

EXECUTIVE

Tuesday 3 October 2023

Present:

Councillor Bialyk (Chair)

Councillors Wright, Denning, Foale, Morse, Parkhouse, Pearce and Williams, R

Also present:

Councillor Jobson (as an opposition group Leader);

Councillor Moore (as an opposition group Leader); and

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

Councillors in attendance under Standing Order No. 44

Councillor Vizard speaking on item 10 (Minute No. 93 below)

Apologies:

Councillor Wood

Also present:

Chief Executive, Director Corporate Services, Director of City Development, Director Finance, Service Lead - Environmental Health & Community Safety, Assistant Service Lead – Local Plan and Democratic Services Manager

86

MINUTES

The minutes of the meeting held on 5 September 2023, were taken as read, approved and signed by the Chair as correct, subject to the following amendment:-

Minute No. 83 – to amend the sentence “*The Council needed to take a similar approach to the Government in policy and strategy for addressing Net Zero in the city*” to read as: “**The Council needed to learn from the Governments experience in court in its approach to policy and strategy for addressing Net Zero in the city**”.

87

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

88

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

Four questions were received from members of the public, relating to Minute No. 99:-

Question received from Mr Neil Martin

I've suffered with asthma for 20 years. Now I and others, struggle to walk by Pinhoe and Polsloe Roads. What are the current pollution levels measurement since August 2023? Under the 2010 Equality Act, decision makers at Exeter City Council, are required to consider and take account of disabilities needs like asthma. Will Exeter City Council agree that pollution is rising on these arterial roads?

Response

The Portfolio Holder for Corporate & Democratic Services and Environmental Health in responding, advised that the data presented in the report did not show that pollution levels were rising on roads in Exeter and that there had been significant reductions seen over the period covered by this report. The data from 2023, would be presented in the next Annual Status report, which would be published in 2024. Presenting annual data in this form was the Council's legal duty under the Environment Act 1990.

Supplementary question, asked by Mr Martin

Do you agree that the current timescales are far too long between the readings and the publishing of the pollution levels, which in the case of the report was 21 months behind since the readings were taken? Will the Heavitree active streets project increase pollution and therefore, the frequency of my asthma attacks and incur breaches of nitrogen dioxide in 2023/24?

Supplementary Response

The Leader advised that the timescales were covered in the report later in the meeting and some of the points would also be covered in the report. He also advised that due to the reporting process, certain information would not be available at the time of reporting.

Question received from Mr Alan Conibere

Given that increased traffic congestion has the potential to increase pollutant emissions and degrade air quality, particularly near main arterial routes, please confirm if Exeter City Council intend to install any additional air quality monitoring equipment so that the full impact of the Heavitree & Whipton Experimental Traffic Regulation Order can be established and assessed.

Response

The Portfolio Holder for Corporate & Democratic Services and Environmental Health in responding, advised that the City Council had no plans to install additional air quality monitoring equipment for the purpose of assessing the impact of the scheme. The current monitoring network would allow the Council to perform its statutory functions, which were to monitor and report on compliance with the air quality objectives.

However, the City Council had recently started a separate project to explore whether new methods could be used to better understand and present the air pollution levels along the Heavitree corridor. A summary of this project had been included with the report to Members and the project would include the installation of some additional monitoring equipment along the corridor from Livery Dole to Sweetbrier Lane. Data from these would be made available to Devon County Council to use in their appraisal of the Experimental Traffic Regulation Order scheme.

Supplementary question, asked by Mr Conibere

What enquiries had been made by Devon County Council or its agents in respect of the adequacy of the air quality monitoring equipment for the Heavitree and Whipton Active Street trial both before and after implementation and on what dates?

Supplementary Response

The Leader advised that a response to the question would be provided and supplemented to the minutes.

Question received from Mr Ian Frankum

This report, and Executive is discussing historic data from 21 months ago (January 2022), up to nine months ago. Therefore, are you aware, that City Council decisions made, are using potentially inaccurate figures? Would the Executive agree that data should be reported more frequently and will the Heavitree Active streets project increase pollution and incur new breaches of nitrogen dioxide in 2023 and 2024?

Response

The Portfolio Holder for Corporate & Democratic Services and Environmental Health in responding, advised that the reporting frequency was that which was legally required of the Council under the Environment Act 1990 and the data is presented in the report was in accordance with the relevant guidance from national Government. Altering this to use data in ways that did not meet the guidance would reduce the reliability of the data. This report was also not one, which was seeking to make decisions and the data was presented for Member's information.

Supplementary question, asked by Mr Frankum

Would the Council accept that the effects of NO² levels are above the target level, particularly in the Heavitree corridor and will impact on health of those affected in that period, which was quite substantial and that more should be done now rather than waiting 12 months?

