

COUNCIL

Tuesday 18 April 2023

Present:-

The Right Worshipful the Lord Mayor Councillor Mrs Yolonda Henson (Chair)
Councillors Allcock, Asvachin, Atkinson, Bennett, Bialyk, Branston, Denning, Ellis-Jones, Foale, Ghusain, Hannaford, Harvey, Holland, Jobson, Knott, Leadbetter, Lights, Mitchell, K, Mitchell, M, Moore, D, Moore, J, Morse, Packham, Parkhouse, Pearce, Read, Snow, Sparling, Sutton, Vizard, Wardle, Warwick, Williams, Wood and Wright

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BINDU ARJOON

The Lord Mayor welcomed Bindu Arjoon who was attending her first meeting in her capacity as the recently appointment Chief Executive.

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MINUTES

The minutes of the Extraordinary and Ordinary meetings of the Council held on 21 February 2023 and of the Extraordinary meeting held on 13 March 2023 were moved by the Leader, seconded by the Deputy Leader, Councillor Wright, taken as read, approved and signed as correct.

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APOLOGIES

Apologies for absence were received from Councillors Newby, Oliver and Rees.

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APPOINTMENT OF RECORDER

RESOLVED that Her Honour Judge Anna Richardson be formally installed as Recorder of the City.

Her Honour Judge Richardson welcomed her appointment and returned thanks.

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OFFICIAL COMMUNICATIONS

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

- the North Devon District Council Civic Service on 26 February 2023;
- the opening on 26 February 2023 of Pym Court in Topsham which would offer extra care accommodation in a retirement housing development;
- the John Stiles charity evening for the Lord Mayor's Charity, the Exeter Dementia Action Alliance, on 8 March 2023;
- the Exeter Philharmonic Choir's Concert at Exeter Cathedral on 18 March 2023;
- a Long Service and Good Conduct Medal ceremony for Corporal Key from the 243 Wessex Field Hospital on 22 March 2023;
- the 80th anniversary commemorative event at Higher Cemetery on 28 March 2023 for the last flight of Mosquito flight number DZ301, with the grandson of the pilot, Squadron Leader Jan Michalowski, also attending;
- the opening of Topsham Pool for its 2023 season on 7 April 2023 and presenting the Lord Mayor's Commendation to Pool Committee Member, Derek

Whitingham, in recognition of his 40 years of service to Topsham and the surrounding community; and

- a charity event at Sandy Park for Parkinson's UK and Parkinson's South West Walking football on 14 April 2023. The Comedy writer Paul Mayhew-Archer MBE who has Parkinson's disease, but was best known for his work on the Vicar of Dibley and Four Weddings and a Funeral, had performed his "Incurable Optimist" show about the therapeutic power of comedy and laughter.

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PUBLIC QUESTIONS

The Lord Mayor reported the receipt of a question from a member of the public.

Question from Peter Cleasby to Councillor Bialyk, Leader.

National guidance issued by the Local Government Association's Planning Advisory Service (LGA/PAS) states that the Leader and the Portfolio Holder for development should normally exclude themselves from the Planning Committee to avoid the perception of conflicts of interests and predisposition. Why does the Leader not apply this guidance in Exeter?

Response

Exeter City Council ensures that all decisions on plan making and planning applications are undertaken, on behalf of communities, in a fair, impartial and transparent way. The LGA/PAS 2019 guidance was an update to the 2013 version of the Local Government Association's 'Probity in Planning' document. This guide had been written for officers and Councillors involved in making planning decisions in their local authority. Whilst local authorities should have regard to it, the provisions are not mandatory.

It was a matter for the Leaders of the various political groups represented on the Council to identify members of their groups for membership of all committees, including the Planning Committee, in accordance with the statutory requirement for political proportionality. The Leader of the Council would continue to identify the relevant number of Members from his Group to sit on the Planning Committee. Matters he will take into consideration, include avoiding predetermination and the impression of it.

Mr Cleasby asked a supplementary question as to why the Council felt that it was so exceptional that it did not need to follow national guidance?

The Leader, in responding, stated that it was a matter for each Group Leader to decide who to appoint to a Committee and that he was not legally obliged to follow national guidance.

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PLANNING COMMITTEE - 8 FEBRUARY 2023

The minutes of the Planning Committee of 8 February 2023 were presented by the Chair, Councillor Morse, and taken as read.

