of concern in the budget.

Particular reference was made to:-

- there were cost challenges around housing needs and homelessness, but this was also a national challenge;
- central government had increased planning fees significantly last year and an appropriate amount had been allocated to the budget. The projected income was, however, £250,000 lower than budgeted for but was being closely monitored;
- the Commercial Property Portfolio had a number of vacancies which projected a significant under-recovery of income compared to normal years; and
- the report sought a number of supplementary budgets for Council approval with just under £50,000 being funded from general fund balances, with the others being self-financed or taken from earmarked reserves.

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by Senior Officers, as detailed further in this minute.

Councillor Jobson as an opposition group leader had submitted questions prior to the meeting which were responded and are supplemented to the minutes.

During the discussion, an Executive Members enquired on the underspend and whether there was an estimated budget figure available should the vacancies be filled?

In response to questions and points raised by Members and opposition group leaders, the Strategic Director for Corporate Resources advised that:-

- There were some service areas impacted by vacancies, which weren't supported by agency staff and had an impact on the work of the service.
- The grants suggested had not been confirmed and not been taken account of, but if confirmed would have a positive impact.
- Homelessness and housing was an area needed to be consistently looked at for ways to deliver the service in a more cost-effective way.
- Car parks was on target, following the level of carpark income level being reduced. It currently stood at £6,000 on a £9 million income line.
- The commercial property line of £400,000, was challenging and not been projected, due to vacant premises, and work was underway to promote the building to get businesses in.
- There were a lot of underspends reported and vacancy and costs for posts was not known, but the team could look to find out what these would be.

The Leader moved the recommendations, which was seconded by Councillor Wright, voted upon, and CARRIED unanimously.

**RECOMMENDED** that Council notes and approves (where applicable):

- (1) the General Fund forecast financial position for the 2024 financial year;
- (2) the supplementary budgets and budget transfers as detailed in paragraph 8.11 and Appendix 3 of the report;
- (3) the outstanding Sundry Debt position as at June 2024;
- (4) the creditors payments performance; and
- (5) the update to the One Exeter programme.

The Executive received the report which provided the current position of the Council's revised annual Capital Programme and advised Members of the

anticipated level of deferred expenditure into future years. The report further sought approval to amend the annual capital programme to reflect the reported variations.

Particular reference was made to:-

- the Capital Programme for next year had increased to £31.8 million, of which £7.5 million was uncertain in regard to the timing;
- £24.2 million was expected to be delivered in the next financial year, with a number of deferrals, which were outlined in the report;
- money had been set aside for the Guildhall Shopping Centre, to fit out new properties when leases ended and new businesses going in often contributed to this which was recovered through the rent. The timings of this were uncertain and only £300,000 was needed this financial year, which was financed from income from the Guildhall Shopping Centre;
- the Green Space Depot site relied on suitable premises becoming available for bidding and the Estates team were working to locate appropriate site for the depot; and
- there were two requests for further funding detailed in the report.

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by Senior Officers, as detailed further in this minute.

Councillor Jobson as an opposition group leader had submitted questions prior to the meeting which were responded and are supplemented to the minutes.

In response to questions and points raised by Members and opposition group leaders, the Strategic Director for Corporate Resources advised that:-

- Council had granted approval for a specific budget for the Guildhall Shopping Centre to enable enhancements as required, with financing of that, delegated to the Strategic Director for Corporate Resources in consultation with the Leader based on affordability. The Guildhall Shopping Centre income was limited in what it could be spent on, namely on enhancing the property, and regeneration projects around the city.
- In regard to the Civic Centre roof, Phase 3 of the Civic Centre had a flat roof that had been leaking and was occupied by Devon County Council's Children's Centre, requiring work be undertaken to ensure child safety. Should the Council decide to move the work undertaken on the roof has ensured it was safe and secure for anyone wishing to purchase the Civic Centre.
- The RAMM had a separate budget for roof replacement, which was financed by separate grant with a contribution from Exeter City Council to ensure the galleries remained operational.
- The control of the £19 million was dependent on project managers, who may need to make deferrals in the capital programme for various reasons.

