

## COUNCIL

Tuesday 23 April 2024

### Present:-

The Right Worshipful the Lord Mayor Councillor Kevin Mitchell (Lord Mayor)

Councillors Asvachin, Atkinson, Begley, Bennett, Bialyk, Branston, Denning, Ellis-Jones, Foale, Fullam, Hannaford, Harvey, Holland, Jobson, Ketchin, Miller, Mitchell, M, Moore, D, Parkhouse, Patrick, Read, Rees, Sheridan, Snow, Sparling, Vizard, Wardle, Warwick, Williams, R and Wright

### Apologies:-

Councillors Allcock, Knott, Leadbetter, Williams, M and Wood

### Also Present

Chief Executive, Director Corporate Services, Director Finance, Service Lead Legal Services, Director of Culture, Leisure and Tourism, Democratic Services Manager and Democratic Services Officer (PMD)

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## MINUTES

The minutes of the Extraordinary meeting of the Council held on 20 February 2024 were moved by the Leader, Councillor Bialyk, and seconded by Councillor Wright taken as read, approved and signed as correct, with one minor amendment to Minute No. 10.

The minutes of the Ordinary meeting of the Council held on 20 February 2024 and of the Extraordinary meeting of the Council held on 21 March 2024 were moved by the Leader, Councillor Bialyk, and seconded by Councillor Wright taken as read, approved and signed as correct.

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## OFFICIAL COMMUNICATIONS

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

- the opening of the Vranth House outdoor accessible area and sensory path;
- the Children's Hospice South West Jailbreak Fundraising event where as Lord Mayor, he presided over sentencing the prisoners to pay bail of £999;
- the King's Squad Passing Out Parade at the Royal Marines Commando Training Centre;
- the retirement reception for Inspector Simon Arliss, where he presented him with a Lord Mayor's Commendation Award;
- the 2nd Anniversary of the Devon Ukrainian Association and Conversation Café;
- the Exeter Hindu Cultural Centre Holi Celebration; and
- the launch of the Women's Rugby World Cup event.

He further advised that he had hosted a charity talk by local Historian, Dr Todd Gray – where £1,200 was raised for the Lord Mayor's chosen charity, FORCE Cancer Charity.

The Lord Mayor bade farewell to the Members who would not be standing in this year's City Council elections as well as those who had already left, namely Councillors Richard Branston, Barbara Denning, David Harvey, Andrew Leadbetter, Zion Lights, Martin Pearce, Amy Sparling, Steve Warwick and Emma Morse. He expressed the thanks of the Council to them and wished them well for the future. He then invited Members who would not be standing in this year's elections to say a few words if they so wished:-

- Councillor Harvey conveyed how honoured and privileged he had been to serve as a Member for eight years;
- Councillor Warwick looked back on his previous roles as a Councillor in Surrey and in Liverpool as well as Exeter and implored all Members to fight for Local Government;
- Councillor Sparling thanked everyone who had voted for her as well as all Exeter City Council officers she had been working with and the members of the community in St David's; and
- Councillor Denning highlighted the need to take Local Government seriously.

The Lord Mayor thanked everyone for their comments and gave a special mention to Councillor Branson, currently the Father of the Chamber and a long-standing personal friend of his.

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## **PUBLIC QUESTIONS**

The Lord Mayor reported the receipt of five questions from members of the public.

### **Question from Mrs Cynthia Thompson**

**Was a preferred access near IKEA shown on the Masterplan for the proposed St. Bridget's Nursery Development and if so, what advice was presented by a Planning Solicitor to the Planning Committee re. The Housing and Planning Act 2016 Sections 2023-2025 for possible Statutory means of achieving this access?**

The Leader gave the following response:

"The Newcourt Masterplan (November 2010) shows a primary route from the A379 heading south-east, which has now become Newcourt Way. A secondary route then is shown heading south-west from this primary route (in the approximate area where the roundabout onto Ikea Way has been built) which links into the St Bridget's Nursery land.