In respect of **Minute No. 3 (Planning Application No. 22/0537/OUT - Land at St. Bridget Nursery, Exeter)**, the Portfolio Holder for City Development, in response to a Member's question, advised that the City Council was not the Highways Authority and that the Planning Committee relied on the advice of Devon County Council as the Highways Authority when determining planning applications.

In respect of **Minute No. 4 (Planning Application No. 21/1014/FUL - 68-72 Howell Road, Exeter)**, the Portfolio Holder for City Development, in response to a Member's question, advised that the next stage of the Exeter Plan would include a definition of balanced communities.

RESOLVED that the minutes of the Planning Committee held on 8 February 2023 be received.

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PLANNING COMMITTEE - 20 FEBRUARY 2023

The minutes of the Planning Committee of 20 February 2023 were presented by the Chair, Councillor Morse, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 20 February 2023 be received.

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PLANNING COMMITTEE - 27 MARCH 2023

The minutes of the Planning Committee of 27 March 2023 were presented by the Chair, Councillor Morse, and taken as read.

In respect of **Minute No. 20 (Planning Application No. 22/1454/RES - Land at Aldens Farm West, Shillingford Road, Exeter)**, the Portfolio Holder for City Development, in response to a Member's question, advised that it was for each developer to determine the level of public consultation in respect of their planning applications and that it was not a matter for the Portfolio Holder to provide guidance on this matter.

RESOLVED that the minutes of the Planning Committee held on 27 March 2023 be received.

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LICENSING COMMITTEE - 21 MARCH 2023

The minutes of the Licensing Committee of 21 March 2023 were presented by the Chair, Councillor Foale, and taken as read.

RESOLVED that the minutes of the Licensing Committee held on 21 March 2023 be received.

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STRATEGIC SCRUTINY COMMITTEE - 16 MARCH 2023

The minutes of the Strategic Scrutiny Committee of 16 March 2023 were presented by the Chair, Councillor Hannaford, and taken as read.

In respect of **Minute No. 46 (Live and Move Programme Update)**, the Portfolio Holder for City Development, in response to a Member's question, agreed to circulate the Planning Team's response to Devon County Council's consultation on its local cycling and walking infrastructure plan.

RESOLVED that the minutes of the Strategic Scrutiny Committee held on 16 March 2023 be received.

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CUSTOMER FOCUS SCRUTINY COMMITTEE - 30 MARCH 2023

The minutes of the Customer Focus Scrutiny Committee of 30 March 2023 were presented by the Chair, Councillor Vizard, and taken as read.

In respect of **Minute No. 12 (Questions from Members of the Council under Standing Order No. 20)**, the Chair, in response to a Member's question, agreed that the system of ward grants was an important part of the Council's offer to communities. The Portfolio Holder for Communities and Homelessness Prevention, confirmed that the system of ward grants was continuing and that £39,000 had been allocated for this financial year.

In respect of **Minute No. 13 (Update from the Portfolio Holder for Customer Services and Council Housing - Councillor Denning)**, the Portfolio Holder for Customer Services and Council Housing, in response to a Member's question, advised that the Council's retrofitting programme was an important priority and that there was interest from residents who were not Council tenants but lived in those blocks where retrofitting had occurred to also benefit from these works. Going forward therefore, it would be possible for this work to be undertaken for non-Council tenants in blocks identified for future retrofit programmes.

RESOLVED that the minutes of the Customer Focus Scrutiny Committee held on 30 March 2023 be received.

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AUDIT AND GOVERNANCE COMMITTEE - 8 MARCH 2023

The minutes of the Audit and Governance Committee of 8 March 2023 were presented by the Chair, Councillor Wardle, and taken as read.

In respect of **Minute No. 37 (Code of Corporate Governance 2023/24)**, the Chair moved and Councillor D. Moore seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 38 (Members' Code of Conduct)**, the Deputy Chair clarified the part of the minute which referred to the amendment to the latest version of the Nolan Principles by highlighting the reference in this version to treating others with respect and stating that this was being added to the leadership principles.

The Chair moved and Councillor D. Moore seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 40 (Amendments to the Constitution - Officers Code of Conduct)**, the Chair moved and Councillor D. Moore seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 42 (Anti-Money Laundering Policy)**, the Chair moved and Councillor D. Moore seconded the recommendation and following a vote, the recommendation was carried unanimously.

RESOLVED that the minutes of the Audit and Governance Committee held on 8 March 2023 be received and, where appropriate, adopted.