Supplementary Response

The Leader advised that all factors had been taken into consideration, and that the report reflected the air quality of the previous year and further data would be collected.

Question received from Mrs Lucy Haigh

Housing developments and recent road closures have increased demand on Pinhoe/Heavitree corridors. HGVs are being caught up with displaced residential traffic, causing more idling and emissions outside homes, and walking routes for our school children. The Council had a duty to protect children and 'protected statuses' from dangerous air quality. Please evidence how the Council prepared for these publicised changes, and if it did not, why not?

Response

The Portfolio Holder for Corporate & Democratic Services and Environmental Health in responding, advised that Housing developments which had the potential to have a significant adverse effect on pollution levels were required to undertake an air quality assessment as part of the planning process. The developer was required to demonstrate that no significant impact would result from the scheme or provide suitable mitigation.

The changes to the road network in Heavitree were not directly City Council decisions. Whilst the Council were consulted, they were planned and implemented by the Highways Authority, which was Devon County Council (DCC) and questions about the planning of the scheme were best directed to the County Council. Exeter City Council was feeding in air quality data to the officers at DCC to help them evaluate the impact of the changes. The City Council's legal duty was to monitor air pollution, identify any failures of the legal objectives and implement its Air Quality Action Plan. The data from monitoring during 2023 would be presented in 2024 in accordance with the legal timetables for doing so.

Supplementary question, asked by Mrs Lucy Haigh

How will the Council prove to the East Wonford community regarding the Heavitree corridor, that it understands that resident health needs require protection, particularly considering the proposed 'Ella's Law' which is a new clean air human rights bill, following the death of a 10 year girl? Please could the Council step in before another year passes and do the right thing for our community.

Supplementary Response

The Leader advised that whatever law was passed by the Government that the Council would implement those laws and always does its best in accordance with available legislation framework.

89

OVERVIEW OF GENERAL FUND REVENUE BUDGET 2023/24 – QUARTER 1

The Executive received the report which advised Members of the overall financial position of the General Fund Revenue Budgets for the 2023/24 financial year after three months and sought approval of additional expenditure required during the financial year.

Members were advised that the Council was currently on target with the revenue budget and that the positive impacts included more interest on investments, which was generating an extra £700,000, lower energy prices over last six to eight months and several internal staff vacancies, leading to an underspend on the budgets. However, there were several budgetary pressures, including the pay award which would be higher than budgeted for and a few income budgets which were underperforming and being monitored.

Reference was made to the supplementary budgets requested for Council approval, which would be funded from earmarked reserves or other incomes sources, which totalled at £47,000.

Councillor D. Moore, as an opposition group leader, spoke on this item and enquired as to how much money was being lost as a result of being unable to claim the Devon County Council shared scheme, by not having full coverage of the food waste collection service? She also enquired whether the Executive considered its

approach to commercialisation and the commercialisation strategy needed to be reviewed?

Councillor M. Mitchell, as an opposition group leader, spoke on this item and noted that the shortfall on parking services was an area of concern and enquired if the major loss of income could be outlined and whether mid-year adjustments needed to be made?

In response to questions and points from Members, the Director Finance advised:-

- the projected loss of income for the Devon County Council food waste scheme was £250,000; and
- the impact on car parking was related to the reduction of season tickets and reduced commuter travel into the city. There were no projected in year reductions expected for car parking, which would be covered by the positive impacts discussed.

The Leader advised in regards to the enquiry on the commercialisation process that this would be reviewed in due course.

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

- (1) the General Fund forecast financial position for the 2023 financial year;
- (2) the supplementary budgets and budget transfers as detailed in paragraph 8.10 and Appendix 3 of the report;
- (3) the outstanding Sundry Debt position as at June 2023;
- (4) the creditors payments performance; and
- (5) the One Exeter programme update.

90

2023/24 GENERAL FUND CAPITAL MONITORING STATEMENT – QUARTER 1

The Executive received the report on the current position of the Council's revised annual capital programme and to advise Members of the anticipated level of deferred expenditure into future years. The report also sought Member approval to amend the annual capital programme in order to reflect the variations outlined in the report.

Members were advised that there had been ongoing difficulty with the Capital Programmes, particularly with issues relating to contractors to complete work and remain within budget. Tenders had also been coming in higher than budgeted for, which was an issue was relating to the current construction market and had a significant impact on the Capital Programme, pushing a number schemes forward into the next financial year.

Councillor Jobson, as an opposition group leader, spoke on this item and enquired about the splash pools schemes being listed as a single project and whether the budget line for the Heavitree paddling pools also included the St. Thomas splash pool?

Councillor D. Moore, as an opposition group leader, spoke on this item and welcomed the completed work for the Guildhall roof replacement. She enquired about the completion of work for the roof section which was still leaking and whether the Council now had the funding for the work for Trews Weir taking place in 2025/26.