The Masterplan was not adopted as a Supplementary Planning Document. The adopted Exeter Core Strategy (February 2012) does not require development to be in full accordance with the masterplan as it is only indicative of the final development. This was a position recommended by the Planning Inspector when assessing the Core Strategy, leading to paragraph 12.13 of the Core Strategy which states that 'The development of this area should have general regard to guidance contained within the Newcourt Master Planning Study.

No advice was given directly to the Planning Committee by the Council's solicitor regarding a statutory means of achieving this connection. The sections cited refer to powers to override easements or other rights in the land.

The Council is unaware of whether there are easements and other rights benefitting adjoining land that need to be overridden in order for the development to progress. In any event these powers can only be invoked where the Council are considering using their powers of Compulsory Purchase.

The developer has not approached the Council about it using its compulsory purchase powers so as to overcome any rights of light, easements, or restrictive covenants by virtue of s203 of the Housing and Planning Act 2016. This is probably because the developer believed that it had an adequate alternative access scheme.”

In a supplementary question, Mrs Thompson asked if, in future, such information would be provided. The Leader replied that advice would be sought on the subject.

#### **Question from Mr Alan Conibere**

**The full ramifications and cost to Exeter taxpayers following the collapse of Exeter City Living will not be realised until the evaluation and sale of acquired Council land is completed. Are you any further forward with that process and what is the Councils current assessment of net loss of this failed project.**

The Leader gave the following response:

“The process of scaling back the Company was completed on 27 March. ECL made a cash payment of £1.4m towards the loans and transferred assets to a value of £4.3 million to the Council, including the land at Clifton Hill additionally the Council has made a statutory repayment of debt of £441,000 leaving a total of £3.95 million to be written off.

The £3.95 million has been financed using a mixture of capital receipts and reserves earmarked for capital purposes meaning that there will be a saving of around £288,000 in the General Fund from 2025/26 rising to £400,000 once the sale of Mary Arches has completed.”

In a supplementary question, Mr Conibere asked for the Leader’s view on the assessment that the process had lacked transparency. The Leader disagreed with this assessment, adding that transparency had been observed throughout.

#### **Question from Mr Ian Frankum**

**On 20th Feb Cllr Foale responding to a question, stated his & ECC’s intention to provide air quality data in Exeter from the new monitor's more frequently than the statutory requirement. A recent Fol answer from ECC stated data on AQ would be made available in September (for 2023) for the annual report. Which is correct?**

The Leader asked Councillor Foale, Portfolio Holder for Corporate & Democratic Services and Environmental Health, to answer Mr Banyard’s question. Cllr Foale gave the following response:

“Our answer remains the same as per the question previously posed by Mr Frankum at Ordinary Council on 20 February 2024. The new monitors are now operational and are being verified to make sure that reliable data is being obtained.

Exeter City Council will report on the data from the new sensors, as well as our existing monitoring network, as part of our annual Air Quality Status Report. This is

produced to a timetable set by DEFRA and has to be submitted to them for approval before it is published. The report is typically published in September each year.”

Mr Frankum asked a further question, which the Lord Mayor remarked did not address the answer just given. Mr Foale reiterated that he stood by his statement from 20 February 2024.

#### **Question from Carol Finning**

**Since the removal of some dog poo bins in September by this council the "Grit Bin" in Hamlin gardens has become full of discarded dog waste, have council listened to public feedback and replaced any of those that you removed?**

The Leader asked Councillor R Williams, Portfolio Holder for Place and City Management, to answer Ms Finning’s question. Cllr R Williams gave the following response:

“We had a review carried out on the impact of the removal of litter bins and the changes to our street cleansing regimes and in a few locations, where standards have dropped or the need became apparent, we have reinstated litter bins. If you would like to read the review, it is openly available as it was [presented to the Customer Focus Scrutiny Committee on 1 February](#). This process of monitoring and review will continue. New requests for bins will continue to be assessed as per our usual process and littering can be reported via our website at [Report littering - Exeter City Council](#).

