

## **EXECUTIVE**

Tuesday 4 November 2025

Present:

Councillor Bialyk (Chair)

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

Apologies:

Councillor Patrick

Also present:

Chief Executive, Strategic Director for Corporate Resources, Strategic Director of Operations, Head of Legal and Democratic Services & Monitoring Officer, Head of Service - Environment and Waste and Democratic Services Officer

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## **MINUTES**

The minutes of the meeting held on 23 September 2025, were taken as read, approved and signed by the Chair as a correct record.

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## **DECLARATIONS OF INTEREST**

No declarations of disclosable pecuniary interests were made.

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

A member of the public, Mr Frankum, submitted the following question, related to Minute No. 84:

- “NO<sup>2</sup> reductions in our City is largely a welcome success story this will be further improved with the addition soon, of Electric Buses, would council consider moving monitoring from a consistently low recorded area to Bovemoors Lane which monitoring has shown to suffer increased traffic, congestion & idling and is a concern to the local community”.

The Portfolio Holder for City Management responded that there had never been any diffusion tubes located in Bovemoors Lane as the location of the diffusion tube network sought to concentrate upon areas where there were higher volumes of car movements and therefore likely to be an issue with exceedance in nitrogen dioxide.

The nearest monitoring points were in Heavitree and Barrack Roads and as these locations had no exceedances this indicated that exceedance in Bovemoors Lane was unlikely as vehicle movement was lower and properties were set back from the road.

Mr Frankum in asking a supplementary question, stated that the Council's records showed that over the last three years, Carter's Court on Sidwell Street, recorded just 15.7, 15.9, and 16.1 NO<sup>2</sup> which were among the lowest in the city. Bovemoors Lane, however, had recorded 34 in a single day.

Devon County Council's own count confirmed an increase in traffic on this busy lane and the hospital's Chief Executive had said congestion there now delayed ambulances, particularly during peak times. He was surprised the council would

dismiss these local concerns and asked if Bovemoors Lane could be reconsidered as a monitoring site.

The Portfolio Holder for City Management in responding thanked Mr Frankum for the detail provided and advised that the consideration of an additional diffusion tube could be included as part of the ongoing air quality management review and that his comments would be taken into consideration.

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### **MATTERS REFERRED BY SCRUTINY COMMITTEES**

There were no matters referred from the Scrutiny Committees for this meeting.

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### **REQUEST FOR A VARIATION OF HACKNEY CARRIAGE FARES**

The Executive received the report which sought authority to undertake a further consultation period to satisfy the legal duties set out in Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

Members were reminded that a request had previously been received from the Chair of Exeter St Davids Hackney Carriage Association, for an increase to the Hackney Carriage Fare Tariff and the Executive meeting on 20 May 2025, had agreed to a six-week consultation between 27th May and 8th July 2025.

The six-week period did not allow for completion within the statutory two-month timescale required under the Local Government (Miscellaneous Provisions) Act 1976 and it was proposed that a new two-week consultation be undertaken between 6 and 20 November 2025 to comply with legislative requirements and would incorporate the feedback already received.

Particular reference was made to the 74 responses received during the six-week consultation period, of which, 69 had been in support of the fare changes.

Delegated authority was also being sought to enable the Strategic Director of Operations and Portfolio Holder for City Management to consider any representations made and whether to introduce the proposed changes, with or without modifications, following the consultation period.

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

- the inclusion of data to meet statutory and charter obligations was supported and the additional two weeks was endorsed;
- the environmental benefits outlined in section 9 of the report with regards to Exeter's taxi fleet being among the greenest was welcomed;
- fare increases would also support further environmental ambitions;
- clarification was sought on the addition of two weeks in relation to the previous consultation;
- taxi drivers had not received a rise for a number of years and the provisions for a resolution before Christmas were welcomed.