Councillor M. Mitchell, as an opposition group leader, spoke on this item and requested clarification on the loan to Exeter City Living of £14,141,500 which was listed as being unlikely to be utilised. He enquired if that was money that's already been earmarked for use elsewhere or whether it was a loan that had not been taken up?

In response to questions and points from Members, the Director Finance advised

- that he would consult with the property team for an update on the Guildhall and whether any further work was planned;
- that depending on Council approval, the £14,141,500 would be taken out of the Capital Programme and would not be a loan. There were no resources backing the amount as the loan had not been taken out; and
- the Heavitree and St. Thomas splash pools had been merged, however the Heavitree project was a larger project which required a significant level of work, in addition to the patching undertaken to allow it to open this year.

RECOMMENDED that Council approves:-

- (1) the overall financial position for the 2023/24 annual capital programme; and
- (2) the amendments and further funding requests to the Council's annual capital programme for 2023/24.

91

2023/24 HRA BUDGET MONITORING REPORT – QUARTER 1

The Executive received the report which advised on the financial position of the HRA Revenue and Capital Budgets for the 2023/24 financial year after three months and the reported budgetary over/under-spend. The report also highlighted areas of risk, where certain budgets had been identified as being vulnerable to factors beyond the control of the Council, which may result in potential deviations from the budget, and were closely monitored by officers.

Members were advised that the HRA was currently on target, with no significant issues expected. Members were reminded that the long term and medium term finances were still limited for new developments and maintaining the existing Council stock.

Councillor D. Moore, as an opposition group leader, spoke on this item and enquired whether the £4 million being transferred from revenue to capital, was already earmarked or was to be added to the reserves of the capital account?

In response to questions and points from Members, the Director Finance advised that the £4 million was not a transfer to a reserve and was expected to be used to finance the in-year capital programme. The HRA was self-financing, with rents from tenants being used to maintain and manage properties, and some revenue contributions could be used to enhance the tenant properties.

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

- (1) the HRA forecast financial position for 2023/24 financial year; and
- (2) the revision of the HRA Capital Programme to reflect the reported variations detailed in Appendix 4 of the report.

92

NET ZERO EXETER UPDATE

The Executive received the report which provided a summary and review of the work that had been delivered to date, by Exeter City Futures (ECF) in delivering a Net Zero Exeter. The report also formally acknowledged the closure of ECF and provided options for how the work would be managed going forward and the challenges ahead in achieving a Net Zero Exeter by 2030.

The Chief Executive provided Members with a background on Exeter City Futures (ECF), advising that Exeter City Council became a member of the Exeter City Futures (ECF) Community Interest Company in 2016, who went on to develop the Net Zero 2030 plan. In 2021, the Executive agreed the secondments of the former Chief Executive and Growth Director and the Director of Transformation for a 12 month period, ending in December 2022. In June 2023, Global City Futures who established ECF moved to close the Community Interest Company (CIC).

Members were advised that the report provided a summary of the work undertaken by ECF, acknowledged the closure of ECF and set out options for managing the work for Net Zero 2030 going forward. Members were also provided with a copy of a review report prepared by the former Chief Executive and Growth Director at the end of his secondment to ECF, which provided an overview of the scale of ambition adopted by ECF and the success it had achieved in creating a culture of collaboration and innovation. Members were also referred to Appendix B of the report, which provided an update on the Exeter Development Fund.

Councillor Jobson, as an opposition group leader, spoke on this item and noted that the new version of the Exeter Development Fund would be discussed at a future Strategic Scrutiny Task and Finish group. She also sought confirmation on the grant funding made to ECF, and whether it had either been spent or could be used by the Council for other work.

Councillor Moore, as an opposition group leader, spoke on this item and made the following points:-

- tackling the climate emergency was one of the three big challenges the city faced;
- she had submitted an enquiry outside of the meeting, relating to various figures amounting to half million pounds, requesting information on how the figures had been approved and spent, and why there were differing amounts for various accounts;
- she enquired on the assets produced by ECF, such as the data mill, the Net Zero plan and what has happened to them; and
- requested the Leaders opinion on whether he was satisfied on the outputs from ECF and if he considered that the outcomes had moved the city on practically in terms of achieving Net Zero by 2030?

Councillor M. Mitchell, as an opposition group leader, spoke on this item and requested an outline of the residual asset liabilities of the organisation in relation to financial and physical assets and any ownership of any intellectual property.

The Portfolio Holder for Climate & Ecological Crisis thanked all officers including the current and former Chief Executive, who had been involved with writing the report. She advised that she was continuing to work with officers and stakeholders about resourcing and delivering the Net Zero 2030 target and reminded Members that Exeter City Futures had created a culture of collaborative working and that Net Zero was a shared responsibility across the city.