Our Teams will then be able to reactively respond and clear the littering, as well as document the report for our monitoring process.”

#### **Question from Neil Martin**

**At April’s ECC Executive meeting, Item 6, Appendices 4 & 5 highlighted a risk to projected Car Parking Revenues.**

**The comments stated reasons as, “Commuters working from home during the week” and “Reductions in Commuter parking”; it also referred to a reduction of 10% in city centre footfall. What analysis, data or evidence was used to support those statements?**

The Leader gave the following response:

“The statement regarding a reduction in commuter parking is extrapolated from our parking ticket sales. Data available includes the type and duration of tickets sold, the time of purchase and the location chosen. All of these data sets, give an indication of the purpose of the visit and are compared to similar historical data.

Footfall data is provided by InExeter on a weekly basis, which shows daily, weekly, and monthly footfall trends in comparison with previous years. InExeter have footfall cameras located on Magdalen Road, Cathedral Yard, Fore Street, Sidwell Street, High Street (Next & Guildhall) and Queen Street. The Net Zero & Business service have historical footfall data going back to 2016.”

In a supplementary question, Mr Martin asked if the Council agreed that the increased recorded traffic on East Wonford Hill, Pinhoe Road and other roads was the result of displacement from the failing Low Traffic Neighbourhood scheme. In his reply, the Leader declined to draw such conclusions and advised that all data

was being collected by Devon County Council and would be made available at the proper time.

29 **PLANNING COMMITTEE - 19 FEBRUARY 2024**

The minutes of the Planning Committee of 19 February 2024 were presented by the Deputy Chair, Councillor Asvachin, and taken as read.

**RESOLVED** that the minutes of the Planning Committee of 19 February 2024 be received.

30 **PLANNING COMMITTEE - 25 MARCH 2024**

The minutes of the Planning Committee of 25 March 2024 were presented by the Deputy Chair, Councillor Asvachin, and taken as read.

**RESOLVED** that the minutes of the Planning Committee of 25 March 2024 be received.

31 **AUDIT AND GOVERNANCE COMMITTEE - 6 MARCH 2024**

The minutes of the Audit and Governance Committee of 6 March 2024 were presented by the Chair, Councillor Wardle, and taken as read.

In respect of **Minute No. 9 (Informing the Audit Risk Assessment)**, Councillor Moore asked what action would be taken to review the Council's processes to help officers be aware of potentially fraudulent attempts to influence decision-making. Councillor Bialyk acknowledged the seriousness of any attempt of fraud and stressed that interference with the democratic process was unacceptable from anyone. He advised that he would consult with solicitors and the Chief Executive and bring a report back at the appropriate time.

In respect of **Minute No. 6 (Interim Annual Auditor's Annual Report on Exeter City Council 2021/22 and 2022/23)**, Councillor Moore prompted the Leader for an update on the arrangements for the appointment of representatives to all relevant Council-connected companies and charities. In his response, Councillor Bialyk remarked that the minute in question was that of a meeting he did not attend; however, he endeavoured to provide Councillor Moore with an answer at the earliest opportunity.

**RESOLVED** that the minutes of the Audit and Governance Committee of 6 March 2024 be received.

32 **LICENSING COMMITTEE - 19 MARCH 2024**

The minutes of the Licensing Committee of 19 March 2024 were presented by the Chair, Councillor Asvachin, and taken as read.

**RESOLVED** that the minutes of the Licensing Committee held on 19 March 2024 be received.

33 **EXETER HARBOUR BOARD - 11 MARCH 2024**

The minutes of the Harbour Board of 11 March 2024 were presented by the Chair, Councillor R Williams, and taken as read.

In respect of **Minute No. 76 (Harbour Revision Order Update)**, Councillor Bennett sought confirmation from Councillor R Williams that the Harbour Board budget would feature on future Harbour Board agendas as a standing item. Councillor R Williams clarified that the Harbour Board budget details were submitted to the Audit & Governance Committee – and therefore already in the public domain – would be circulated for information with Harbour Board agendas.

