

STRATEGIC SCRUTINY COMMITTEE
HELD AS A VIRTUAL MEETING

23 July 2020

Present:

Councillor Luke Sills (Chair)

Councillors Newby, Atkinson, Buswell, Henson, D, Lyons, Moore, D, Moore, J, Owen, Packham and Pattison

Apologies:

Councillors Hannaford and Lamb

Also present:

Director (BA), Director (JY), Director (J-PH), Democratic Services Officer (SLS), Democratic Services Officer (HB) and Democratic Services Officer (MD)

In attendance:

Councillor Philip Bialyk	- Leader
Councillor Rachel Sutton	- Deputy Leader and Portfolio Holder Climate & Culture
Councillor Bob Foale	- Portfolio Holder for City Development & Planning

14 Apologies

These were received from Councillor Lamb.

15 Minutes

The minutes of the meeting of the Strategic Scrutiny Committee held on 2 July 2020 were taken as read, approved as correct, subject to the inclusion of Councillor Owen being in the attendance, for signing by the Chair at the earliest possible convenience.

16 Declarations of Interest

No declarations of interest were made by Members.

17 Presentation on Covid-19 by Portfolio Holders and Questions from Members and Answers

The Chair invited the Leader and Portfolio Holders to present their respective briefing notes.

Questions from Members submitted in advance of the meeting with the responses given at the meeting, together with the supplementary questions and responses made at the meeting are set out below for each Portfolio.

The Leader, Councillor Phil Bialyk in presenting his briefing note highlighted the following:-

- for the foreseeable future the Deputy Leader, Councillor Rachel Sutton would take his place on the leadership discussion within the Greater Exeter Strategic Plan (GESP).
- he had been selected by the Devon Leaders as a representative on the Heart of the South West Local Enterprise Board (HSWLEP) and that £35.4m was being allocated to the Board but, despite being a major generator of jobs in the sub-region, only a portion of money had gone to projects like the Exeter Science Park. An application had been made for funding support towards the Bus Station and additional COVID-19 costs incurred.
- he had walked around the Bus Station and the new leisure centre to see the progress being made and he felt that people could not fail to be impressed.

Questions from Members of the Committee

1. **Councillor C Buswell** - The pandemic has had a huge, far reaching impact. It made unprecedented demands in short order on all elements of society, and none more so than the public sector, including this Council. Can the Leader please explain how the Council was able to respond so quickly and stay on top of the demand to sustain services, at the same time as launching new initiatives such as the co-ordination of community support?' -

The team led by Director, Jo Yelland along with the remainder of the Strategic Management Board have played an important role in discharging those duties handed to the City Council as a result of COVID. Local Government Districts were the important last mile. He acknowledged and was impressed by the work of the communities, and of the support to deliver services to shielded and vulnerable people. We were quick to respond and although it was not possible to help everyone and despite problems with the budget, we were still supporting communities, and would continue to do so.

Questions from other Council Members

1. **Councillor Oliver** - Can you tell us how the Place Board has helped with the Covid crisis and recovery?

The Place Board has the purpose of helping us to engage partners within the city with regard to Liveable Exeter and those eight or nine sites that are now within the GESP and out to consultation. We understand that if we are to be a city going forward that we need that collaboration. We have been in a unique position whereby we had an assembled group of people in Exeter from various organisations and businesses to work with them to start a recovery within Exeter. There have been many discussions in relation to their businesses and what they need to do. The City Council needs to work with multiple agencies throughout the city, to bring Exeter back to life and he welcomed institutions such as the University of Exeter, Exeter College, the Met Office, the Police and the Chamber of Commerce working together on a recovery. Although different to the recovery plans discussed at Council the other evening, we all need to move together.

Supplementary question and answer

Can the Place Board take decisions on behalf of the city?

No, and the Leader referred to the Council's 39 democratically Elected Members who had the authority to discharge the Council's responsibilities, but the Place Board acted as a critical friend.

2. **Councillor Oliver** - What are you doing to improve the diversity and inclusivity of the Place Board?