In response to questions and points raised by Members, the Portfolio Holder for City Management and the Strategic Director for Operations advised that:-

- taxi drivers provided an essential service and a swift progression for fare increases through delegated powers was welcomed;

- the initial plan was for four weeks but had been extended to six weeks to align with the Council's Consultation Charter, and caused a timing issue with the statutory period;
- a review of the Consultation Charter would be undertaken to ensure it incorporated regulatory/statutory periods of consultation; and
- it was anticipated that new feedback in the consultation would mirror prior responses received.

Opposition group leaders raised the following points and questions:

- the fares had been reported at a recent Taxi Forum meeting and had been supported;
- there were 94 Hackney Carriage drivers in the city, who were considered as ambassadors of the city, and the increase was deserved;
- praise was given to the Chairs of the two taxi associations and support was given for the delegation to the Portfolio Holder and Strategic Director to implement the changes before Christmas;
- an enquiry was made on the Local Government (Miscellaneous Provisions) Act 1976 and assurances were sought on the powers of delegation, and whether the matter should be referred to the next Executive meeting; and
- support was given to expedite the fare increases having heard the desire from Hackney drivers about the need for an increase.

The Leader highlighted the honesty and integrity of local drivers following a recent experience. He also advised that he supported the two-week consultation and that the Council was being fully compliant.

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

**RESOLVED** that the Executive approves:

- (1) for the fare increase proposals (in Appendix C of the report) to be put out to public consultation in accordance with the statutory requirements to run from 6 November 2025 until 20 November 2025;
- (2) that the comments received during the earlier consultation, would be carried forward into the new consultation for consideration alongside any other responses received up to and including 20th November 2025; and
- (3) the Strategic Director of Operations, be granted delegated authority in agreement with the Portfolio Holder for City Management, to consider representations and determine whether to set a date for the revised table of fares to come into effect with, or without modifications.

**AIR QUALITY ANNUAL STATUS REPORT AND REVISION OF THE AIR QUALITY MANAGEMENT AREA (AQMA)**

The Executive received the report statutory Annual Status report that had been submitted to the Department of Environment, Food and Rural Affairs (DEFRA) and contained the monitoring data from 2024, in-year summary of the actions taken to improve local air quality and future plans.

The Leader moved and Councillor Williams seconded an amendment to the report recommendations to read as follows:-

Two original recommendations remain unchanged as follows:

- that Executive notes the statutory annual status report;
- that Council notes the statutory annual status report;

To delete recommendations 2.2 and 2.4; and replace with:

- that Executive does not amend the current Air Quality Management Area (AQMA) and instead asks that the Head of Service scopes out a programme to include the physical and financial resource to revise and consult upon the Air Quality Action Plan for the current Air Quality Management Area as well as an Air Quality Strategy for the city; and
- that scrutiny on 20 November 2025 is asked to formulate ideas that they would like to be considered as part of the scoping programme, so that these can be factored into the future report when the physical and financial resource is being looked at.

The Portfolio Holder for City Management in speaking to the reason for the amendments made the following points:

- no area in Exeter currently exceeded the 40 micrograms per metre cube NO<sup>2</sup> exceedance which demonstrated that the Council was on course for improved air quality across the city;
- although one area in East Wonford Hill, previously exceeded 40 micrograms, it was now below that value, however, having an Air Quality Management Area (AQMA) on a short stretch of road did not seem beneficial; and
- there needed to be a focus on continuing to improve air quality across the whole city with a focus on developing a five-year air quality strategy.