**RESOLVED** that the minutes of the Harbour Board held on 11 March 2024 be received.

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#### **STRATEGIC SCRUTINY COMMITTEE - 14 MARCH 2024**

The minutes of the Strategic Scrutiny Committee meeting of 14 March 2024 were presented by the Chair, Councillor Atkinson, and taken as read. She placed on record her thanks to the recently departed Democratic Services Officer Sharon Sissons for her help with administering the committee.

In respect of **Minute No. 17 (Ethical Advertising and Low Carbon Framework)**, Councillor Sparling expressed concern that the next opportunity for review of the Policy would not be before April 2025 and asked for an update. Councillor Atkinson reminded her of the agreed process; Councillor Bialyk offered to speak to the Chief Executive and see if this could be speeded up.

In respect of **Minute No. 12 (Portfolio Holder report)**, Councillor Hannaford enquired about the future of Exeter Safe Space initiative following loss of funding and what Exeter Council could do to keep it going. The Deputy Leader and Portfolio Holder for Culture and City Centre Strategy explained that, while Exeter Safe Space had been funded as part of Safer Streets 4, work was taking place behind the scenes within the Community Safety Partnership towards a September 2024 reopening. She also clarified that this was not in the remit of Exeter City Council.

In respect of **Minute No. 18 (Forward Plan of Business and Scrutiny Work Plan)**, Councillor Read sought clarity on the correct process for inviting external speakers to Scrutiny Committee meetings, stressing the need for a uniform approach across all committees. Councillor Atkinson explained the process which involved SMB, stressing that this was an agreed procedure. She added that it was also possible for a proposal to be put forward to the committee in question but stressed the importance of prioritising witnesses with evidence-based expertise. While she acknowledged it was always possible to formally review the process, she felt that it worked well.

**RESOLVED** that the minutes of the Strategic Scrutiny Committee held on 14 March 2024 be received.

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#### **CUSTOMER FOCUS SCRUTINY COMMITTEE - 28 MARCH 2024**

The minutes of the Customer Focus Scrutiny Committee of 28 March 2024 were presented by the Chair, Councillor Vizard, and taken as read.

**RESOLVED** that the minutes of the Customer Focus Scrutiny Committee held on 28 March 2024 be received.

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#### **STRATA JOINT SCRUTINY COMMITTEE - 13 FEBRUARY 2024**

The minutes of the Strata Joint Scrutiny Committee of 13 February 2024 were presented by Councillor Patrick and taken as read.

In respect of **Minute No. 26 (Appointment of Nominated Representatives)**, Councillor Read sought clarity on the legal grounds on which representatives could be nominated as substitutes, noting that this was not standard practice for Exeter City Council. The Leader replied that the Constitution was clear that the Strata Joint Scrutiny Committee was a shared committee.

**RESOLVED** that the minutes of the Strata Joint Scrutiny Committee held on 13 February 2024 be received.

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### **EXECUTIVE COMMITTEE - 5 MARCH 2024**

The minutes of the Executive of 5 March 2024 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 39 (Review of the Corporate Risk Register)**, Councillor Rees asked when the Executive were expecting to see fewer items flagged as red on the Risk Register. The Leader replied that the red risks helped the Executive identify areas that needed to be addressed as a matter of priority; he also argued that a Risk Register with all indicators on green had no credibility.

Councillor Moore asked the Leader about risks associated with the Exeter Development Fund, namely the proposal for the Council and other institutions in the city to put property assets into a new vehicle set up for investment by pension companies to enable property speculation and investment in infrastructure. The Leader remarked that the minutes at hand merely noted the Risk Register but advised that he would be prepared to find the appropriate forum to have this discussion.

In respect of **Minute No. 40 (Householder's Guide: Design of Extensions and Alterations Supplementary Planning Document (SPD): Adoption)**, Councillor Ketchin felt that the document presented should be visited to incorporate green policies. Councillor Moore agreed with him and proposed an alternative recommendation as follows:-

“To refer this draft SPD back to the planning team to review this policy with a view to removing planning barriers to reducing carbon emissions, protecting and enhancing nature and addressing the climate crisis in line with the Council’s corporate objectives of Net Zero 2030 and tackling the environmental crisis.”