This was an important matter and the Leader said he was mindful that the Place Board was viewed as made up of a particular more privileged sector of society. He advised that issue had been discussed with Dr Lee Elliot Major, professor of social mobility at the University of Exeter. He hoped that a report would be made to the forthcoming Executive to redress the balance of the Board with proposed new appointments. An invitation had been extended to Claire Kennedy, the Curator of TEDx Exeter, and Kalidan Legesse, the Managing Director of Sanchos who had both accepted a position on the Board and the new Vice Chancellor of the University of Exeter, Lisa Roberts would be invited to join. They were also in discussion with a further candidate within Homes England. He would bring a report on the business of the Liveable Board, and had asked the Chief Executive & Growth Director to arrange a further briefing in three or four months to outline the progress made.

3. **Councillor Martin** - Clear messages and consistent information is critical during any crisis. Although we may not have had the clarity or consistency we would have liked from the Central Government, can the Leader give some idea what the Council has been doing regarding information and clear communications?

The City Council had been at the heart of providing a reliable source of information during COVID-19. It has been relaying key information with partners such as the Local Resilience Forum, Public Health England and Cabinet Office. It has also been leading on communications around the extensive recovery of the city, launching the Exeter Coronavirus Updates Facebook page which attracted 7,124 members, mostly in the first week of the crisis. Since its launch in the middle of March, there have been 2,400 posts. In the past 28 days, there were almost 300,000 post views, with around 2,500 comments and 6,000 around likes and shares. In total, there has been more than 21,000 comments, all of which have been monitored, responded to or moderated, and more than 66,000 reactions. The Council has also been busy producing a weekly newsletter with key information and updates for 7,420 subscribers to our news service as well as all other channels – even branding refuse lorries with the Council's key messages around community support.

The Leader gave his thanks to the Directors for their hard work and in particular the communities updates given to Councillors. He welcomed the opportunity to communicate on those platforms with a vast number of people in the city.

The Leader also responded to points of clarification to the questions from other Committee Members:-

Councillor Atkinson congratulated the Leader on being appointed to the Heart of the South West Local Enterprise Board. She referred to the £6 million of funding achieved and asked a question about Team Devon and the effort to bring together a number of separate ventures across the whole of Devon and the bids for funding to kickstart Devon and Exeter's economic recovery after COVID-19. The Leader responded and referred to Team Devon and the meetings held with the Devon Leaders and the County Council. He had attended as the Leader of Exeter City Council. He was concerned about how the recovery programmes were being formulated, and he did not want to be taking decisions that were rightfully for Devon County Council to make. Exeter was an economic driver with the biggest

travel to work area outside of London, bigger than Bristol and Plymouth producing good, clean growth jobs going forward. He reminded the Committee of the opportunity for the public to ask questions at the LEP Board meetings and he welcomed more public scrutiny to an important institution bringing a lot of funding to the south west.

Councillor D. Moore asked about the recovery process and what support the Place Board and the City Council was giving to the Freeport proposal for Exeter and Plymouth airports. The Leader stated that he had been unable to attend a meeting with East Devon leaders and the airports on this issue, however he was unclear on the impact and economic benefit to the sub region. He had not seen the detailed plans, but he would discuss this with the Chief Executive & Growth Director and suggested a brief statement or report be presented to the Executive on the 1 September. The only reason he would want to see a Freeport was if there was an economic and employment benefit for the people of Exeter.

The Portfolio Holder Climate and Culture, Councillor Sutton in presenting her briefing note highlighted the following:-

