

STRATEGIC SCRUTINY COMMITTEE

22 June 2023

Present:

Councillor Yvonne Atkinson (Chair)

Councillors Mitchell, M, Allcock, Asvachin, Ketchin, Knott, Read, Snow, Vizard and Williams

Apologies:

Councillors Branston, Leadbetter, Lights and Moore, D

Also present:

Chief Executive, Director Corporate Services, Director of Culture, Leisure and Tourism, Business Development & Brand Lead and Democratic Services Officer (SLS)

In attendance:

Councillor Philip Bialyk	- Leader
Councillor Emma Morse	- Portfolio Holder for City Development
Councillor Laura Wright	- Portfolio Holder for Culture & City Centre Strategy
Councillor Duncan Wood	- Portfolio Holder for Leisure and Physical Activity
Councillor Amy Sparling	- Member Attending Under Standing Order 45

51 **Minutes**

Subject to the correction to Minute 44, in respect of the Decarbonisation Fund and the reference to the Riverside and Isca Centre, it was confirmed that the Fund related to the Riverside and the RAMM, and subject to that change, the minutes of the meeting held on 16 March 2023 were taken as read, approved and signed by the Chair as correct.

52 **Declaration of Interest**

No declarations of interest were made by Members.

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

In accordance with Standing Order No.19, the following question had been submitted by a member of the public, Mr Cleasby and was circulated in advance to Members of the Committee. Councillor Bialyk, Leader offered a response prepared for him by Councillor Parkhouse, Portfolio Holder Ecological and Climate Crisis as set out in italics below and also made a contribution:-

In the past year, what representations has the Council made to Stagecoach, other operators or to Devon County Council about the adequacy of bus services in Exeter?

The Leader advised that there was no formal mechanism between the City Council and the bus companies. Any formal representation was carried out through Devon County Council's Exeter Highways and Traffic Orders Committee (HATOC) which includes County Councillors and City Councillors. He had met with Peter Knight, the new Managing Director for Stagecoach South West when he was first appointed, and

had impressed upon him the issues being faced by residents and particularly the uncertainty of whether their bus would arrive on time. He had been given assurances that the timetable was being revised to ensure some of those uncertainties were addressed and the service would run more efficiently. The Leader could share Mr Knight's email address as he had said he was prepared to listen and deal with any concerns raised by Members. The Leader added that he had welcomed the opportunity to impress on Mr Knight of the need to attend the HATOC meetings to listen to what the City and County Councillors had to say.

Mr Cleasby asked a supplementary question and advised that in his contact with Stagecoach, they had raised concerns over traffic congestion which made keeping to a timetable more problematic. He asked if the City Council would be prepared to lobby Devon County Council more rigorously to look at dealing with the levels of traffic congestion.

The Leader advised he would arrange a further meeting with Mr Knight, but the most appropriate vehicle was through the HATOC meetings and Devon County Council, as the Highways Authority.

Mr Cleasby thanked the Leader for the response.

The Chair added that Devon County Council was currently consulting on the Exeter Local Transport Plan, and she invited Mr Cleasby to feed any comments into that.

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

There were no questions submitted in accordance with Standing Order No.20 to the Portfolio Holders.

55 Portfolio Holder Report

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

The following responses to Members were given:-

- a response to a question on the cost benefit analysis of the journey to Holsworthy to process organic food waste would be obtained. He would also speak to the Portfolio Holder for Place and City Management. The Member agreed to email further detail of a question on the carbon burden of using the Holsworthy site versus treating wet organic waste in Exeter.
- the City Council together with Devon County Council, Plymouth and Torbay had discussed a Level Two tier Devolution County Deal option, also known as a Devolution Light option. A Members' Briefing would be held later in the year to offer the opportunity to share all of the information, but no decision on this would be made without consulting Members.
The governance arrangements had still to be discussed, but the preferred model was for a combined authority, which would be principally governed by Devon County Council, Plymouth and Torbay Unitary Authorities with the other District Councils, including Exeter having a seat at the table. It would be important to take part in any discussion on the reallocation of local government resources for the front line delivery of services.