Members speaking in favour of the alternative recommendation made the following comments:-

- there were mechanisms that the Council could use to help people make greener choices more easily; and
- Exeter City Council should seize the opportunity to go further than the national guidance.

Speaking against the alternative recommendation, the Leader praised the amount of work carried out by the Planning team and stressed the importance of taking the emotional out of the debate.

The alternative recommendation was moved by Councillor Moore, seconded by Councillor Read and, following a vote, the alternative recommendation was lost.

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

In respect of **Minute No. 41 (Tree and Woodland Strategy 2023-33)**, Councillor Ketchin pointed out two factual inaccuracies and asked for these to be amended or removed. The Leader replied that any inaccuracies in the minutes would be addressed at the next meeting of the Executive. The Lord Mayor clarified that the minutes at hand reflected what had been said at the meeting, regardless of whether what had been said was accurate or not. The Leader suggested that a post-meeting note could be appended to the minutes in question.

Councillor Ketchin went on to make the following points:-

- the Council needed to identify where trees could be planted and tree loss needed to be factored in;
- Devon County Council's tree planting policy focused on rural planting;
- funding was key; and
- sustained political intent was needed.

Councillor Moore proposed an additional recommendation as follows:-

"To prepare a five-year budget for the implementation of the action plans set out in the strategy. The budget should set out the likely allocation by the Council in the Medium-Term Financial Plan, any funding gap in Council funds for this work falling under Council responsibilities and also the level of anticipated contributions from third parties, as yet unidentified."

She explained that:-

- she was keen that trees should be planted earlier than when they needed to be replaced;
- it was clear that the budget was insufficient; and
- the additional recommendation would take some effort to implement but should be seen as an investment.

Speaking in favour of the additional recommendation, Councillor Hannaford felt that the figure of £800 to plant a tree was an exaggeration and made further reference to:-

- the issue around the Habitats Regulations Assessment (HRA);
- community fruit orchards; and
- the street tree planting initiative in London.

Conversely, Councillor Harvey felt that the additional recommendation was a knee-jerk reaction and made the following observations:-

- the strategy started a long time ago and was one of three that needed to be seen together; and
- the fact that Exeter City Council now has a tree team should be celebrated.

The Leader thanks Councillor Harvey for his comments and further advised that, while he would be voting against the additional recommendation, he would be discussing its contents with Scrutiny Chairs. He added that the substantive recommendation should be recognised as a commitment.

Councillor Moore moved and Councillor Ketchin seconded the additional recommendation and, following a vote, the additional recommendation was lost.



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

**RESOLVED** that the minutes of the Executive held on 5 March 2024 be received and, where appropriate, adopted.

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### **EXECUTIVE COMMITTEE - 9 APRIL 2024**

The minutes of the Executive of 9 April 2024 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 46 (Overview of General Fund Revenue Budget 2023/24 – Quarter 3)**, the Leader moved and Councillor Wright seconded the recommendation and, following a vote, the recommendation was carried.

In respect of **Minute No. 47 (2023/24 General Fund Capital Monitoring Statement – Quarter 3)**, Councillor remarked that the Capital Budget was behind schedule in terms of delivery, which she warned could result in a substantial underspend; she asked the Leader if additional capacity was being built to address this. The Leader replied that the Director Finance had explained to the Executive Committee the reasons why there had been any rolling forward and what the current situation was; he further advised that he would have to seek the Director's advice on the next steps to take.

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

In respect of **Minute No. 48 (2023/24 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. 49 (The Household Support Fund – Scheme 5)**, the Leader moved and Councillor Wright seconded the recommendation and, following a vote, the recommendation was carried.

In respect of **Minute No. 50 (Climate Adaptation Strategy for Devon, Cornwall and Isles of Scilly)**, Councillor Parkhouse praised the strategy and remarked that it was the first of its kind in the region.