- the Corn Exchange has been closed but she was pleased they had been able to remain open for blood donor sessions. She was hopeful that some exploratory work to create a more accessible box office facility and visible presence on the High Street in a vacant shop unit would come to fruition.
- Livestock Auctions have continued at the Matford Centre, as farming life has continued but other aspects of activity have stopped. The Centre had been used as a key distribution centre for shielded food parcels up until June. The Farmers Market had also continued, ensuring greater access to a range of locally produced food.
- Environmental Health colleagues have been seeking ways to opening the Museum (RAMM) safely and successfully. Although no date has been identified, it was acknowledged that it was important to open as soon as possible. Although the RAMM was not successful in their application for emergency funds from the Arts Council, the Portfolio Holder was pleased to report the successful Court of Appeal's decision on the business rates which was finally settled in our favour. It was a landmark legal decision which effects a number of other museums across the country.
- whilst some staff at the RAMM have been furloughed, a number of projects have been transferred to the virtual domain, including the 'Lockdown Legends' a project to ensure recognition of the real heroes of the lockdown period in the city, with an exhibition of their work in due course, and a COVID-19 art project with a local artist, Amy Shelton, with an exhibition looking at wild flowers and complimenting the Museum's many botany collections. Work continued inside even whilst the physical building is closed.
- Andrew Hardwick had been appointed as the new Managing Director of Exeter City Futures and he was featured in a short video in response to the adoption of the Exeter Net Zero Exeter 2030 documents at Council two days ago. They have held two open conversations which was transferred to the zoom platform with over 100 participants. The Portfolio Holder was appreciative of the staff who facilitated the event, and that information would

be collated and used for the next stage of the move towards achieving Carbon Neutrality for the city.

Questions from Members of the Committee

1. **Councillor D. Moore** - As part of the city centre recovery would the Portfolio Holder consider assessing the viability of moving the Farmer's Market from its current location, which is a harsh site in winter, to a more prominent High Street location and increasing the days its operates and the scope of a market offer?

The Farmer's Market has been able to continue to trade through this wave of COVID-19 and offered an important outlet to sell the goods from hardworking local producers. Although it was not a prominent high street location, it was visible and successful, and unlike other parts of the city, the site was in the ownership of the City Council. She wished the Market's continued success and would be supportive of additional market days, but that was dependent on being able to service the market. There may also be an issue of trader availability as many operated from other markets on other days of the week. She was pleased that it was successful and considered it was well situated where it was.

Supplementary question and answer

Councillor D. Moore asked if Councillor Sutton would be willing to meet with the traders to hear some of their concerns.

The Portfolio Holder said she would be happy to have a discussion with the market traders.

2. **Councillor D. Moore** - The RAMM has undertaken some great online work over the period. What can the Council do - either with it's council housing tenants or with the wider community to address the digital divide?

It was a challenge to actually make sure that everyone had access to the resources particularly as we were unable to go into the Museum with its valuable free resource for local people. Staff at RAMM have been very aware of that and initiated the digital 'RAMM at Home' project which despite its name also offered paper copies of the activity packs. A number were distributed by the City Community Trust through the Wellbeing Hub to families that did not have access to online facilities. It was important to get people back into the RAMM, but in the meantime she hoped the packs would help those households that were struggling and was happy to offer further contact information to arrange in any further distribution.

3. **Councillor D. Moore** - The Visit Exeter website has a section on travel but no strong message about prioritising active travel or public transport above road or flying - please could this messaging be reviewed?

The page 'Getting Here' on the Visit Exeter site has been structured to highlight public transport options over travel by road and air. There were now more specific walking and cycling opportunities around the city. We do prioritise sustainable transport in any messaging as much as possible and Councillor Moore is right that there is great interest in sustainable travel.

Over 90% of visitors travel to Devon by car and the target market was geographically in the 2.5 to 5 hours' drive time. It was really important that we supported our local transport hubs, because the Visitor Economy of the region

and the city in particular, needs all the help it can get. We are working as part of the COVID recovery response to encourage our residents and those nearby to come in and see what is on offer in Exeter. The Portfolio Holder said that she sat on the Visit Exeter Economy Recovery Group with other colleagues to try and make the city as safe and attractive as we possible to encourage our visitors to come back, especially as so many people were likely to stay in the UK for their holidays this year.

Supplementary comment

Councillor Moore welcomed a stronger message and referred to the high figures at the Airport. She was keen to encourage visitors to Devon to come by bus and asked if the message on the web site could be looked considered again please.

4. **Councillor D. Moore** - At the Exeter City Futures open conversation about mobility participants expressed low confidence in the Councils' ability to act to tackle carbon emissions from transport, tackle congestion or improve air quality. Can the Portfolio Holder explain what specific discussions have been held and actions agreed with Devon County Council to implement lasting changes to address these problems?