In response to questions and points from Members, the Chief Executive advised:-

- an update report on the Exeter Development Fund would be brought back to Members at a later date;
- funding that had been allocated to ECF by the Council, had either been spent or have been returned to the Council's budget for internal work and resourcing of future projects; and
- the question regarding the assets produced by ECF, would be provided outside of the meeting.

The Leader in responding to the question of his opinion on his satisfaction of the outputs from ECF, advised that he was concerned about the current climate crisis and the recent Government deferral of Net Zero. Exeter City Council had never received Government support for its Net Zero aspiration and had applied for various grant funding. The Council would continue to look at options going forward and would not deviate from its ambitions and would continue to use its influence to reach its Net Zero target.

RECOMMENDED that Council:-

- (1) note the content of the report contained in Appendix A of the report and to reflect that that a step change in the Government's approach in delivering Net Zero is required to allow any prospect for the city of Exeter in achieving a Net Zero Exeter 2030;
- (2) note the closure of ECF and the work that has been done through ECF in building collaboration and delivering progress against the city's Net Zero ambitions;
- (3) agree that in consultation with the Portfolio Holder for Climate and Ecological crisis, the Chief Executive will develop proposals for how Members might work with partners locally to ensure oversight of the city's delivery on this key strategic goal; and
- (4) note that officers will identify how external work on this priority will be resourced given the end of the secondments to ECF.

REVIEW OF EXETER CITY LIVING

The Executive received report which provided a review of the current position of Exeter City Living (ECL), a wholly-owned council housing delivery vehicle which was setup in June 2018. A review was commissioned by the Council following the failure to secure a contract for the redevelopment of the Clifton Hill site and the continued uncertainty around development given the difficult current economic climate. The findings of the review were outlined in Appendix A of the report and as presented at the meeting.

Councillor Vizard, having given notice under Standing Order No. 44, spoke on this item. He acknowledged that the Leader understood the history of the Clifton Hill site and the firm local opposition to development of the green space currently occupied by the Council's tenants, including the ski slope and golf driving range. He highlighted that under the Leaders' direction that a good, balanced decision had been made to develop only the broad footprint of the old leisure centre and retaining the rest of the site as public space. He sought reassurance, that in light of the report on Exeter City Living, that the Council had no intention of reconsidering the sale and development of the whole Clifton Hill site, and that a future sale and development would be limited strictly to the land area that was sold to ECL and received planning consent.

The Leader in responding, advised that the land that had been sold to Exeter City Living did not include the Green space behind the former Leisure centre site, nor the Golf driving range or the ski slope and valuations on the site to be acquired by the Council, would be identified. The Council's aspiration was clear, in that it required housing for people, to include the required social housing requirement to be built on the land where there was already planning permission and that the Council would endeavour to bring forward appropriate proposals as soon as it could.

Councillor Vizard in asking a supplementary question, enquired whether the Leader had concerns on the viability of the sale of the site in its current state?

The Leader advised that he had concerns relating to the impact of the Covid Pandemic on development. There had been many consultations for Clifton Hill and a lot of work had been undertaken to move the proposals forward, to provide suitable housing. Although he had concerns on developing suitable housing in Exeter, the Council would continue to work hard to bring forward plans for the delivery of housing.

The Chief Executive presented the report which outlined issues relating to the financial position of ECL its continued ability to repay its loans to the Council and recommendations to minimise the financial risk to the Council, which had been supported by an independent review by Local Partnerships. Members were provided with a background overview of Exeter City Living, with particular reference made to:-

- ECL was a wholly owned company of Exeter City Council, established in 2018, in which, the Council was the only shareholder. The company was governed through a management agreement, in which the Chief Executive takes on formal shareholder representative role to act at the main point of contact between the Council and ECL;
- The Leader and Deputy Leader provided the Chief Executive with guidance on the direction of the company and the Directors of ECL were then required to deliver, based on the business plan approved by Members;
- there were currently six staff working at ECL, who were employed by the Council;
- the purpose of ECL was outlined to Members in 2018, which was being a vehicle for providing housing in the city to address the housing crisis, delivering affordable homes and creating new sustainable neighbourhoods and communities;
- since 2018, there had been several significant changes in market conditions, including Brexit, the Covid Pandemic and the invasion of Ukraine, resulting in increased inflation rates and costs of materials and labour. These increases had resulted in received tenders being outside the standard pricing level to cover future costs of development. There had also been further issues of borrowing and financing caused by the Bank of England interest rate increases;
- ECL, despite operating in an open market environment, was subject to the public sector ethos of the Council, which had unfortunately created tensions for the company in their operation and alignment with the Council's multiple objectives;