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

In respect of **Minute No. 51 (Council Health and Safety At Work Policy)**, the Leader moved and Councillor Wright seconded the recommendation and, following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 53 (Council Health and Safety At Work Policy)**, Councillor Mitchell remarked that this was a new approach for Exeter City Council and asked when this would be reviewed. The Leader replied that a review would take place at the appropriate time, adding that he was reluctant to commit to a time schedule at this stage. He did, however, confirm that any review would be brought to the Executive and then to Full Council.

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

In respect of **Minute No. 54 (Exeter Plan: Full Draft Consultation Reporting)**, Councillor Vizard stressed the importance of good public consultation and asked the Leader for any comments on how the process had been received so far. The Leader highlighted:-

- the complex approach to consultation; and
- how some other authorities should have consulted too.

Members made the following comments:-

- it was important for all Members to be engaged;
- a detailed schedule of Member engagement was essential; and
- dates of the Exeter Plan workshop must be announced as soon as possible.

The Leader stressed the importance of the Planning Member Working Group meetings and clarified that:-

- this was a resident-led consultation;
- while it was important to hold discussions with the relevant people, Members would not be rewriting the Exeter Plan; and
- Exeter needed both an urban design and a mix of accommodation types.

Councillor R Williams praised the work of the planning officers and urged all Councillors to attend Planning Member Working Group meetings.

In respect of **Minute No. 55 (Wonford Community Wellbeing Hub)**, Councillor Asvachin welcomed the report and urged officers to find £7m as soon towards the project. Councillor Denning offered wholehearted support for the recommendations and welcomed the fact that residents of St Loyes as well as Wonford would have their own community hub, adding that the project would help people in the community. Councillor Moore welcomed the fact that the scheme was moving forward; however, she felt that the report should include a recommendation with a preferred option by the community.

The Leader explained that:-

- this was a high-priority project;
- if Exeter City Council could bring the project forward, it would; and
- it was essential to engage with the community in any governance structure.

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

In respect of **Minute No. 56 (Live And Move Sport England Place Partner 2025-2028)**, Councillor Harvey asked why, if tending an allotment was considered a physical activity, allotment fees were being put up. The Leader replied that allotment charges had been discussed at great length, that the increases would be phased over two years and that, in the main, allotment holders were satisfied.

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 9 April 2024 be received and, where appropriate, adopted.

The Leader proposed, and the Deputy Leader and Portfolio Holder for Culture & City Centre Strategy seconded, that Councillor K Mitchell be nominated as Lord

Mayor Elect for the 2024/25 Municipal Council year, and Councillor Knott be nominated as the Deputy Lord Mayor Elect for the 2024/25 Municipal Year.

**RESOLVED** that Councillor K Mitchell be nominated as Lord Mayor Elect for the 2024/25 Municipal Year and that Councillor Knott be nominated as the Deputy Lord Mayor Elect for the 2024/25 Municipal Year.

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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 Hannaford to the Leader:-

**“Can the Executive Member please update council in the ongoing maintenance and future of the Northbrook Swimming Pool?”**

The Leader gave the following response:-

“Maintenance and capital repairs to Northbrook continue to take place both proactively and reactively. A built facilities report for leisure has been commissioned and will be shared at Council when complete.”

In a supplementary question, Councillor Hannaford asked the Leader for firm reassurances that the future of Northbrook Swimming Pool was safe and secure. The Leader replied that no decision had been taken to close it.

In accordance with Standing Order No. 8, the following question was put by Councillor Hannaford to the Leader:-

**“Can the Executive Member please update the Council about the ongoing maintenance and refurbishment of the empty Council owned properties in the Buddle Lane & Newman Road estate, including a timetable of the works, and when we anticipate that families can move back in again?”**

The Leader asked Councillor Denning, Portfolio Council Housing Development and Support Services, to answer Councillor Hannaford’s question. Councillor Denning gave the following response:-

“The project was to demolish and rebuild 18 Council houses, and 12 of the 18 properties were completed and let in early 2023. This leaves only 6 properties still to be completed, once funding is in place. In the meantime, all site security fencing and all remaining scaffolding is inspected weekly and the Council has engaged a security company who carry daily and nightly random patrols, they also report back on any issues found. Any report issues are being dealt with promptly. The Housing Team keep in contact with the displaced residents and continue to offer them support and alternative accommodation given the delays in completing these properties.”