The Portfolio Holder said she was aware that a number of points had been addressed to Exeter City Council and the lack of confidence by participants was aimed at Devon County Council as the transport authority. City and County Councillor Andrew Leadbetter was on the panel and he had confirmed that Devon County Council were committed to supporting the High Street and neighbourhood centres through urgent transport measures. The County Transport Strategy for Exeter included a number of schemes that had been put in place as a result of COVID-19. She welcomed the new transport schemes and hoped they would become a permanent fixture and the County would continue to carry on with more innovative schemes, but she was mindful of the financial crisis being faced by each of the local authorities. It was important to look hard at how the crisis has shifted behaviour and hold onto the good things and she was aware that county colleagues felt the same. She agreed with Councillor Moore about bus travel, suggested that giving passengers the confidence to get back on them remains a challenge. There was a collaboration and support for a bid by Stagecoach and DCC for encouraging electric buses which she thought was still being determined. She continued to work with Sport England and the County Council to achieve our ambitions and encourage people to increase their use of electric cars and bikes but warned that we were still in unknown territory.

Supplementary question and answer

There were a number of schemes not progressed from the DCC proposals to improve safety for people walking and cycling, particularly on roads that have pinch points. Should the proposed Transport Strategy that DCC will be adopting come to this Council for scrutiny as part of the process for adoption since it also effects Exeter?

The Portfolio Holder advised that Devon County Council was the decision making body for those schemes, but Exeter City Council had been consulted on the proposed Transport Strategy. Although it would not be appropriate to scrutinise another authority's documents, we could invite officers and also County Councillor Gilbert to make a presentation to this Council, subject to agreement by the Chair

of this Scrutiny Committee. The Chair said he would be in agreement with that invitation.

Questions from other Council Members

1. **Councillor K Mitchell** - Can the committee have more details on the issues related to the Air Handling System within RAMM?

Central Government regulations around COVID-19 are recommending fresh air intake settings rather than use recycled air in air handling systems. The fresh air intake may be challenging for the particular system in RAMM which was in place before COVID was a thing. Whilst the building is without the public in there, staff have been trialling the fresh air intake to fully understand its impact on the environmental conditions. So they are working cross departments because we need to keep the public safe and open safely, as well as being careful about protecting the collections. It is a difficult balancing act but something that is being looked at the moment.

2. **Councillor K Mitchell** - When will Chief Crowfoot's regalia be repatriated to its native home of Canada and have RAMM created a register of any further items which might need to be considered for repatriation in the future?

The Portfolio Holder said she was aware that Councillor Mitchell was supportive of the repatriation. Chief Crowfoot plans to visit Exeter in person to receive his forefather's regalia and take them home but clearly that plan has been put on hold because of the COVID situation. We look forward to welcoming him to Exeter to show how supportive we are about these important cultural items going back to their rightful home.

The process of repatriating any items were set out in Appendix C of the new Collections Development Policy 2020-25, which was recently agreed at Executive. We do not have a specific list because we do not know what might be requested by whom. The Policy may need some revision because the Arts Council England are producing further national guidance on repatriation and restitution, which was expected before the end of this year. Our stance has always been that we would decide such matters on a case by case basis, and as and when any specific requests come to us, in line with our Policy and with any national guidance. Compiling a list of what we think might be sought, would take up a lot of staff time and potentially be of no useful benefit.

The Portfolio Holder also responded to points of clarification to the questions from other Committee Members:-

- Councillor Atkinson responded to the supplementary question (4) from Councillor Moore about the Transport Strategy and advised that Devon County Council had responsibility for Devon and the Exeter wide Transport Plan. This has been drawn up in liaison with the City Council over a number of years and has been consulted on widely and recently updated. She had taken part in a Standing Overview group discussion which was open to the public and was also scrutinised by the relevant DCC Scrutiny Committee. Pop up Traffic Regulation Orders were discussed at Exeter HATOC and that meeting was open to members of the public. She advised that a second tranche of such measures was awaited. She would ask for the minutes of HATOC to be circulated to members of this Committee. A number of other

maintenance projects have managed to be dovetailed with the pop up measures.