The Leader moved the recommendations, which was seconded by Councillor Wright, voted upon, and CARRIED unanimously.

**RECOMMENDED** that Council approve:-

- (1) the overall financial position for the 2024/25 Annual Capital Programme; and
- (2) the further funding requests to the Council's Annual Capital Programme for 2024/25.

The Executive received the report on the financial position of the HRA Revenue and Capital Budgets for the 2024/25 financial year after three months. The report further outlined budgetary over/under-spends and highlighted areas of risk, where certain budgets had identified as being vulnerable to factors beyond the control of the Council, resulting in potential budget deviations.

Particular reference was made to:-

- there was continued challenge with the repairs and maintenance budget, which had a projected overspend of £1.187 million, the reasons of which were set out in the report;
- work was being undertaken with the Head of Service for repairs and maintenance to look at either increasing the budget or to bring the repairs and maintenance budget back in line with the set budget set; and
- the request to vire £95,000 in the report meant it was currently held in the capital budget and would be transferred back to revenue account.

Cllr Mitchell enquired on the repairs and maintenance programme and whether an indication could be made between the balance of planned maintenance and urgent repairs?

In response to questions and points raised by Members and opposition group leaders, the Strategic Director for Corporate Resources advised that he would speak with the relevant Head of Service in response to Councillor Mitchell's enquiry.

The Leader moved the recommendations, which was seconded by Councillor Wright, voted upon, and CARRIED unanimously.

**RECOMMENDED** that Council approve:-

- (1) the HRA forecast financial position for 2024/25 financial year; and
- (2) the request to vire £95,000 Estate Management approval from the Capital Programme to an annual revenue budget of circa £24,000 for four years.

104

### **APPROVED PROJECTS OPTIONS REPORT**

The Executive received the report which sought Member direction for prioritising available funding for one of the two previously approved schemes for either the Laings scheme and phases B and C at Vaughan Road. Council had previously approved for funding for both projects to be delegated to the Section 151 Officer and relevant Director in consultation with the Portfolio Holder and Leader, as it was not able to borrow prudentially at that time. Funding was now available to progress one of the schemes.

The Leader moved the first recommendation option for the funding of the project to complete and deliver the remaining 7 properties outstanding in relation to the Laings scheme. Councillor Wright seconded the recommendation option.

Councillor Moore as opposition group leader enquired if the managed budget included the purchase of the additional land in this account?

Councillor Jobson as an opposition group leader had submitted questions prior to the meeting which were responded and are supplemented to the minutes.

During the discussion, Executive Members raised the following points and questions:-

- it was good news the Council was now able to deliver this overdue project;
- it was highlighted that this was only prioritising one project over another, now that funding was available;
- the other project would be progressed once more funding became available;
- finishing the Laings project would provide enhancement to the area and allow residents to move back; and
- the Council was going to complete the project which had taken a number of years to complete and welcomed future funding for the Vaughan Road projects in due course.

The Leader moved the recommendations, which was seconded by Councillor Wright, voted upon, and CARRIED unanimously.

**RESOLVED** that the Executive agreed to prioritise and fund the project to complete and deliver the remaining seven outstanding properties in relation to the Laings scheme.

105

### **HOUSEHOLD SUPPORT FUND SCHEME 6**

The Executive received the report which Members approval to grant delegated authority to Strategic Director for Corporate Resources in consultation with the Leader and the Portfolio Holder for Housing, Homelessness Prevention & Customer Services for a scheme to disburse funding from the sixth Household Support Fund.

Funding was provided by the Department for Work and Pensions (DWP) to Devon County Council (DCC), however guidance or confirmed funding allocations had not been provided and delegated authority was requested to action the funding once guidance was provided.