- ECL had made significant achievements since 2018, which were outlined in Appendix B of the report, but of note, were the 22 new Passivhaus homes developed, 56 new units of social housing and the granting of planning permission for 41 new homes at the Clifton Hill site. ECL had also developed design proposals for a further 92 homes, which are ready to be submitted for planning permission;
- ECL had obtained £7.4 million of brownfield land release grants from One Public Estate government, which had been used at Vaughan Road and Clifton Hill for demolition purposes;
- of the total £25 million loaned to ECL, as agreed by Council, only £10.9 million had been loaned to ECL. To date ECL had repaid £0.8million leaving £10.1 million outstanding;
- The company had an income of £7.2 million from the sale of homes and consultancy services, with £16.3 million in business and development costs, land purchases and loan interests and repayments;
- assets of the company included the Clifton Hill site as well as various liquid assets amounting to £1.8 million; and
- the Council had received a total of £3.4 million from ECL since 2018, for land, services, office rent and reduced the need for the Council in finding savings for the Medium Term Financial Plan.

Members were advised that in January 2023, following a failed tender for the Clifton Hill site, concerns had been raised on the remaining schemes for ECL. With the current challenges to the construction market and ECL incurring additional costs, exposing the Council to an unacceptable financial risk a review was commissioned from Local Partnerships, with the scope of the review being agreed between the ECL Board and the Council. Representatives of both the Council and ECL were interviewed during the review and ECL had been made aware of the findings and recommendations of the review.

Councillor Moore, as an opposition group leader, spoke on this item and made the following points:-

- could confirmation be provided on whether plans to establish a build to rent company would no longer proceed;
- could confirmation on the recommendation for managing properties be provided that the properties would be rented at market level, with no further plans to take on any additional properties?;
- what was proposed to happen to the connected companies related to Exeter City Living (ECL), including Exeter City Group and Exeter City Homes;
- in regards to any disposal strategy for Clifton Hill, having a criteria for protecting the land for community benefit was needed to ensure it was not used for any other purpose; and
- clarification was requested on the Council's future financial liability costs, the implications of writing off the debts and impacts to the Council's budget.

Councillor M. Mitchell, as an opposition group leader, spoke on this item and made the following points:-

- he noted that the report showed a loss of income to the Council on the General Fund, and sought clarification on whether the £1 million figure was an annual amount or a fixed period amount?;
- in reference to the accumulated losses in 2023/24 of £6,026 million and 2025/26 rising to £8,934 million, had the liability amount been established if the company was liquidated and what would the liability to the Council be for not liquidating the company; and
- why hadn't the Council followed the review recommendation of liquidating the company?

Councillor Jobson, as an opposition group leader, spoke on this item and advised her questions had been asked by other opposition Members and thanked officers for the report.

During the discussion the following points were made:-

- the Chief Executive's report and presentation was commended and the work of those involved had been welcomed;
- the scale of the ambition in building affordable and social homes was commendable but since ECL had been setup it was no longer viable;
- decisions taken by ECL had been made for the right reasons at the time;
- Members and the public should be reminded that ECL had been responsible for the development of several high quality homes for the HRA in the city;
- thanks to both the Chief Executive and previous Chief Executive were made, for the hard work involved in the report and for ensuring the report was presented in public;
- the reason for setting up ECL were commendable and had been a difficult process, but good quality Council Houses had been built through ECL, setting a precedent for housing standards; and
- it was a difficult decision for Members to make, given the financial situation, but appreciation was noted for the work that has been undertaken to date.

In response to questions and points from Members, the Chief Executive and Director Finance advised

- the connected companies related to Exeter City Living, had not been set up by a business case and only agreed in principle, and as such did not require Member approval for winding the companies down;
- the six flats at the Guildhall Shopping Centre were let out at market rent level;
- officers were not putting recommendations forward to liquidate ECL, so that the company could be retained in a reduced form to manage the flats. The Council had no mechanism to hold flats for market rent, which would become Council stock, becoming eligible for the right to buy schemes and could prejudice future projects at the Guildhall;
- the £1 million figure was an annual amount, however the amounts shown in the report were not new savings, but reductions that would have been required when ECL was setup; and
- a benefit of having a controlled winding down of the company allowed the Council to work with ECL to manage their liabilities. ECL would pay its creditors from its existing cash funds, leaving the loan to the Council as the only outstanding liability. Any outstanding loan liability could be written off under delegated authority, giving ECL a positive financial balance to continue trading.

The Leader advised that his commitment to delivering homes for the city had not changed. There would also be further reports coming in due course related to ECL

and the future delivery of housing. He emphasised that although disappointing, it was important to not put the Council at continued risk.