- Councillor Lyons asked if the Council incurred any costs in appealing against the Inland Revenue business rates decision on the RAMM. The Portfolio Holder said the Council and the other party had agreed to meet their own costs and that the Council had budgeted for this.
- the Portfolio Holder also responded to Councillor Lyons to say that she was not aware of any outdoor music events being planned in Exeter this summer. She did not think that any events in indoor venues would be feasible and in any case, would have to be looked at very carefully.

The Portfolio Holder Planning and City Development, Councillor Bob Foale presented his briefing note highlighted the following:-

- the Council's service had continued to be provided during the pandemic with staff working from home and credit was due to the Chief Executive & Growth Director for implementing the move to agile working. He recalled a presentation he had attended about co-working a couple of years ago when staff were asked to embrace a new vision and way of working, and that work meant that our staff have been able to work effectively from home.
- he was delighted that the recommendations adopted at Council last Tuesday relating to the Local Plan and Greater Exeter Strategic Plan which allows the Council to properly fund both of those programmes going forward.
- there was an initial fall in planning applications but this had now recovered to pre-COVID volumes. The Planning Committee, together with the Delegated Briefing group have been meeting regularly and he believed effectively on virtual platforms by skype and more latterly by zoom.
- a new national Permitted Development Rights regime has been introduced to support health service bodies and enable local authorities to make an immediate response to any emerging COVID situation. It has enabled developments ranging from the change of use of existing buildings to a construction of 117 bed Nightingale Hospital as one of only seven built nationwide.
- public houses and restaurants have been able to operate and offer food during the emergency period particularly with hot food takeaways. The Government has also relaxed planning enforcement over the time restriction on supermarket deliveries allowing adequate supplies and vulnerable people to be looked after.
- although 50% of construction work had stopped during the lockdown period, and some local authorities stopped undertaking any site inspections, Exeter City Council's Building Control has continued to inspect sites.
- in line with Government expectation and to support the local economy we have negotiated with developers on a case by case basis on the timing of their CIL payments and a phasing of Section 106 agreements to ensure that the obligations are met, in a way that does not threaten the viability of any one development.

Questions from Committee Members

1. **Councillor D. Moore** - The Council agreed to review the Community Infrastructure Levy (CIL) charging structure last year. Has the emergency delayed this work and please can the Portfolio Holder provide an update on progress.

The review of the CIL charging structure was under way and the COVID emergency did delay the signing of the contract with the consultants selected to undertake the work by about six weeks, but the contract has now been signed and the work is underway, with some preliminary work having been undertaken before the contract was signed. It is hoped that the weeks lost can be re-gained as the work progresses.

Supplementary question and answer

Councillor D. Moore asked when this will be ready for the council to adopt

At Full Council on Tuesday it was stated that the CIL charging structure will be reviewed as a central plank of our Local Plan and any recommendations we receive there will be looked at in the Local Plan alongside affordable housing and the green agenda. It has been clarified to the Member after the Committee, that it is expected that the CIL Charging Schedule Review will be completed for implementation in the autumn of 2021.

2. **Councillor J Moore** - How many CIL payments and Section 106 agreements have been renegotiated and has expected community investment been put on hold because of this? If so, please can you give details of any major planned projects which will now be delayed?

As a consequence of COVID-19, Exeter City Council has so far received four requests to defer CIL payments and three requests to vary the terms of Section 106 agreements as follows. It was not anticipated that these requests will result in significant delays to any major planned community investment projects.

- the Community Infrastructure Levy requests were in respect of Taylor Wimpey, Burrington Estates, Mr and Mrs Starling and Heritage Homes

The Section 106 requests were in respect of Burrington Estates, Vistry Partnership and Taylor Wimpey.

Questions from Non-Committee Members

1. **Councillor K Mitchell** - Can the Portfolio Holder please update the Council on the progress towards reviewing the Council's existing policies towards the University's explanation, Purpose Built Student Accommodation (PBSA's) and Housing Multiple Occupation (HMO's)?