Particular reference was made to:-

- the funding support commenced as of the day of this meeting and any delay in bringing the report to a forthcoming meeting cycle would severely cut into the allotted support time;
- the DWP guidance had since been released since the report was published, and remained broadly unchanged, from scheme 5, as were plans from Devon County Council;
- scheme 6 had an increased emphasis on pensioners; and
- the Council was on track to run the preferred scheme in line with the other districts and the Council was waiting for a confirmed funding agreement from Devon County Council, to draft the proposed policy.

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by Senior Officers, as detailed further in this minute.

Councillor Jobson as an opposition group leader had submitted questions prior to the meeting which were responded and are supplemented to the minutes.

During the discussion, Executive Members raised the following points and questions:-

- the funding scheme and work to prepare it was welcomed; and
- it was important there was strong communication for pensioners in particular to be made aware of the funding and to come forward to claim;

In response to questions and points raised by Members and opposition group leaders, the Leader and the Strategic Director for Corporate Resources advised that:-

- Trend data for the previous schemes, for those that have applied or not could be made available to highlight the needs of residents.
- There would be a strong communications drive to encourage as many residents as possible to come forward, particularly pensioners.

The Leader moved the recommendations, which was seconded by Councillor Wright, voted upon, and CARRIED unanimously.

**RECOMMENDED** that Council grant delegated authority to the Strategic Director for Corporate Resources in consultation with the Leader and the Portfolio Holder for Housing, Homelessness Prevention & Customer Services to agree the scheme for disbursing funding from the sixth Household Support Fund.

106

**PUBLIC SECTOR DECARBONISATION SCHEME 3B PROJECT – RAMM & RIVERSIDE LEISURE CENTRE**

The Executive received the report which summarised the outcome of the work undertaken to date in exploring the implementation of decarbonisation measures at Royal Albert Memorial Museum (RAMM) and the Riverside Leisure Centre. This was funded by the Public Sector Decarbonisation Scheme 3b grant from central government. The report also requested that due to challenges at both sites and the immovable grant funding spend deadline, that the project presented too much risk to the council to proceed.

Particular reference was made to:-

- the sites had the highest carbon emissions across the Council's corporate estate;
- the grant had commenced in March 2023 for a two-year period, with the first year focussed on feasibility and design to explore heat decarbonisation measures;
- the outcome of the first years' work had identified significant challenges in delivering within the time frame, budget and quality parameters required at both sites. These challenges could not be overcome and sufficient progress was made in the remainder of this financial year to meet requirements of the grant;
- the project ultimately presented a large risk, exposing the Council to unacceptable levels of uncertainty and financial risk;
- the money spent to date had not been wasted and both sites remained a high priority and the Council had extensive feasibility and technical design information which could be built on; and
- the Council was in a strong position for future grant funding and further Public Sector Decarbonisation Scheme applications, with an expected funding announcement in late autumn.

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised a number of points and questions, which were responded to by the Leader, further in this minute.

Councillor Jobson as an opposition group leader had submitted questions prior to the meeting which were responded and are supplemented to the minutes.

The Leader spoke on this item and in responding to questions and questions raised, made the following points:-

- this was a resolved matter for the Executive approve;
- the total costs incurred to date by the Council were £638,643.93 and the total grant money paid was £465,701.55, which left an outstanding balance of £172,942.38 which would be paid to the Council on 16 October 2024 leaving zero cost to the Council;
- officers had been managing the project to try and complete the work on time but it was not possible and Executive Members had not been contacted by contractors;
- he was satisfied with the information provided from Officers on this matter and that the project couldn't be completed on time;
- the Riverside work was 11 weeks late from the original deadline for the submission and there was a lack of detail provided to the Council including contractual conditions and risk allocation;
- the proposed recommendations would prevent the Council from inheriting a large cost;
- no Council money had been spent, other than what had been retained from the government grant and the allocated £871,000 had not been spent and remained in the budget; and
- thanks were given to the officers for their hard work and due diligence during this process particularly in addressing difficulties and protecting the RAMM which was a key asset.

