

## **EXECUTIVE**

Tuesday 1 October 2024

Present:

Councillor Bialyk (Chair)

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

Councillor Moore (as an opposition group Leader); and

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

Apologies:

Councillor Jobson (as an opposition group Leader).

Also present:

Strategic Director for Place, Strategic Director for Corporate Resources, Interim Director – Environment, Waste and Operations (CC), Interim Director – Environment, Waste and Operations (SL), Net Zero Project Manager, Head of Service - Legal and Democratic Services & Acting Monitoring Officer and Democratic Services Manager

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### **MINUTES**

The minutes of the meeting held on 3 September 2024, were taken as read, approved and signed by the Chair as a correct record.

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### **DECLARATIONS OF INTEREST**

No declarations of disclosable pecuniary interests were made.

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### **CHAIRS ANNOUNCEMENTS**

#### **Submitted Questions from Councillor Jobson (as an opposition Leader)**

Apologies were received from Councillor Jobson, who had submitted a number of questions prior to the meeting which had been responded to outside of the meeting. A copy of the questions and responses are appended to the minutes.

#### **Mary Arches Car Park**

The Leader provided an update on the Mary Arches Car Park, advising that the Council had marketed the Mary Arches car park for sale during the year. Delegated power had been granted to the Strategic Director in consultation with him regarding the disposal. The Leader having committed to report back on progress, advised:-

- there had been strong interest with 14 bids received from 11 different bidders;
- the Council had signed the heads of terms with the successful party for a sale, subject to planning;
- although unable to provide details in the current process stage, the proposed scheme was in-line with the requirements set by Council when the sale was approved;
- once successfully concluded, it would also address the write off approved by Council last year, as a consequence of the reduction in Exeter City Living; and
- thanks were made to all the officers involved in concluding this matter successfully.

## **Devon Devolution Deal**

The Leader advised Members on the Devon Devolution which had been presented and noted by Council. He advised that that the two principal authorities were currently working with the Government to agree the timeline for the Statutory Instrument (SI) to be laid in Parliament. Devon and Torbay's Monitoring Officer's had agreed the main body of the statutory instrument with government's solicitors and had drafted a large amount of the constitution with the exception of the skills element which would be worked through with the DfE.

The next steps of the process were:-

- the Ministry of Housing, Communities and Local Government (MHCLG) had invited comments on the draft regulations;
- the Minister would write to Cabinet colleagues to say that they are minded to proceed to seek Parliamentary approval for the Combined County Authority (CCA), which would take about a fortnight;
- the Secretary of State would write to Devon County Council and Torbay Council Leaders with a draft of the SI;
- the final draft of SI would then go to Parliamentary lawyers for comments on the drafting before it and an explanatory memorandum was laid in Parliament;
- there was 6-8 sitting weeks during which there was a 15-minute debate by the Joint Committee on Statutory Instruments (JCSI) which would take evidence from MHCLG. JCSI did not consider the merits of the SI but was responsible for ensuring that a Minister's powers were being carried out in accordance with the provisions of the enabling Act;
- the SI would also considered by the House of Lords Committee, which met weekly to consider the policy implications of SI; and
- the motion to approve in the House of Commons would be put forthwith (i.e. without debate) on the floor of the House and the Minister would sign the SI and the CCA comes into being.

Devon County Council and Torbay Council would await the final timeline but were working towards November. As this impacted Exeter as a Council, a full paper for consideration would be presented to Council in due course once matters had been concluded.

## **Interim Directors – Environment, Waste and Operations**

The Leader congratulated Simon Lane and Cat Chambers on their recent appointments as Interim Directors for Environment, Waste and Operations.

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

**A member of the public, Mr F submitted the following question, related to Minute No. 99:-**

- East Wonford Hill, Fore St Heavitree, Pinhoe & Honiton Rd, Livery Dole, all experienced Year on Year increases in NO<sup>2</sup>. We know why, does Council agree with the HATOC decision, supported by 4 ECC councillors that suspending the LTN trial was best for the health of the residents of these streets.

The Portfolio Holder for City Management in responding advised that concentrations of NO<sup>2</sup> had in fact reduced at these five sites, as was the case with all sites in Exeter since 2019, which was shown in the graphs included within the report. The

report being presented concluded, that it had not been possible to identify any impact from the LTN trial in the 2023 either positive or negative.