- the current funding streams for strategic support of supported homes was not part of this devolution discussion, but it would be appropriate to contact the County Council on this matter.
- a devolved authority could mean future opportunities for a local authority run bus service, but the business model would be very different from former years, and would have to be one which the local authority could control with more stakeholder control and influence.

A Member asked a series of questions to which the Leader responded:-

- an update on the medium term financial plan would be reported to the Executive on the 27 June. Following discussion with the Chief Executive, Section 151 Officer and Portfolio Holders, it is proposed to engage Members earlier in the annual budget setting process.
- driving down and managing debt was important. There was a strategy of investing locally and making sure that what was borrowed could be sustained.
- embedding net zero in all services and planning activity was an ambitious plan and as a local authority powers in relation to net zero were minimal. Exeter City Futures was being wound down, but Exeter still intended to work with a number of partners including the University of Exeter. The Council had signed up to a Civic University agreement and he was due to meet with the Vice Chancellor. A report would be presented to the Executive to set out the continued arrangements for meeting the city's net zero ambitions.
- a report, including a business plan for Exeter City Living was being prepared to be presented to the Executive in September.
- Exeter City Living (ECL) had no targets for social and affordable housing. The Chief Executive stated that the Council have set a target for the delivery of 500 homes over 10 years and significant progress has been made in that area, but it was not for ECL to determine how the Council delivered social or affordable housing.

The Leader also responded to a number of Member enquiries on Exeter City Futures including the future oversight of the work and stated that it had not been the City Council who had pulled away from the business group. As stated previously, a report to the September meeting of the Executive should address many of the questions raised by the Member.

He invited the Member to send in any other questions for a further response.

The Chief Executive at the invitation of the Leader set out additional information on a proposed review of the priorities and actions relating to the Corporate Plan. The Local Government Association had been commissioned to carry out some work on effective decision making using effective report control. It was acknowledged that the most efficient organisation was one that had the minimum amount of levels between a member of front line staff and the Chief Executive. This work would form part of a proposed change in organisational structure and Member support would be sought for a reprioritisation of the way that the Council worked, continuing to focus on customer and service delivery.

Members thanked the Leader and noted the report.

56 **Presentation on the Role of Scrutiny**

The Director Corporate Services gave an overview presentation on the role of scrutiny and its importance within the Council's democratic process. She advised that

this presentation was a precursor to a bespoke session on scrutiny planned for later in the year on the 7 September, from Bethan Evans of Governance Training and Consultancy Ltd.

The following points were highlighted in the presentation:-

- the current scrutiny system in Exeter was introduced in October 2019 with two scrutiny committees, namely Strategic Scrutiny Committee and also Customer Focus Scrutiny, with 14 members on each Committee, none are Members of the Executive.
- the terms of reference for the Strategic Scrutiny Committee covered Council wide strategic matters, relevant policies, corporate health and safety and climate change and sustainability.
- the scrutiny work plan was set by the Scrutiny Programme Board, which was chaired by Councillor Allcock, a non-Executive Member and comprised of the Chairs and Deputy Chairs of both Scrutiny Committees.
- the Scrutiny work plan is generated by Members of Scrutiny who were encouraged to submit areas of scrutiny using a Scrutiny proposal form. Once completed, the Strategic Management Board are invited to comment on how that topic aligns with the Council's corporate objectives and priorities.
- the Forward Plan, published monthly sets out all of the Council and Executive decisions to be taken over a 12 month period. Members should look at the business coming forward and take an active part in policy formation before the Executive makes a decision on that matter.
- there was the opportunity to explore scrutiny of a topic with a review through a Task and Finish Group or Spotlight Review with any recommendations presented to Scrutiny and Executive as part of the decision making process.