During the discussion, Executive Members raised the following points and questions:-

- thanks were made to the officers, particularly the Net Zero Project Manager for their due diligence and work undertaken for the report;
- the process had been a complex and challenging task and although it wasn't the outcome that was hoped for it was the right decision. The work undertaken, however, had been valuable, particularly the feasibility study;
- no money had been wasted on the project and had been done in an appropriate way and there would be further opportunities ahead as Net Zero work continued;
- it was important to recognise that this was a Government scheme and had a range of challenges and conditions outside of the Councils control;
- the Council would continue to work to reduce carbon emissions and would always take the management of its finances seriously to ensure projects were delivered appropriately;
- work on feasibility was undertaken carefully and a number of decision points were reached before it was decided it was no longer feasible. The work undertaken would help for the next project;
- despite the coverage of the item, the report showcased appropriate risk assessment and management to prevent a significant financial risk to the Council;
- knowing the background detail of the work carried out, highlighted why the project could not proceed further; and
- it was important for all Members to avoid advocacy for contractors in matters like this and to be mindful when approached by a contractor going forward.

The Leader summing up the debate, advised that he didn't want a debate with opposition leaders, but there were mechanisms available to them including a conversation with him.

The Leader moved the recommendations, which was seconded by Councillor Wright, voted upon, and CARRIED unanimously.

**RESOLVED** that the Executive approve:-

- (1) for the PSDS 3b project (RAMM & Riverside) not proceed any further, following consideration of the outcomes of the Year 1 exploration, design, and pricing stages; and
- (2) for Officers to allocate time to progress matters in preparation for future funding opportunities to secure monies required to decarbonise both sites.

107

**ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2023 - 2024**

The Executive received the report on the Annual Infrastructure Funding Statement for 2023 - 2024 which provided retrospective information relating to funding secured, received, committed, and spent from the Community Infrastructure Levy (CIL) and Section 106 monies in that year. The report also provided an Infrastructure List which identified a number of projects which could benefit from Community Infrastructure Funding and did not provide any financial commitments to projects set out in the Statement.

Particular reference was made to:-

- the Council had a responsibility to publish its infrastructure statements annually; and
- both CIL and the Section 106 were delivered through the planning process and funding from these sources was linked to new housing developments and was a major contributor to the medium-term financial plan;

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by a Senior Officer, as detailed further in this minute.

In response to questions raised, the Strategic Director for Place advised that:-

- The report provided high level details and it was not necessary to set out detailed levels for different wards for the neighbourhood portion of CIL.
- There was a lot of information sitting under the reported headline figures, which was collated by officers and used on a regular basis.
- Many of the reported projects were city-wide projects, rather than broken down by individual wards. The Council was only required to produce a high-level statement and information accordingly.

The Leader moved the recommendations, which was seconded by Councillor Wright, voted upon, and CARRIED unanimously.

**RESOLVED** that the content of the Annual Infrastructure Statement for 2023 – 2024 was noted by the Executive prior to its publication.

108

**RAMM BUSINESS PLAN FOR ARTS COUNCIL ENGLAND NATIONAL PORTFOLIO ORGANISATION EXTENSION YEAR 2026-27**

Councillor Wright left the room for duration of this item.



The Executive received the report on the Royal Albert Memorial Museum & Art Gallery (RAMM) business plan, following an extension from Arts Council England (ACE) for its funding period for National Portfolio Organisations (NPOs) by one year. The RAMM was an NPO and therefore was entitled by the ACE to apply for a one-year funding extension period up to 31 March 2027. Particular reference was made to the funding application, which if successful would result in an additional income of £619,000.

The Portfolio Holder for Arts, Culture & Tourism advised that the exact amount of additional income would be £618,363 and that the Council would not be spending any of its own money and applying for the extension would generate this income for the RAMM.

The Leader moved the recommendations, which was seconded by Councillor Foale, voted upon, and CARRIED unanimously.