Mr F made asked a supplementary question:-

- The air quality issue was year on year and not just from 2019. People living in Heavitree believe that since the suspension of the LCN there had been a reduction in traffic and congestion on East Wonford Hill, and therefore NO<sup>2</sup> emissions may have reduced. As there was now real-time data, why did residents have to wait another year to find out and would the Council consider sharing this potential good news sooner?

The Portfolio Holder for City Management and the Interim Director for Environment, Waste and Operations responded that Exeter had two fixed air quality monitoring stations which were calibrated and approved by DEFRA located on Queen Street and Alphington Road.

The Council currently didn't have real time data due to the use nitro-converter tubes and monitoring data is sent off to accredited labs to be analysed, before being reported back.

**A member of the public, Mr M submitted the following question, related to Minute No. 9:-**

- Once again NO<sub>2</sub> year on year measured for East Wonford Hill has exceeded 40mg, the exceedance objective, increasing again last year perhaps due to increased traffic forced onto it by the failed LTN trial. When and what action would Exeter City Council take to reduce it and protect the residents of Heavitree?

The Portfolio Holder for City Management in responding stated that the measured level of NO<sup>2</sup> at East Wonford Hill was 0.1 micro gram per meter cubed higher in 2023 than 2022, which was a 0.2% increase, and likely to be statistically insignificant. This could also be compared to a fall of 35% since 2019 or a 43% reduction since 2012, which were when the levels were the highest measures at this location.

The measures which the Council and other key partners continue to take to improve air quality were clearly set out in the action plan contained in the report being presented at the meeting.

Mr M on putting a supplementary question, asked that given that the Air Quality Act had been in place in Exeter for a number of years, East Watford Hill had fallen below 40, which had only happened once in ten years, following Covid. The action plan didn't seem to be working, so what could be done to help the people in Heavitree?

The Portfolio Holder for City Management advised that the action plan was in place, but another years' worth of data was needed. The 2024 data would not be available until July 2025 for analysis. In the meantime, the current air quality action plan management area, still included East Watford Hill.

The Executive received the statutory Annual Status report that had been submitted to the Department of Environment, Food and Rural Affairs (DEFRA) and contained

monitoring data from 2023, a summary of air quality improvement actions taken and future plans.

Particular reference was made to the proposal which had been issued to DEFRA to review the air quality management area. DEFRA had requested the Council wait another 12 months to receive the 2024 data before making a decision. This was mainly concerned with discounting the 2020 data which was deemed unreliable due to the Covid lockdown.

The Leader advised that Councillor Haigh had submitted a question under Standing Order No. 44 but was unable to be in attendance. A response had been provided outside of the meeting and would be appended to the minutes.

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by Senior Officers, as detailed further in this minute.

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

- like many places, there was still a way to go with the work to improve air quality, however, Exeter was one of the better areas for air quality in the country;
- monitoring devices were placed in the areas with the most pollution so the NO<sup>2</sup> can be picked up with Devon County Council, but was not representative of air quality across the whole city;
- air quality issues could be raised with Devon County Council as part of issues with buses and running a municipal bus service, to reduce the volume of cars;
- Exeter was below the legal objective for air quality in all but one location in 2023;
- continuing with current arrangements was important. The current air quality action plan covered the period of 2019-2024 and required 2024 data to make an evaluation on its success; and
- in developing a new plan based on evidence up to 2024, work can be done with partners to define a new air quality plan to address areas with higher levels.

In response to questions and points raised by Members and opposition group leaders, the Interim Director – Environment, Waste and Operations (SL) advised that:-

- Exeter City Council was the lead authority for measuring and collecting air quality data and coordinate with other organisations for developing an air quality action plan.
- Air quality had no boundaries and was impacted by a number of factors including industrial, traffic, domestic and atmospheric issues.
- The enquiries raised by Councillor Moore in regard to the Air Quality Action Plan, its actions and reducing air pollution would be considered and responded to outside of the meeting.

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

**RECOMMENDED** that Council:-

(1) note the statutory annual status report; and

(2) agree that an update be made to the Executive should the DEFRA clarification on the City Council timetable for future actions be different than that outlined in this report.