The role of Scrutiny was important and offered Members an opportunity to become involved in the process including:-

- to assist with the review of Council policy, look at service delivery issues including budgets,
- to enable public engagement with the ability to ask questions about Council responsibilities,
- holding the Executive to account through a mechanism of call in, under Standing Order 17 of the Constitution, whereby decisions made by the Executive that had not been implemented could be brought back to Scrutiny for further consideration. The grounds for a call in were
 - a) the process was either deemed deficient,
 - b) failed to consider alternative action,
 - c) failed to take account of relevant factors or
 - d) the decision was wrong in fact or law.
- the call in required seven members from either Scrutiny Committee.
- the Scrutiny Committee could consider a number of options including, to take no further action or make a request to the Executive to reconsider the decision, but may not change the decision. Call in does not apply to urgent decisions or recommendations to Council.

The Director Corporate Services responded to the following Members' comments: -

- the seven members of call in could be a Member of either Scrutiny Committee, but the topic would be considered by the relevant Scrutiny Committee.

- the committee system was aligned to the 2011 legislation and size of population. Exeter's population permitted a Leader Cabinet model rather than the Directly Elected Mayor/ Cabinet option.
- the Scrutiny training offered by Bethan Evans would be specially tailored to Exeter.

The Chair of the Scrutiny Programme Board referred to the Scrutiny proposal form, which was available on the Council's intranet. The Democratic Services Officer would send the link and also circulate the document for information.

A Member referred to statutory guidance on scrutiny from the Government published in 2019, which was still a useful document for Members new to scrutiny.

Members thanked the Director Corporate Services for the presentation.

57 **Ethical and Low Carbon Advertising**

The Director referred to a report in relation to a Motion presented at the April meeting of Council by Councillor Sparling regarding ethical and low carbon advertising, which was referred to this Scrutiny Committee. Councillor Sparling was in attendance Under Standing Order 45 to explain the Motion.

The report considered the Motion, the Council's existing advertising arrangements, explored the impact and potential options of ethical advertising moving forward, and acknowledged the importance of considering planning aspects of the Ethical Advertising Framework through a report back to the September meeting of Strategic Scrutiny Committee, before a further report to the Executive and Council.

The Director confirmed that Exeter City Council runs a successful advertising network throughout Exeter. An Ethical and Advertising Framework was adopted in 2019, which set out the remit that officers could operate by. In preparation for this meeting, officers revised the Ethical Advertising Framework which was circulated with the report. The expansion of digital advertising and reduction of its reliance on printed material was notable in the intervening period. The existing Framework had provided guidance from the *British Code of Advertising*, covering promotion of some food and drink which might lead to poor or latent healthy eating behaviours, as well as specific categories that the Council does not accept advertising relating to tobacco, alcohol products, and goods or services that were likely to offend, as well as adverts for personal injury claims or loans.

The advertising media currently included in the Framework consisted of:-

- Digital advertising screens
- High Street banners
- City Centre poster sites
- Exeter Citizen (Quarterly newspaper which is distributed to every residential and commercial property within the Exeter boundary)
- Vehicle fleet advertising
- Website

In terms of the Digital Advertising screens, Exeter City Council and Devon County Council have had a joint contract with Clear Channel, since 2012, providing advertising throughout the city. Devon County Council's contract covers sites across Devon. The City Council receives an annual percentage of revenue from the contract along with the provision of new or replacement bus shelters across the city. The

Director stated he would make a copy of the contract available to Members if they wished to view it.

Councillor Sparling welcomed the opportunity to provide more detail and wished to raise a number of points to put the Motion in context. The Motion had included a number of recommendations, not least that a review of any outstanding concession agreements should be mindful of the impending climate emergency. She wished to impress on Members that banning the advertising of certain products was not the same as banning the products themselves. Recent evidence showed that the introduction of a ban in advertising on certain food products, for example, does not automatically lead to a drop in revenue with companies continuing to advertise food and drink, albeit in a revised format. She also suggested that carbon intensive consumption moved the Council further away from its Net Zero ambitions.