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EXECUTIVE - 28 FEBRUARY 2023

The minutes of the Executive of 28 February 2023 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 36 (Eddie Lopez)**, the Leader, referring to the recent passing of Eddie Lopez, the former Labour Party organiser, stated that he was known to all political parties and that he would be sadly missed.

In respect of **Minute No. 37 (Appointment of two Directors to the Board of Exeter City Living)**, the Leader, in response to a Member's question, stated that it was important to progress the review of the governance arrangements of Exeter City Living as quickly as possible and to report back to Council.

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

In respect of **Minute No. 38 (Review of the Article 4 Direction and Houses in Multiple Occupation Supplementary Planning Document)**, the Leader, in response to a Member's question, and in respect of the consultant's report on future options for reviewing the Article 4 Direction, noted that the residents of Pennsylvania and Duryard and St James had welcomed the review. It was the intention to consult on Option 2 as the preferred option for the future of the Direction.

In respect of **Minute No. 39 (Council Consultation Response to the Proposed Submission Version of the Teignbridge Local Plan)**, the Leader, in response to a Member's question, advised that the City Council had submitted a response to the consultation on the proposed submission version of the Teignbridge Local Plan.

The Portfolio Holder for City Development, in response to a Member's question, agreed that it was regrettable that developments were being brought forward in both Alphington and Pinhoe on the edges of the city outside its boundary, as there would be an adverse impact on the city's infrastructure.

In respect of **Minute No. 40 (Lord Mayoralty)**, the Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried unanimously.

RESOLVED that the minutes of the Executive held on 28 February 2023 be received and, where appropriate, adopted.

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EXECUTIVE - 4 APRIL 2023

The minutes of the Executive of 4 April 2023 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 45 (Overview of General Fund Revenue Budget 2022/23 - Quarter 3)**, the Leader, in response to a Member's questions, advised that:-

- the demolition of the old Bus Station would be going ahead; and
- the retrofitting of Council properties was an important part of Council policy and the Council would continue to seek to offer retrofitting to the private sector wherever possible.

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

In respect of **Minute No. 46 (2022/23 General Fund Capital Monitoring Statement - Quarter 3)** the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 47 (2022/23 HRA Budget Monitoring Report - Quarter 3)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 48 (Council Tax Support Fund 2023/24)** the Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 49 (General Grants Policy)**, the Leader, in response to a Member's question, advised that the General Grants policy was separate to, but worked alongside, the Exeter Community Grants Programme, and was predicated on the Council offering, from time to time, grants to organisations which contributed to the achievement of priorities set out in the Corporate Plan.

When such projects were identified, they would be reported to Executive and Council for approval. There was no intention to stop ward grants for communities and this year's budget for this purpose was £39,000.

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

In respect of **Minute No. 50 (Amendments to the Financial Regulations and Procurement Contract Procedure Rules)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 51 (Amendments to the Constitution)**, the Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 53 (Report of the Plant Based Food Task and Finish Group)**, the Leader, in response to a Member's suggestion that the Task and Finish Group could be asked to further examine the policy with a view to identifying areas for strengthening, advised that he would consult with the Portfolio Holder for Climate Change on the potential for improving the proposals of the Task and Finish Group. As such, if any issues emerged as the recommendations were progressed in the coming months, it could be appropriate for the Task and Finish Group to re-convene and report back to Council.

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

In respect of **Minute No. 54 (Financial Assistance Policy for the Better Care Fund)**, the Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 55 (Proposal to Establish an Oversight Panel to Monitor the Royal Albert Memorial Museum and Art Gallery's Delivery Against the Funding Agreement Made Between Exeter City Council and Arts Council England for Period 2023-26)**, the Leader moved and Councillor Wright seconded

the recommendations and following a vote, the recommendations were carried unanimously.

RESOLVED that the minutes of the Executive held on 4 April 2023 be received and, where appropriate, adopted.