**RECOMMENDED** that Council:-

- (1) endorse the Royal Albert Memorial Museum & Art Gallery (RAMM) Business Plan;
- (2) grant delegated authority to the Strategic Director for Place, in consultation with the Portfolio Holder for Arts, Culture & Tourism, to apply to Arts Council England for the additional year's funding (2026-27); and
- (3) authorise the Council to enter into the 2026-27 funding agreement with Arts Council England, should the application for funding be successful.

109 **FOOD LAW AND HEALTH AND SAFETY ENFORCEMENT SERVICE PLAN 2024  
- 2025**

Councillor Wright was absent from the room for duration of this item.

The Executive received the report which sought approval to adopt the statutory Food Law and Health and Safety Service Plan 2024-25, which set out the Council's regulatory function in respect of food safety and health and safety over the forthcoming year.

Particular reference was made to:-

- 99% of food businesses were broadly compliant with the food hygiene law and Exeter now had more food businesses in the city than in its history;
- when food sampling, the team was specifically looking for issues, and having a 90% satisfactory rating for food samples was a positive reflection of the high standard of food businesses; and
- an excellent amount of work was undertaken by officers as detailed in the report, to address health and safety priorities.

Cllr Mitchell as opposition group leaders spoke on the item and enquired on the home delivery service and whether there was any relating to food prepared on-site and for when it was delivered to a home?

In response to the question raised, the Interim Director – Environment, Waste and Operations (SL) advised that businesses had a responsibility to ensure that they were providing food at a suitable temperature and critical control points were measured. Supermarkets had specialised delivery vans for refrigeration and had responsibility, but the Council did investigate issues as required.

The Leader moved the recommendations, which was seconded by Councillor Williams, voted upon, and CARRIED.

**RESOLVED** that the Food Law and Health and Safety Service Plan 2024-25 be supported by the Executive.

**RECOMMENDED** that Council:-

(1) approve the Food Law and Health and Safety Service Plan 2024/25; and  
(2) grant authority to the Head of Environment and Waste to change the plan in the light of national guidance and/or to meet operational needs.

110

### **TREE AND WOODLAND MAINTENANCE AND INSPECTIONS CONTRACT**

Councillors Foale and Wright were absent from the room for duration of this item.

The Executive received the report which outlined the requirements for a new Tree Maintenance and Inspections Contract after the expiry date of the current contract on 1 April 2025, to support the ongoing delivery councils tree management in respect of industry best practice, duty requirements, and the Council's Corporate plan 2022-2026.

Particular reference was made to the risks in the sourcing strategy had been mitigated by existing legal contract procedures and the contract was fully funded. The appraisals outlined in report were the only viable options in accordance with legal requirements.

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by Senior Officers, as detailed further in this minute.

In response to questions raised, the Interim Director – Environment, Waste and Operations (CC) advised that:-

- The cost associated with contractors for self-delivery would vary each year, based on the assessment process.
- For a single source supplier, the Council would be able to potentially reduce costs annually, however, with an in-sourced supply, this wasn't possible.
- The forecast for annual expenditure was likely to be higher in regard to ceiling costs.
- Exeter city centre had a large quantity of trees, and the strategy for delivery and maintenance had a higher priority for quality of provision. Partner organisations prioritised cost over quality of service as their needs differed, and there was no opportunity therefore, for partnership working at the current time.
- The Ash Die Back budget shown in the capital budget hadn't contributed to overall costs. The contract was expected to this address Ash Die Back, but the budget may not last the lifespan of the contract, and therefore hadn't been included.

The Leader moved the recommendations, which was seconded by Councillor Williams, voted upon, and CARRIED.

**RECOMMENDED** that Council:-

(1) Authorises Council officers to proceed with the procurement process to appoint a contractor to provide a new tree maintenance and inspection service in

accordance with the proposals set out in the report, using an open tender process for the procurement of a single supplier; and  
(2) grant delegated authority to the Interim Director Community Services in consultation with the Strategic Director for Corporate Resources to confirm the award and appoint a contract following the procurement process.