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### **REVIEW OF CORPORATE RISK REGISTER**

The Executive received the report on the Council's risk management progress and the revised Corporate Risk Register which was linked to the Council's Strategic Priorities. The register had received a significant update, following the new management team structure and risks had moved between Strategic Directors, and updated accordingly in consultation with the relevant Portfolio Holder.

The Audit and Governance Committee had considered and reviewed the risk register at its meeting held on 25<sup>th</sup> September 2024 and the following suggestions had been raised at that meeting:-

- the concern on the actions for progressing the design & delivery of a Corporate Customer and Digital Strategy were only internally facing and didn't focus on external factors;
- enquiries on whether anti-fraud in the planning process was covered in the register; and
- concern that the city wall was considered to be an important asset which should be separated out to provide more information and better understanding of the risk.

The Leader advised that the suggestions of the Audit and Governance Committee would be considered by the Portfolio Holders and Strategic Directors for inclusion on the register.

During the discussion, an Executive Members enquired on the process for receiving feedback from Audit and Governance, notably in relation to the timing of the meetings. Going forward could the meeting calendars be looked at to allow time for the suggestions to be included with the report.

In response to the question raised, the Strategic Director for Corporate Resources advised that there was a review of Corporate Governance being undertaken and timetabling of meetings was being addressed. Currently the timetable of committee meetings ran to April 2025 and the timetable of meetings could be changed after this time. Currently there would be too big a gap between meetings if the Executive received the report at the following meeting.

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

**RESOLVED** that the Council's Corporate Risk Register and, Corporate Risk Register summary be approved.

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### **OVERVIEW OF GENERAL FUND REVENUE BUDGET 2024/25 – QUARTER 1**

The Executive received the report on the overall financial position of the General Fund Revenue Budgets for the 2024/25 financial year after three months. The Council was projecting a reasonable underspend in the budget, however there were some areas of concern in the budget.

Particular reference was made to:-

- there were cost challenges around housing needs and homelessness, but this was also a national challenge;
- central government had increased planning fees significantly last year and an appropriate amount had been allocated to the budget. The projected income was, however, £250,000 lower than budgeted for but was being closely monitored;
- the Commercial Property Portfolio had a number of vacancies which projected a significant under-recovery of income compared to normal years; and
- the report sought a number of supplementary budgets for Council approval with just under £50,000 being funded from general fund balances, with the others being self-financed or taken from earmarked reserves.

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by Senior Officers, as detailed further in this minute.

Councillor Jobson as an opposition group leader had submitted questions prior to the meeting which were responded and are supplemented to the minutes.

During the discussion, an Executive Members enquired on the underspend and whether there was an estimated budget figure available should the vacancies be filled?

In response to questions and points raised by Members and opposition group leaders, the Strategic Director for Corporate Resources advised that:-

- There were some service areas impacted by vacancies, which weren't supported by agency staff and had an impact on the work of the service.
- The grants suggested had not been confirmed and not been taken account of, but if confirmed would have a positive impact.
- Homelessness and housing was an area needed to be consistently looked at for ways to deliver the service in a more cost-effective way.
- Car parks was on target, following the level of carpark income level being reduced. It currently stood at £6,000 on a £9 million income line.
- The commercial property line of £400,000, was challenging and not been projected, due to vacant premises, and work was underway to promote the building to get businesses in.
- There were a lot of underspends reported and vacancy and costs for posts was not known, but the team could look to find out what these would be.

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

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

- (1) the General Fund forecast financial position for the 2024 financial year;
- (2) the supplementary budgets and budget transfers as detailed in paragraph 8.11 and Appendix 3 of the report;
- (3) the outstanding Sundry Debt position as at June 2024;
- (4) the creditors payments performance; and
- (5) the update to the One Exeter programme.

The Executive received the report which provided the current position of the Council's revised annual Capital Programme and advised Members of the

anticipated level of deferred expenditure into future years. The report further sought approval to amend the annual capital programme to reflect the reported variations.

Particular reference was made to:-

- the Capital Programme for next year had increased to £31.8 million, of which £7.5 million was uncertain in regard to the timing;
- £24.2 million was expected to be delivered in the next financial year, with a number of deferrals, which were outlined in the report;
- money had been set aside for the Guildhall Shopping Centre, to fit out new properties when leases ended and new businesses going in often contributed to this which was recovered through the rent. The timings of this were uncertain and only £300,000 was needed this financial year, which was financed from income from the Guildhall Shopping Centre;
- the Green Space Depot site relied on suitable premises becoming available for bidding and the Estates team were working to locate appropriate site for the depot; and
- there were two requests for further funding detailed in the report.