In speaking to the amendment, the Portfolio Holder for City Management read some key points of information for Members to consider:

- Air quality within the city had improved significantly over the last decade and was welcomed.
- The monitoring data gathered from the diffusion tubes for NO<sup>2</sup>, showed that no sites measured an exceedance of the annual average objective in 2024 for NO<sup>2</sup> and that exceedance was 40 micrograms per metre cubed. This was the first year when all measurements had been below the objective for NO<sup>2</sup> and marked a significant milestone in the continued improvement of the city's air quality.
- There had been no exceedances from the previous year to create an unexpected dilemma for decision makers. For a number of years now, DEFRA's annual appraisal had stated that when a number of locations had more than three consecutive years without exceedance, the authority, in light of the Act and statutory guidance, needed to review the air quality management area with a view to covering the remaining areas that contained exceedances.
- This report had correctly fulfilled that role by asking for a revision to be considered.
- There was a likelihood that one remaining location could still legally require an AQMA for three years without exceedance by the end of 2026 and the Executive were being asked to consider whether it was worth investing resources into revising the AQMA now, when there was the probability that the new order would be short-lived.
- It was important to note that there was an imperative area of concern for East Wonford Hill which still needed to be the centre of the revision and consultation of the AQMA, which the Council was still required by law to revise and consult on.

- There was, however, an opportunity to remain compliant with the legal requirements but to go further by encompassing a wider strategy for the city as a whole. Whilst there was no legal requirement to devise a strategy, due to the AQMA, it would allow the Council to lead in developing a five-year strategy that would, as one of its primary objectives, lead to consideration of revoking the current AQMA after having three successive years below the UK objective of 40 micrograms per metre cube NO<sup>2</sup> exceedance.
- Instead of pursuing the report recommendations that had been correctly presented to Members, it was proposed that the Council continue with the current AQMA and do not consult upon its revision and ask the Head of Service to scope out a programme to revise the current air quality action plan, as well as an air quality strategy.
- It was important to note that such an undertaking would have to be scoped in detail as the service responsible did not have either the staffing resources or budget to undertake this work or bring in specialist resources to conduct this work. This would allow the Head of Service the time to properly scope this work so the Council could then consider the financial requirements and implications.
- There was also a role for Strategic Scrutiny Committee, which on its meeting on the 20 November 2025, the Portfolio Holder for City Management could hear ideas on the process could work.
- This would be an opportunity, to capture the methodology for capturing citywide input from Members from across the political spectrum, rather than getting into too much detail about the content of the action plan or the strategy, as that would be for a future process.

The Leader advised Members that the notice of motion, from the Council meeting on 14 October 2025, which was referred to Scrutiny would also be included for discussion at the Strategic Scrutiny Committee on 20 November, together with a copy of the Executive Minute for this item.

The Strategic Director for Operations advised that the report brought back the annual status update which met regulatory requirements and the amendments would allow the Council to go beyond minimum requirements.

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

- the worst areas of the city which no longer showing exceedances were welcomed;
- in supporting the current configuration, it demonstrated progress by the Council;
- despite heavy local traffic patterns in wards such as Pinhoe, there was improved air quality away from major roads;
- the amended recommendations were welcomed and demonstrated how the Council was going beyond compliance and the importance of an air quality strategy;
- there were limitations on transport/highways powers limitations without unitary status and the Council's unitary bid could enable better transport/highways powers to reduce emissions;
- the progress made on Air Quality was commended and more regular updates from the Portfolio Holder would be welcomed; and
- would there be improved collaboration with Exeter Highways and Traffic Orders Committee (HATOC).

The Leader advised that the Managing Director of Stagecoach had stated that Exeter bus fleet would become fully electric, but how far that range would extend was to be determined.

In response to questions and points raised by Executive Members, the Portfolio Holder for City Management advised:

- there would be more regular updates provided and likely two presentations made to Strategic Scrutiny Committee, with the first being in June 2026; and
- she was working closely with Devon County Council and over air quality action plan and was consulting with partners, such as the Director for Public Health, relevant neighbouring authorities and Highways.