111

### **HONORARY ALDERMEN – MR RICHARD BRANSTON**

Councillors Foale and Wright returned to the room for this item.

The Executive received the proposal to confer the title of Honorary Alderman of the City of Exeter to Mr Richard Branston in recognition of his eminent services to the Council.

Members noted that the term of office for Mr Branston amounted to 24 years consecutively and therefore met the necessary length of service criteria and that Mr Branston was a diligent caseworker who had worked very hard for the benefit of his ward residents.

The Leader moved the recommendations, which was seconded by Councillor Wright, voted upon, and CARRIED unanimously.

**RECOMMENDED** that in accordance with Section 249 of the Local Government Act 1972, the Right Worshipful the Lord Mayor be requested to convene an Extraordinary meeting of the Council, on the rising of the Ordinary meeting of the Council on 15 October 2024, to consider conferring the title of Honorary Alderman of the City of Exeter on Mr Richard Branston.

(The meeting commenced at 5.30 pm and closed at 7.51 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 15 October 2024.**

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## **Questions and Responses - Executive Committee - Tuesday 1 October 2024 from Leader Conservative Group – Anne Jobson**

### **Item 7: Overview of General Fund Revenue Budget 2024/25 – Quarter 1**

- 1) Is there any update on the progress of the Harbour Revision Order including likely time-scales?**

#### Response

Exeter City Council submitted the HRO application to the Marine Management Organisation (MMO) in September of last year. The next stage in the process is that the MMO will carry out a 42-day public consultation in their role as the regulating body. We do not get informed in advance of when that will occur, but will receive notice when the consultation goes out, at which point we are obliged to place the consultation in local and national newspapers. We have no influence over the MMOs timeline, and we have been informed by the MMO that there remain several applications ahead of our own. Until the MMO have carried out their consultation, and provided their recommendations, we don't have enough information to anticipate what their recommendations will be, what subsequent work will be required, or how long that will take.

- 2) With respect to the sundry debts itemised at top of page what steps are being taken to reduce the level of these debts?**

#### Response

Council have approved additional resources for Sundry Debt recovery. Both Finance and Legal are in the process of restructuring and we are increasing the number of debt recovery staff alongside adding a resource in Legal to support them. We believe there should be a quick improvement in these figures once the resource is in place.

### **Item 8: 2024/25 General Fund Capital Monitoring Statement – Quarter 1**

- 3) With respect to the proposed deferment of works to St Nicholas Priory and noting it is the roof is there an assessment of the detrimental impact likely to be caused to this heritage asset by delaying the necessary repair?**

#### Response

The project is reliant on Exeter Historic Buildings Trust being successful in their bid for the funding required. Our contribution meets the matched funding element of the project and is reliant of their bid.

### **Item 10: Approved Projects Options Report**

- 4) The preference would be for Vaughan Road to be completed. This provides the greater number of homes. Is there confirmation from Homes England**

**that there will be at least £60k per unit and that the current developers will remain on site? Would urge further exploration with SGA in respect of the Laings development in order to secure the future for that development.**

Response

We have asked the Housing Development team to confirm with Homes England the grant they will offer.

**Item 11: Household Support Fund scheme 6**

**5) In support for this recommendation**

**Item 12: Public Sector Decarbonisation Scheme 3b Project – RAMM & Riverside Leisure Centre**

**6) Noted that advice been given that the money spent is recoverable. Is there confirmation that this is the case (ref 4.1) and that any additional monies spent that were not invoiced at the time of the report will be similarly treated.**

Response

Salix have confirmed that they will provide the funding for money spent. We have recently submitted a further payment request to Salix to bring us up to date.