RECOMMENDED that Council:-

- (1) note the findings of the Local Partnership LLP report presented at the meeting;
- (2) note ECL's achievements to date;
- (3) that, notwithstanding the recommendation from Local Partnerships to wind down the operations of ECL, officers recommend that the company be retained for the limited purpose of holding and managing property;
- (4) grant delegated authority to the Chief Executive, in consultation with the Leader of the Council to facilitate recommendation no. 3 above to reduce ECL's activities as follows:
 - a) the Council enters into a business sale agreement with ECL, whereby the Council acquires all of ECL's assets (with the exception of the six leasehold flats in the Guildhall Shopping Centre), including any work in progress in return for proper consideration, in the form of a release of ECL from its obligations under the Loan Agreements. The sale agreement shall include a novation of all contracts save those that may be terminated by ECL with the Council's agreement;
 - b) in the likely event that the value of the assets to be acquired from ECL is not sufficient to repay the loan to the Council, then delegated authority be granted to the Chief Executive, in consultation with the Leader and Section 151 officer, to write off any shortfall; and
 - c) thereafter, ECL, in a much reduced capacity shall continue for the purpose of holding and managing property and, in particular, the 6 Guildhall flats.
- (5) agree that any staff implications are dealt with in accordance with its Organisational Change Policy;
- (6) extend the ECL appointments of the Interim Managing Director and the two non-Executive Directors until such time as they are no longer required to assist with the reduction of the company's activities, with the termination of those appointments delegated to the Chief Executive;
- (7) grant delegated authority to the Service Lead - Legal Services to amend the Management Agreement to reflect the changes to the remit of ECL;
- (8) agree that SMB reflect on the Local Partnerships report as well as work being undertaken by the District Councils Network on commercial companies owned by local authorities to produce a report in due course setting out principles for how the Council will enter into any commercial ventures in the future;
- (9) agree that the Chief Executive be tasked to liaise with One Public Estate to negotiate an amendment to the grant conditions with the aim of retaining the Brownfield Land Release Funding (BLRF) funding where possible; and
- (10) agree to receive a report, if necessary, setting out a site disposal strategy in the likely event of a shortfall on the ECL loan after the Council acquires ECL's assets.

The Executive received the report which sought Members' agreement to carry out a consultation on a proposed change to the local Council Tax Support Scheme for working age for 2024-25, to create a class of support within the scheme, to award 100% council tax support to care leavers who are looked after by Devon County

Council, up to age of 25. The report followed on from the report presented to the Executive meeting on 5 September 2023, recommending in principle approval for a Council Tax exemption for care leavers up to the age of 25, subject to a further report setting out all the implications and financial impact to the Council.

Members were advised that the consultation would formally consult with the preceptors who would be impacted by the decision as well as formally consult with the public. A report would be brought back, following consultation, to request approval to enact the scheme from 1 April 2024.

Councillor Jobson, as an opposition group leader, spoke on this item and supported the recommendations.

Members welcomed and supported the report.

RECOMMENDED that Council agree for a public consultation on the proposed change to the local Council Tax Support Scheme for the working age for 2024-25 to introduce a class within the scheme to award 100% council tax support to care leavers looked after by Devon County Council, up to the age of 25.

95

EXETER PLAN: FULL DRAFT PLAN CONSULTATION

The Executive received the report which provided an update on the progress of the Exeter Plan (Local Plan) and sought approval for a third public consultation on the Full Draft of the Plan.

Exeter City Council had a statutory duty, as the Local Planning Authority to prepare planning policy for the city and the new Exeter Plan would replace the two development plan documents for the city - the Core Strategy and the Local Plan First Review. The Full Draft plan would take the plan process another step further from the outline draft and provide a draft of the full set of planning policies proposed for Exeter.

Members were advised that the Exeter Plan would be used to help determine planning applications, direct growth and curate high quality design and sustainability for the city. The plan would also provide the city's infrastructure requirements and framework for future investment. Work commenced in 2020, leading to the 2022 outline draft of the plan which went to public consultation. Work had been undertaken on the feedback received and gathering further evidence, which has been included in the full draft plan. The updated plan now included a spatial strategy with a brownfield first approach to development and a development map of proposed allocations.

The plan had also been designed to match the Exeter 2040 vision and corporate plan, and building high quality sustainable development and since the last draft report, an additional Liveable Exeter principle included for culture and place making. The plan would go to a 12-week consultation using the same methodology as the previous consultation. After consultation, there would be an evidence gathering stage to produce a submission draft of the plan for the planning inspectorate.

Councillor D. Moore, as an opposition group leader, spoke on this item and welcomed the three month consultation and enquired on what environmental assessment would be produced in the plan for achieving Net Zero and the impact on climate change with the proposed developments?

Councillor Jobson, as an opposition group leader, spoke on this item and enquired on flood risk impacts and what further work was being undertaken on the infrastructure.

The Leader advised the questions raised were not related to the recommendations in the report and should be submitted as part of the consultation process.

During the discussion the following points were made:-

- the plan was welcomed and represented a large volume of work;
- the document was very accessible and included feedback from the previous consultation; and
- there would be a lot of work on the climate change in the plan as well as working with partners to show where the Council will make a difference and hold the Government to account on future home standards.