Implementing new practices and policies could be daunting for local authorities, but Councillor Sparling asked the City Council to continue its pioneering approach in many areas and in this case support the climate commitment. She also referred to a legal opinion from AdFree Cities seeking to restrict advertising relating to high carbon products and was able to share the link. It was suggested that despite some concern around the loss of income, there was no data or evidence to support that standpoint. A precedence for an Ethical Advertising Policy had already been set by a number of local authorities across the country including Cambridgeshire County Council, Basingstoke and Deane District Council and Coventry City Council, and discussed by Bristol City Council. She referred to comparative data on digital signage and anecdotally a double sided digital bus stop board uses up to four times the energy of an average home, whilst a large digital bill board can use about 11 times the energy of the same. She considered that digital signage should not be seen as preferable or necessary, or any such promotion of goods and services that detrimentally impact the climate as well as the healthy harm to the residents in Exeter, when effort was being made to reduce the Council's carbon usage and meet the corporate objective of Net Zero for this Council. In conclusion, she urged the Strategic Scrutiny Committee to ensure that the Ethical Advertising Framework would be robust and aligned to the Council's objectives.

Members made the following comments:-

- that in the case of Clear Channel whether there was any evidence that their advertising does not comply with the City Councils or Devon County Council's own ethical standards.
- whether there were specific examples of what were deemed to be unacceptable in terms of product promotion, particularly in relation to food or carbon specific products or services, and in the example given of the multiple levels of energy used by bill boards and bus shelters, it should be noted there were far fewer of those than residential homes. This just amplified the need for a reduction in carbon within residential homes and for Government and local authorities to help with that.
- that Councillor Sparling should be invited to respond to comments and questions on the Motion at the September meeting.
- a Spotlight Review may be useful to look at the various issues in more detail.

The Director responded to some of those comments in the following terms:-

- an analysis on the budget impact of the proposals from the Motion would be made against the existing Framework from 2019, and the advertising contracts at that time,

- a detailed breakdown of the digital screens that the City Council control and use of energy from digital advertising versus printed versions would be made. The digital screens in Exeter were small, low energy, and the screens were turned off during the night,
- he had asked his colleague, the Business Development and Brand Lead to consider how the ethical approach to advertising and reduction in band width had affected local businesses in Exeter. He would ask him to reflect on the Exeter's local advertising environment. The only national advertising had been on a digital screen in the Guildhall Shopping Centre as part of an existing contract with a fast food chain which had now ended.
- the current Ethical Framework was already robust, but there was the opportunity to consider a reduction of advertising relating to higher carbon activity. An analysis of balancing the practicalities of supporting the local economy would be made.
- there was an operational cost to the Council to prevent some advertising, but an adjustment in that revenue in the budget was made at the beginning of the year.
- the recommendations in the Motion were in abeyance whilst the matter had been referred to Strategic Scrutiny for consideration,
- discounts were offered for some advertising packages depending on scale and demand,
- the Framework was first debated in 2019 and the move away from print to digital marketing has been a definitive direction taken by the Council and to achieve specific income targets.

The Chair referred to the challenges of limiting the promotion of products and services that contribute to climate change, with consideration for the resource and practicality of requesting a Net zero assessment for every advertiser. She also suggested that an increased focus on the negative impact of human behaviour change should be acknowledged. She noted the reference made by Councillor Sparling in relation to greenwashing (green claims in advertising).

The Director invited the Business Development and Brand Lead to circulate the existing Ethical Framework document and highlight the changes, which related to the exclusion of lotteries, apart from the new Exeter Community Lottery, and a reference to alcohol served at events in the Greater Exeter area. The status of vaping as a tobacco product would also be clarified. Members would be invited to submit their comments on the document, as well as consideration of the practicalities and impact of the proposals made in the Motion. The comments would be collated and reported along with matters relating to planning policy.

The Director Corporate Services proposed that further consideration of the recommendations be deferred to the next meeting of this Committee in September to allow the annotated Ethical Advertising Framework document to be circulated to Members to submit their comments and revisions on the document to the Director.

Strategic Scrutiny Committee supported the deferral of the report to the next meeting in September.

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

The Chair advised that the Scrutiny Programme Board met quarterly and she urged Members to use the Scrutiny proposal form to identify future business which would enable officers to prioritise any proposals made and create a balanced programme of work.

Members noted the Forward Plan and draft Scrutiny Work Plan.

The meeting commenced at 5.30 pm and closed at 7.10 pm

Chair