## Speaking under Standing Order 44

### Executive Committee - Tuesday 1 October 2024

#### Item 15: Air Quality Annual Status Report

**From: Councillor Haigh**

**As fellow Councillors, you may not be aware that my residents can live within 2 metres, at curb level, near the diffuse tube with exceedance at DT57. The unwanted holder of this title East Wonford Hill saw NO<sub>2</sub> levels reverse its downward trend and start to climb again.**

**I would like to ask: Is there an opportunity to extend the new Exeter Air Quality Management Area to include Fore Street, Heavitree up to Whipton Lane? These residents still live within the phenomenon of the canyon effect and at points are closer to the road and idling traffic. Other residents within the proposed area live at a higher elevation than you can see on the map and I would advocate for them to be included in the proposed area, to ensure a robust approach.**

**I appreciate our officers have done rigorous calculations; however, this would help to ensure inclusion and cement our proposal positively within our community. Especially as the health of these residents needs our extra protection from the unintended consequences of future developments.**

#### Response:

The measured level of NO<sub>2</sub> at East Wonford Hill was 0.1 micro gram per meter cubed higher in 2023 than 2022, a 0.2% increase, which is likely to be statistically insignificant.

This can be compared to a fall of 35% since 2019 or a 43% reduction since 2012, which were when the highest levels were measures at this location.

The measures which the Council and other key partners will continue to take to take to improve air quality are clearly set out in the action plan contained within this report.

As has been detailed in the report, DEFRA in their comments on our Annual Status Report in the previous years asked us to reconsider the Air Quality Management Area this year. This was put forward in the Annual Status Report with a consultation proposal.

DEFRA in their reply to this year's Annual Status Report, which can be found at Appendix B of the report stated, 'we advise ECC to wait until compliance has been achieved in 2022, 2023 and 2024 in the areas where ECC are proposing to remove the AQMA, before proceeding with plans to amend the AQMA.

Therefore, this report is not seeking to change the current Air Quality Management Area and it will be reviewed as part of the collation of the 2024 Annual Status Report.

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## SEATING IN THE GUILDHALL

		Deputy Lord Mayor Councillor Knott (L)	Chief Executive	Lord Mayor Councillor K.J. Mitchell (LD)	Democratic Services Manager	Service Lead Legal Services	Democrati c Services Officer
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				Strategic Directors	Strategic Directors	Strategic Directors
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<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>	TABLE	<u>Councillors</u>	<u>Councillors</u>
Darling (L)	Miller (L)	Bialyk (L)		Moore, (G)*	Jobson (C)
Atkinson (L)	Snow (L)	Wright (L)		Mitchell, M.N. (LD)*	Holland (C)
Patrick (L)	Begley (L)	Wood (L)		Fullam (LD)*	Sheridan (C)
Ellis-Jones (L)	Hussain (L)	Williams, R.T. (L)		Read (G)*	Haigh (I)
Hughes(L)	Parkhouse (L)	Allcock(L)		Ketchin (G)*	Palmer (LD) *
Rolstone (L)	Pole (L)	Foale (L)		Rees (G)*	Banyard (G) *
				Bennett (G)*	Wetenhall (G) *

Cllr Harding (L)	Cllr Williams M.J. (L)	Cllr Wardle (L)	Cllr Asvachin (L)	Cllr Vizard (L)			
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### Portfolio Holders

<b>L:</b>	<b>Labour:</b>	<b>24</b>
<b>G:</b>	<b>Green:</b>	<b>7*</b>
<b>LD:</b>	<b>Liberal Democrat</b>	<b>4*</b>
<b>C:</b>	<b>Conservative:</b>	<b>3</b>
<b>I:</b>	<b>Independent</b>	<b>1</b>

\* Known as the  
Progressive Group

Bialyk:	Leader
Wright	Deputy Leader and Corporate Services & City Centre
Vizard	Climate and Ecological Crisis and Communities
Williams, R.T.:	City Management
Asvachin	Housing, Homelessness Prevention & Customer Services
Wood:	Leisure Services and Healthy Living
Foale:	Arts, Culture & Tourism
Allcock	City Development