The Portfolio Holder for City Development highlighted that the Council was currently pushing for biodiversity on planning applications and the team had been working very hard on multiple policies. Having the same level of response as previous consultations would be welcomed.

RESOLVED that:-

- (1) the full Draft Exeter Plan (included in Appendix A of the report) be approved as the basis for public consultation commencing on 23 October 2023;
- (2) the Director City Development, in consultation with the Council Leader and Portfolio Holder for City Development, be granted delegated authority to agree minor changes to the Full Draft Plan content before it is published for consultation; and
- (3) the Director City Development, in consultation with the Council Leader and Portfolio Holder for City Development, be granted delegated authority to agree a change to the consultation start date if required.

96

CONSULTATION ON LIVEABLE WATER LANE: DEVELOPMENT FRAMEWORK AND DESIGN CODE SUPPLEMENTARY PLANNING DOCUMENT

The Executive received the report on the progress made to prepare a Supplementary Planning Document (SPD) to guide development at Water Lane and sought approval for public consultation on the document. The SPD provided a development framework and design code for a key strategic brownfield site in Exeter and support the delivery of high quality, co-ordinated redevelopment in the area.

The Council had a statutory duty to consult on the Water Lane SPD before it could be adopted and a consultation undertaken during the autumn period, would allow the Council to adopt the SPD in time for it to guide the determination of planning applications that have been made, or are anticipated to be made, soon. The SPD would also assist the Council in delivering the Liveable Exeter principles which were consulted upon in the Outline Draft Exeter Plan in 2022.

Members were advised that the new vision for Water Lane was in creating a high quality, low carbon neighbourhood, focussed on the Exeter Ship Canal for 1,500 new homes and would follow the Exeter Vision principles and Exeter Plan. The design code would set out rules for developers to adhere to and how the rules would be applied across a large area providing the key place marking elements.

Members noted that there had been a lot of engagement work undertaken with stakeholders, Councillors and community groups and the next stage would be to commence the public consultation which coincided with the Exeter Plan consultation.

Councillor Jobson, as an opposition group leader, spoke on this item and welcomed the consultation.

Councillor D. Moore, as an opposition group leader, spoke on this item and welcomed the report, noting it was an important document for the area of the city and enquired how it would impact on planning applications before the document was approved. She also enquired on the approach to resolving risks to the environment, canal health and transport.

The Portfolio Holder for City Development advised that document would look to improve the community and create a more vibrant area. Engagement with the community and stakeholders had been ongoing and it was a good time for consultation for further engagement and amendments.

The Leader advised that detail on the approach to resolving risks to the environment, canal health and transport would be responded outside of the meeting.

RESOLVED that:-

- (1) the Liveable Water Lane: Development Framework and Design Code Supplementary Planning Document (included at Appendix A of the report and hereafter referred to as the Water Lane SPD) be approved as the basis for public consultation commencing on 23 October 2023;
- (2) the Director City Development, in consultation with the Council Leader and Portfolio Holder for City Development be granted delegated authority to agree minor changes to the Water Lane SPD content before it is published for consultation; and
- (3) the Director City Development, in consultation with the Council Leader and Portfolio Holder for City Development, be granted delegated authority to agree a change to the consultation start date if required.

HOUSEHOLDER'S GUIDE TO EXTENSION DESIGN SUPPLEMENTARY PLANNING DOCUMENT (SPD)

The Executive received the report which set out the details of a review and update on the Council's Householder's Guide to Extension Design Supplementary Planning Document (SPD), and sought approval to consult on the document for a six week period in October 2023. The current SPD for householders on extension design had not been updated since 2008, and an updated SPD would ensure alignment with current planning policy and guidance.

Members were advised that the Council as the local planning authority for Exeter, had a statutory duty to consult on the draft revised SPD before it could be adopted and would ensure that it was in accordance with the Council's Statement of Community Involvement (SCI) adopted in July 2022 and Consultation Charter adopted in July 2021.

Particular reference was made to the SPD which would look at improving how applications for housing extensions were submitted and having good guidance and policy for applications and the impact on neighbouring properties.

Members welcomed the clear and accessible document and noted one link in the document needed to be fixed before going to consultation.

The Portfolio Holder for City Development advised that Council's Householder's Guide to Extension Design Supplementary Planning Document (SPD) had been presented at a recent Planning Member Working Group meeting. She further emphasised its importance and encouraged engagement with the consultation.

RESOLVED that:-

- (1) the 'Householder's Guide: Design of Extensions and Alterations' (included in Appendix A of the report) be approved as the basis for public consultation commencing on 23 October 2023;
- (2) the Director City Development, in consultation with the Portfolio Holder for City Development be granted delegated authority to agree minor changes to the 'Householder's Guide: Design of Extensions and Alterations' before it is published for consultation; and
- (3) the Director City Development, in consultation with the Portfolio Holder for City Development be granted delegated authority to agree a change to the consultation start or end date if required.