Opposition group leaders raised the following points and questions:

- supported was given for the amendment and the new direction proposed;
- a concern was raised on the legality of wording implying Executive instruction to Scrutiny;
- a number of previously submitted questions had not been responded to;
- the previous report had been deferred to update the AQMA, but there appeared to be no changes other than to adoption of time scales;
- interim actions were sought until the new strategy was adopted, notably SMART actions and resources;
- enquired if the appraisal report would be signed off by Director of Public Health;
- clarity was sought on strategy framing for targets as required the Environment Act 2021 particulate matter targets; and
- long-term impacts from medium NO<sub>2</sub> exposure needed to be addressed as part of the work, including mapping of air quality against Indices of Multiple Deprivation such as in St. David's Ward.

In response to questions and points raised by Members, the Leader, Head of Legal and Democratic Services & Monitoring Officer, the Head of Service - Environment and Waste and Portfolio Holder for City Management advised that:

- there were no legal issues and Scrutiny was not being directed and could reject Executive proposals;
- the Strategic Director would respond to the submitted questions, but detailed points and questions should be directed to Strategic Scrutiny Committee which would provide cross-party input for a future report back to Executive;
- there were no exceedances last year and a commitment had been made to provide regular updates and closer working with Devon County Council and specified partners; and
- the Director of Public Health's team were fully cited on the ASR and there was currently no requirement for a physical signature this year but would be a requirement for future years.

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

**RECOMMENDED** that Council note the statutory annual status report.

**RESOLVED** that Executive:

- (1) note the statutory annual status report;

- (2) does not amend the current Air Quality Management Area (AQMA) and agrees that the Head of Service scope out a programme to include the physical and financial resources to revise and consult upon the Air Quality Action Plan for the current Air Quality Management Area as well as an Air Quality Strategy for the city; and
- (3) ask that the Scrutiny Committee on 20 November 2025 formulate ideas that they would like to be considered as part of the scoping programme, so that these can be factored into the future report when the physical and financial resource is being looked at.

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### **PROPOSED POLICY OF THE COUNCIL FOR AN INDEMNITY TO MEMBERS AND OFFICERS**

The Executive received the report which outlined the indemnity policy to be granted to Members and Officers, including former Members and Officers. The report also explained the Council's power to grant an indemnity, its benefits and the proposed terms of the indemnity policy were outlined in Appendix 1 of the report, which would provide clarification to the position and terms of the indemnity for Members and Officers.

Particular reference was made to:-

- as a matter of law, officers and members were generally not personally liable for a local authority's actions;
- statutory immunity applied when duties were exercised in good faith and without negligence;
- under the Local Government Act 2000 and the 2004 Order, local authorities may grant indemnities when exercising functions as a Director of a company or as member of an outside body; and
- the proposed policy provided indemnity subject to a number of exemptions, and it was common practice for a local authority to have an indemnity policy.

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

- the report was welcomed and having clarity was important for officers and members to operate effectively for the council's benefit;
- making the policy physical and more accessible in a more digital era was welcomed; and
- indemnity was valuable for those on sit on outside bodies where external indemnities may vary.

An opposition group leader sought clarification on the clause permitting the council to require security from an individual where it was reasonably anticipated that they would repay amounts paid by the council and what were the implications for councillors.

In response to questions and points raised by Members, the Head of Legal & Democratic Services and Monitoring Officer advised that the clause was discretionary and could apply where a criminal offence was suspected and the authority might reclaim costs. It was not a blanket provision and would be considered at the time of any application.

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

**RECOMMENDED** that Council grant:

- (1) the indemnity for Officers and Members and adopts the policy for inclusion in Part IV (Codes and Protocols) of the Council's constitution;
- (2) a standing delegated authority to the Monitoring Officer, in consultation with the s151 Officer and the Leader of the Council to:
  - a) determine whether to meet the cost of any officer or Member liability or loss from the Council's own resources, where the Council's own insurance policy does not cover such a liability or loss; and
  - b) agree and implement any necessary amendments to the indemnity policy where such amendments are required to reflect changes in legislation, insurance arrangements or best practice, provided that any substantive policy changes are reported back to Council for approval.

(The meeting commenced at 5.30 pm and closed at 6.25 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 9 December 2025.**