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**NOTICE OF MOTION BY COUNCILLOR SPARLING UNDER STANDING ORDER
NO. 6**

Councillor Sparling, seconded by Councillor Read, moved a Notice of Motion in the following terms:-

Ethical and Low Carbon Advertising Policy Motion

This Council notes:

- That it is possible for local authorities to implement advertising policies against specific products if they consider them to be harmful to the amenity of an area. This Council notes that the Greater London Authority (GLA), which controls Transport for London (TFL) property, was able to enact a Healthier Food Advertising Policy in 2018 prohibiting High Fat, Sugar or Salt (HFSS) food advertising on TFL property.
- That the continued paid promotion of activities or products that are potentially harmful to mental or physical health or the environment, such as junk food, gambling, alcohol or high carbon products (including cars, fossil fuel companies and airlines and airports), are very common across a variety of out-of-home advertising media.
- That statistical evidence shows how exposure to advertising increases consumption of advertised goods and services and, where these are carbon intensive, higher consumption takes us further away from Net Zero. However, a ban on advertising for unhealthy food across the Transport for London network resulted in a drop in household purchases of unhealthy food and drink, preventing 100,000 obesity cases with an expected saving to the NHS of £200 million.
- That advertising prohibitions and restrictions already exist regarding all tobacco products and e-cigarettes, guns and offensive weapons, breath testing and products designed to mask the effects of alcohol, 'pyramid schemes', as well as other rules regarding marketing to children, HFSS products, medical and health claims, religion and financial products.
- That many advertising companies are switching to digital boards that allows them to sell many more advertising slots, however, these digital boards consume huge amounts of unnecessary energy. A double-sided digital bus stop advertising screen uses four times the electricity of an average British home whilst a digital billboard can use eleven times the energy of an average British home (<https://adfreecities.org.uk/2019/11/the-electricity-cost-of-digital-adverts>).
- The bright illumination of digital billboards at night has a detrimental effect on local wildlife, in direct opposition to the Ecological Emergency declared by this Council.
- That the purpose of advertising is to stimulate demand for goods and services, most of which are national and international brands, not local businesses, with limited benefits to the local economy.
- That some advertising content undermines the Council's objectives regarding air pollution and sustainable consumption. For example: petrol and diesel car adverts (especially for Sports Utility Vehicles) undermine air quality objectives, airline advertising undermines carbon emission targets and, whilst this Council

is not the local health authority, HFSS products undermine the health of Exeter's residents.

- That banning advertising for certain products is not the same as banning the products themselves.

This Council resolves to:

- (1) To develop and implement an Ethical Advertising Policy as part of the Council's planning policies, to apply to bus stops, billboards and advertising spaces within the jurisdiction of the local planning area and embed this within the Local Plan. This policy would then be used to set targets, expectations or restrictions on all advertising in the city that interacts with the Council's objectives on public health, air pollution, climate change and more sustainable consumption and to ascertain which companies and products the Council wishes to associate itself with and support, including local businesses, and ban harmful products, companies or services from being advertised on Council owned land, in our communications, or from sponsoring council organised events.
- (2) To review any Advertising Concession Agreements to investigate the possibility of amending the current set of prohibitions and restrictions to include products and services that contribute to climate change and air pollution. Should this not be possible, to begin work on a new agreement for when any such agreements are next renewed.
- (3) To adopt a presumption against planning permission for all new digital advertising screens in the City due to the high energy use of these technologies.
- (4) Embed these low carbon advertising principles within the Local Plan, including the requirement to switch off digital screens at night.
- (5) Write to the Secretary of State for Digital, Culture, Media and Sport, asking for a ban on such forms of unethical advertising nationally.
- (6) Write to the Secretary of State for Levelling Up, Housing and Communities asking for reforms to Planning Guidance on outdoor advertising to take into account the unique problems with energy-intensive digital billboards.

The Leader proposed an amendment that, in accordance with Standing Order 6 (5), this Motion be referred to the appropriate Scrutiny Committee and then reported to Council in due course. Councillor Wright seconded the amendment.

A Member, in supporting the amendment, suggested that Devon County Council be involved in the review because of their contract with Adshell, the providers of the digital advertising screens in bus shelters and to involve the Exeter Highways and Traffic Orders Committee.

Councillor Sparling supported the amendment.

The amendment was voted upon and CARRIED unanimously.

The amendment accordingly became the substantive motion and, following a vote, the Notice of Motion, as amended, was CARRIED unanimously.

RECOMMENDED that this Motion be referred to the Strategic Scrutiny Committee for a report and then be brought back to Council in due course.

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

In accordance with Standing Order No. 8, the following question was put by Councillor D. Moore to the Leader

With regards to the crèche at St. Sidwell's Point:

A Was the Equality Impact Assessment prepared for the closure of the crèche based on the actual users of the facility over the period it had been in operation or was it a theoretical desk based exercise?