98

FOOD LAW AND HEALTH AND SAFETY ENFORCEMENT SERVICE PLAN 2023 - 2024

The Executive received the report which sought approval for the adoption of the statutory Food Law and Health and Safety Service Plan 2023-24, which set out the Council's regulatory function in respect of food safety and health and safety over the forthcoming year.

Members were advised that there had been 183 new food business registrations with the Council and that the Council had a 99% compliance level with food hygiene law, which was higher than the previous year and showed the dedicated engagement of officers with food business operators in encouraging compliance. The report also highlighted the positive work in relation to health and safety and the good work undertaken in building businesses up following the Covid Pandemic and re-building public confidence.

Particular reference was made to the successful development of the apprenticeships for Food Law and Health and Safety Service and building future Environmental Health Officer roles

Councillor Moore, as an opposition group leader, spoke on this item and enquired if the team would have sufficient resources to deliver the plan as expected?

During the discussion the following points were made:-

- The inspections had been noted as being positive engagements between the food business operators and officers;
- a 99% food hygiene compliance reflected how well the team was working;
- were the previous years compliance score known; and
- the development of the apprenticeship scheme was welcomed.

In response to questions and points from Members, the Service Lead – Environmental Health and Community Safety advised that:-

- the team had remained unchanged for a number of years and had adequate resources to discharge its statutory functions for food safety and health and safety; and
- the previous food hygiene compliance rating was between 97-98% for the previous year, but the conformed compliance rating would be confirmed.

RECOMMENDED that Council:-

- (1) approve the Food Law and Health and Safety Service Plan 2023/24; and
- (2) grant delegated authority to the Service Lead – Environmental Health and Community Safety to change the plan if necessary in the light of national guidance and/or to meet operational needs.

99

AIR QUALITY ANNUAL STATUS REPORT

The Executive received the statutory Annual Status report which contained the monitoring data from 2022 and a summary of the actions taken in that year to improve local air quality. The Council had a statutory duty to submit an Annual Status Report to the Department of Environment, Food and Rural Affairs (DEFRA) and to present the report to Members at a local level. The Council's role was to monitor and report on air quality in the city, with the approval for air quality matters being the responsibility of various partners.

Particular reference was made to the air quality monitoring process which was monitored through the two fixed air quality monitoring stations and 85 diffusion tube monitoring devices in deemed problem areas. The diffusion devices are temporarily setup and then sent to a laboratory for data analyses and the results are put through a Government report template for checking. Data is ultimately returned to Defra who report back to the Council. Members also noted that air quality had improved in the city over a 10 year period, with only Heavitree being in exceedance.

Members were also advised that a supplementary Defra Annual Appraisal report had been received prior to the meeting and had been circulated and tabled at the meeting and was available at supplementary document on the agenda. The Service Lead – Environmental Health and Community Safety provided an overview of the Defra report and findings.

Councillor Moore, as an opposition group leader, spoke on this item and welcomed the improvement of the air quality findings, but was mindful of the impacts of long term exposure to high levels of air pollution. She sought clarification on the air quality management area and whether that included the actions contained in the air quality management plan, and where some elements were no longer deliverable, that improvements needed be addressed.

Councillor Jobson, as an opposition group leader, spoke on this item and enquired if the report was dated for June, could it be brought to the Executive earlier to ensure it was up to date.

During the discussion the following points were made:-

- the report figures showed a good improvement trend on air quality in various areas around the city, including the Heavitree corridor;

- the report provided complex information, but had been presented in a very accessible and understandable document; and
- could details on the Defra project be provided?

Portfolio Holder for Corporate & Democratic Services and Environmental Health advised that the Council had achieved four years of NO₂ compliance and the monitoring of 90 sites had shown air quality hotspots had been reduced to just one area of exceedance which a large improvement. He highlighted that there was large amount of air quality information available, through the Council, Devon County Council and Defra.

In response to questions and points from Members, the Service Lead – Environmental Health and Community Safety advised

- the air quality action plan was set for a review in 2024 and would also look at reviewing the air quality management area;
- air quality data was required by June, for submission to various partners for input, including that of Defra. By bringing the report later, it would include any government commentary for completeness; and
- in September 2022, a bid was put into Defra, for the Defra project, which was developing new technology to improve information gathering and the bid was confirmed as successful in April 2023. With the funding from Defra, work has been underway to develop virtual sensors to predict pollutant levels in traffic corridors, using AI technology to look at input values, display estimates of daily pollution concentrations and make appropriate predictions for inclusion in future reporting.

RECOMMENDED that Council note the statutory annual status report.

(The meeting commenced at 5.30 pm and closed at 8.05 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 17 October 2023.