In terms of the University of Exeter's growth, updated student projections are awaited from the University over the next few weeks. Once these have been received, in the same way that as occurred in previous years, a report will be brought to Members as soon as possible setting out the projections and comparing these to the current provision of PBSA in the City. The level of uncertainty about the projections was likely to be exacerbated this year by the impact of the pandemic, particularly upon international student numbers. The Portfolio Holder understood that the University were anticipating a £70 million

deficit next financial year large due to the uncertainty of international student numbers.

The Council's review of its existing policies on PBSA and HMOs was ongoing and will need to take into account the impact of the pandemic, which may not be fully appreciated for some time. In the meantime, following discussions between officers, the Leader and the Portfolio Holder in early Spring, it has been determined that any new policy on PBSA/shared living will be covered by the revised Exeter Local Plan, and not by the Greater Exeter Strategic Plan as had been originally intended. This is because the issue of student accommodation is Exeter-specific, rather than being a strategic matter that relates to the Greater Exeter area.

Supplementary question and answer

Could he have an assurance that when the emerging Local Plan was looked at Neighbourhood Plans like the St James Neighbourhood Plan would be taken into account as well as the Article 4 Directions because both had a huge impact of student accommodation on the city?

The Portfolio Holder gave his assurance.

Councillor Foale also responded to points of clarification to the questions from other Committee Members:-

- Councillor Atkinson asked if the Greater Exeter Strategic Plan would be developed as well as the Local Plan or will the Local Plan be produced on its own because it is a voluntary plan which requires the commitment of other Districts and if there was a role for Scrutiny? The Portfolio Holder said that he was delighted with the recommendations which were accepted at Full Council. The GESP had had a difficult journey for the last couple of years with changes in the administration of each of the three other District authorities. Now that Exeter has confirmed our commitment, we will put in the staff commensurate with our standing in the group to try to get it over the line. If we cannot, it is however, vital we have our own Local Plan which we now have the resources to develop. It was important to have a robust Local Plan to consider, affordable housing, purpose built accommodation and the green agenda. We can have both if all the relevant GESP Councils commit.
- Councillor Atkinson also referred to the new Government announcement on permitted development rights which could allow the building of two extra storeys, and whether there will be some consultation and how this would impact on Exeter. The Portfolio Holder said this was uncharted territory and further guidance was awaited. He confirmed that applications can be refused on a number of grounds.
- Councillor Owen referred to the reference to student accommodation by Councillor K Mitchell and would like to add his support to Councillor Mitchell's comments about the importance of the St James Neighbourhood Plan being taken into account. He asked that when the discussions take place that local ward members be included in the student populated areas of Duryard, St James, and St David's. The Portfolio Holder said that he would endeavour to do that.

- Councillor Lyons welcomed the decision to locate the Nightingale Hospital at Sowton, rather than at WestPoint. She also referred to the loss of hospital beds at Whipton and Franklin hospitals in the locality and asked if the Portfolio Holder could advise if the new Nightingale Hospital facility was going to be a temporary or permanent. The Portfolio Holder said he had been to the site and although it did not have the feeling of permanency, it did not feel like it was a short term stop gap measure either. In the darkest days of the lockdown we feared that we might be filling the 117 beds with COVID patients, and currently it was being used for other treatment and care and he hoped that it would be there for some time. He said that at the site has been extended beyond the original plans.
- Councillor D. Moore asked about the timescale for the report on CIL charging structure as the announcement on student accommodation was made last year and the GESP will not be produced until 2023. How will the Council address the areas immediate problems also the interim period up to 2023 which is a long time to wait. The Portfolio Holder agreed it was a long time to wait and there were many imponderables with a £70 million shortfall by the University with students potentially simply not coming. That would have a huge impact on the need for student accommodation and the use of HMO and we don't know yet what the proposed student numbers due shortly would be and that will inform our thinking. As far as the CIL is concerned a group of consultants has been asked to undertake a piece of work which is underway.

(It was noted that the original completion date for the new CIL Charging Schedule was July 2021 but would now be available by September 2021).

- Councillor D. Moore was very concerned in this interim period that there will be applications which are not currently covered by our planning policy such as co-living which, she suggested were going to cause other problems in the community and she was concerned how this was going to be managed by the council's planning system.

The meeting commenced at 5.03 pm and closed at 6.50 pm

Chair