Response

The Portfolio Holder for Leisure Services and Physical Activity reported that in order to comply with the general duty of the act, authorities must assess the impact on equality of decisions, policies and practices. The aim of this particular Equality Impact Assessment was to review the impact that closing the crèche facility at St. Sidwell's Point Leisure Centre may have on groups and individuals with protected characteristics. The review did not prevent the authority from reducing or changing services where necessary.

B How much did that assessment cost to prepare?

Response

It was carried out by officers of the Council at no additional cost.

C What is the projected annual net income expected from alternative uses from the crèche room?

Response

Staffing changes across leisure were still taking place and the work needed to be completed before any alternative operational date is set.

Councillor D. Moore, asked a supplementary question as to whether the Equality Impact Assessment had been based on the views of the users of the facility when it had been open or if it had been a theoretical desk based exercise?

The Portfolio Holder for Leisure Services and Physical Activity responded that it was not appropriate, or usual, when undertaking an Equality Impact Assessment to ask each user of any protected characteristics they may have. The review did not prevent the authority from reducing or changing services where necessary.

In accordance with Standing Order No. 8, the following question was put by Councillor D. Moore to the Leader

In light of the risks posed by unexploded ordnance, what action will the Portfolio Holder take to prevent magnet fishing in the Exe?

Response

The Portfolio Holder for Recycling, Waste Management and Waterways reported that the River Exe was designated as a main river and, as such, the Environment Agency were the responsible management authority. Exeter City Council had no powers to prevent any lawful use of the river. She advised that, unlike normal fishing, magnet fishing did not require a rod licence and she was not aware of any other forms or legislation which govern or regulate this past time. There were rules which applied to canals managed by the Rivers and Canal Trust but these did not apply.

Magnet fishing had many benefits, the main one being the clearance of metallic debris from waterways including cycles, scaffold poles, fencing barriers, shopping trollies and motorbikes making the waterways safer for all users. Those groups contacted had found two items of unexploded ordnance in the last two years. One was a hand grenade and the other was an artillery round (which turned out to be an inert training round). On both occasions, the groups cordoned off the area, called the Police and the items were taken away for disposal.

While the City Council had no powers to prevent this activity or to regulate it, it planned to work with the active groups in the area to develop a code of conduct. This could also be agreed with the Exe Estuary Partnership to give consistency and wider coverage.

Councillor D. Moore, asked a supplementary question as to whether the issues could be raised with the Environment Agency?

The Portfolio Holder for Recycling, Waste Management and Waterways agreed to raise the issues with the Environment Agency.

In accordance with Standing Order No. 8, the following question was put by Councillor D. Moore to the Portfolio Holder for Climate Change

At the Council meeting of 13 December 2022 Council agreed for the Portfolio Holder for Climate Change “to ask to open urgent and meaningful negotiations with the County Council on Transport and the 2050 target to develop a supportive policy context for the City of Exeter Net Zero plans”.

Please can the Portfolio Holder provide an update to Council about the response to that ‘ask’ and progress on any discussion thereafter?

The Portfolio Holder for Climate Change stated that there had been a business as usual communication on a number of transport related projects, but the budget setting process at both Exeter City Council and Devon County Council had been very challenging, and the pre-election period had made organising specific transport related meetings, since the December Council, difficult. A meeting to discuss the differing Net Zero targets and the contribution of transport would be arranged following the May Local Elections.

RETIRING COUNCILLORS

The Lord Mayor announced that Councillors Ghusain, Oliver, J. Moore, Packham and Sutton would be standing down at the forthcoming Local Government elections on 4 May 2023. She thanked them all on behalf of her fellow Members for their hard work and achievements as Councillors and their service to the residents of Exeter. She wished them well for the future.

She also stated that, other than the Annual Meeting, this would be her last meeting as Lord Mayor and as a City Councillor. She expressed her deepest thanks to all Members and Officers, who she had enjoyed working with over some 40 years and for all their kindness and support. It had been her pleasure to serve the people of Exeter and she wished the city the very best for the future. The Lord Mayor highlighted the importance of Members who represented Exeter wards and their important role in looking after their city.

The Lord Mayor reminded Members that, the final Coffee Morning in support of the Lord Mayor's Charity - Exeter Dementia Action Alliance - would be held on Saturday 22 April 2023.

(The meeting commenced at 6.00 pm and closed at 7.25 pm)

Chair

DRAFT