In a supplementary question, Councillor Hannaford asked if the Portfolio Holder agreed that it was high time that funding was put in place to get these properties open again. Councillor Denning replied that, if funding were found, the properties in question would be open again, adding that permission had been given to the Section 106 Officer to start the process once funding was available.

In accordance with Standing Order No. 8, the following question was put by Councillor Hannaford to the Leader:-

**“Can the Executive member please update council in the ongoing maintenance and refurbishment of the Riverside Leisure Centre, including the reroofing works?”**

The Leader gave the following response:-

“Maintenance and capital repairs to the Riverside also continue to take place both proactively and reactively. Reroofing could take place alongside the Public Sector Decarbonisation Scheme to allow the centre to be more energy efficient.”

In a supplementary, Councillor Hannaford asked the Leader for a timescale of when the roof would be waterproof. The Leader replied that this would happen as soon as possible but added that a plan was required first.

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

**“Now we have reached the end of the financial year what is the cost, or latest estimated cost, to the Council resulting from the closure of Exeter City Living both in terms of lost income to the Council, and the outstanding debt liability?”**

The Leader gave the following response:-

“The process of scaling back the Company was completed on 27 March. ECL made a cash payment of £1.4m towards the loans and transferred assets to a value of £4.3 million to the Council, including the land at Clifton Hill additionally the Council has made a statutory repayment of debt of £441,000 leaving a total of £3.95 million to be written off. The £3.95 million has been financed using a mixture of capital receipts and reserves earmarked for capital purposes meaning that there will be a saving of around £288,000 in the General Fund from 2025/26 rising to £400,000 once the sale of Mary Arches has completed.

In overall terms the loss of income is estimated to be £112,000 as reported in the budget pressures for 2024/25.”

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## **SENIOR LEADERSHIP REVIEW**

The Leader presented the report on the revised senior leadership structure, which had been updated following consultation and feedback with affected officers and outlined the consultation outcomes and proposed new job descriptions and salaries. Members noted that the Council had approved the draft business case for consultation in February 2024 as part of the Organisational Change Policy.

The Leader invited Members to raise any questions with the Chief Executive, who responded as follows:-

- there was an earmarked reserve set aside to meet any redundancy costs, which had been developed by the previous Chief Executive & Growth Director for undertaking a senior leadership restructure and had been increased to ensure the process was undertaken fairly and equitably;
- the earmarked reserve for redundancy costs were just over £1 million, to ensure there would be no significant impact to the revenue budget and where it was not used, the restriction around the earmarked reserve could be lifted for repurposing elsewhere;

- the structure proposals had been developed around the Council's existing priorities and should there be any changes to the Council's priorities, a report on the cost implications and any likely structural changes would be brought forward. The proposed structure in the report would provide efficient and effective management of the current statutory and discretionary priorities;
- the proposals approved by Members in February 2024 were developed through working with the LGA and the Council's current priorities. Following the meeting in February, the Chief Executive had consulted with Directors and the Operational Management Board (OMB), through a series of face meetings and through submitted feedback. The consultation information had been considered by the Chief Executive and LGA to bring forward structure amendments for Members' approval;
- it would not be standard practice to consult with the whole organisation on a leadership restructure but to focus on the staff affected and the process of appointing Directors. Once appointed, the Chief Executive and Directors would consult with OMB members individually;
- it was intended that the difference from the cost reduction would be put toward a management development programme to invest in the proposed cultural changes;
- there were essential posts, currently sitting at the service lead level, which would also need to be invested in for the proposed new structure;
- there was an intention to undertake a pay review and work was being undertaken to develop a benchmarking system with other authorities, both from CIPFA recommended and neighbouring authorities with proposals from that work being presented to SMB and Members;
- there was a set procedure for calculating redundancy payments for staff leaving the Council. The Council followed the Organisational Change Policy to maintain openness, transparency and fairness and consistency in how it engaged with affected staff;
- the Council's current service delivery was very good and the intention was to continue striving to make improvements to delivering services more efficiently; and  
once appointed, the new senior leadership team would lead the work in embedding the agreed values and behaviours.

The Leader, in moving the recommendations, made the following points:-

- he had been collaborating closely with the Chief Executive over a period of time on the restructure and there had been excellent consultation work undertaken with Directors and OMB;
- it was important to move the process on, but equally, it was important to ensure staff were treated with dignity and that the process was not delayed;
- the process had been undertaken correctly, through consultations with staff, trade union and discussions with the LGA for the Director level and evaluations made on job roles;
- the cost of the redundancies would be managed within the earmarked reserve;
- staff would not be denied their entitlements and the Council would do what it had to, to honour pay reviews and settlements, as agreed between the trade unions; and
- he commended the report and advised that details of the financial information would be discussed in the Part 2 report.

Councillor Mitchell, as co-Leader of the Progressive Group, made the following points:-

- he shared the aspirations of the Leader, but had concern about rushing the process to ensure permanency for any future administrations post-election;
- the Council was previously informed that a report would be presented in May, following consideration by the Executive, to allow opposition leaders the opportunity to ask questions on the matter.
- full Council was not the forum for a debate on the process and there had been no prior information provided before recommendations were presented to Members; and
- the report should have been taken to a combined scrutiny meeting to allow all Members the opportunity to raise questions and discuss the implications, before being considered by the Executive and Council.

Councillor Moore, as co-Leader of the Progressive Group, made the following points:-

- she welcomed the opportunity for Members to ask questions to the Chief Executive;
- the references in the report to having a balanced portfolio and coordinated corporate approach to services was welcomed;
- she expressed concern on the changes to the timeline, procedure and process outlined in the report presented to Members in February 2024;
- there was concern raised by the auditors about process for appointing senior staff
- the clarifications on redundancy and entitlement were welcomed, but requested a commitment that any deviation from the policy would require the matter to be brought back to Council for approval; and
- she would not be supporting the recommendations for noting.

During debate, Members made the following comments:-

- thanks were made to the Chief Executive for the report and for confirming the earmarked reserves and transparency of the process;
- an enquiry was made into the £370,000 payment to the former Chief Executive, with an apparent lack of transparency and scrutiny in the past;
- the proposals provided reassurance in providing more transparency going forward, in regard to redundancy and being in a statutory format; and
- the Chief Executive had shown a commitment to the role and assurance was sought that there would be no secondments outside of full-time roles.

In summing up, the Leader addressed Members' comments as follows:-

- it was important to not delay the process for the benefit and fairness of the Directors and OMB staff who were affected by the re-structure;
- the £370,000 payment consisted of salary and final exit payment, which was a saving on any redundancy payment and there had also been saving made on the post of Deputy Chief Executive;
- should the earmarked reserves go over budget, the matter would be brought back to Council; and
- he commended the report and was confident that the proposed re-structure proposals were the right course of action.

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

**RESOLVED** that the Council note:-

- (1) the outcome of the consultation with affected officers;
- (2) the final proposed structure;
- (3) the job descriptions for the proposed new posts;
- (4) the timescale for implementation of the new structure;
- (5) that a detailed report containing the proposed salaries for the Strategic Management Board and Operational Management Board and an Equality Impact Assessment costs would be shared as a Part 2 item, including a number of detailed recommendations; and
- (6) that the cost of the proposed new structure was less than the cost of the existing structure.

42      **Local Government (access to Information act 1985 - Exclusion of Press and Public**

43                              **Senior Leadership Review**

(The meeting commenced at 6.00 pm and closed at 9.49 pm)

Chair