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by Senior Officers, as detailed further in this minute.

Councillor Jobson as an opposition group leader had submitted questions prior to the meeting which were responded and are supplemented to the minutes.

In response to questions and points raised by Members and opposition group leaders, the Strategic Director for Corporate Resources advised that:-

- Council had granted approval for a specific budget for the Guildhall Shopping Centre to enable enhancements as required, with financing of that, delegated to the Strategic Director for Corporate Resources in consultation with the Leader based on affordability. The Guildhall Shopping Centre income was limited in what it could be spent on, namely on enhancing the property, and regeneration projects around the city.
- In regard to the Civic Centre roof, Phase 3 of the Civic Centre had a flat roof that had been leaking and was occupied by Devon County Council's Children's Centre, requiring work be undertaken to ensure child safety. Should the Council decide to move the work undertaken on the roof has ensured it was safe and secure for anyone wishing to purchase the Civic Centre.
- The RAMM had a separate budget for roof replacement, which was financed by separate grant with a contribution from Exeter City Council to ensure the galleries remained operational.
- The control of the £19 million was dependent on project managers, who may need to make deferrals in the capital programme for various reasons.

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

**RECOMMENDED** that Council approve:-

- (1) the overall financial position for the 2024/25 Annual Capital Programme; and
- (2) the further funding requests to the Council's Annual Capital Programme for 2024/25.

The Executive received the report on the financial position of the HRA Revenue and Capital Budgets for the 2024/25 financial year after three months. The report further outlined budgetary over/under-spends and highlighted areas of risk, where certain budgets had identified as being vulnerable to factors beyond the control of the Council, resulting in potential budget deviations.

Particular reference was made to:-

- there was continued challenge with the repairs and maintenance budget, which had a projected overspend of £1.187 million, the reasons of which were set out in the report;
- work was being undertaken with the Head of Service for repairs and maintenance to look at either increasing the budget or to bring the repairs and maintenance budget back in line with the set budget set; and
- the request to vire £95,000 in the report meant it was currently held in the capital budget and would be transferred back to revenue account.

Cllr Mitchell enquired on the repairs and maintenance programme and whether an indication could be made between the balance of planned maintenance and urgent repairs?

In response to questions and points raised by Members and opposition group leaders, the Strategic Director for Corporate Resources advised that he would speak with the relevant Head of Service in response to Councillor Mitchell's enquiry.

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

**RECOMMENDED** that Council approve:-

- (1) the HRA forecast financial position for 2024/25 financial year; and
- (2) the request to vire £95,000 Estate Management approval from the Capital Programme to an annual revenue budget of circa £24,000 for four years.

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### **APPROVED PROJECTS OPTIONS REPORT**

The Executive received the report which sought Member direction for prioritising available funding for one of the two previously approved schemes for either the Laings scheme and phases B and C at Vaughan Road. Council had previously approved for funding for both projects to be delegated to the Section 151 Officer and relevant Director in consultation with the Portfolio Holder and Leader, as it was not able to borrow prudentially at that time. Funding was now available to progress one of the schemes.

The Leader moved the first recommendation option for the funding of the project to complete and deliver the remaining 7 properties outstanding in relation to the Laings scheme. Councillor Wright seconded the recommendation option.

Councillor Moore as opposition group leader enquired if the managed budget included the purchase of the additional land in this account?

Councillor Jobson as an opposition group leader had submitted questions prior to the meeting which were responded and are supplemented to the minutes.

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



- it was good news the Council was now able to deliver this overdue project;
- it was highlighted that this was only prioritising one project over another, now that funding was available;
- the other project would be progressed once more funding became available;
- finishing the Laings project would provide enhancement to the area and allow residents to move back; and
- the Council was going to complete the project which had taken a number of years to complete and welcomed future funding for the Vaughan Road projects in due course.

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

**RESOLVED** that the Executive agreed to prioritise and fund the project to complete and deliver the remaining seven outstanding properties in relation to the Laings scheme.

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### **HOUSEHOLD SUPPORT FUND SCHEME 6**

The Executive received the report which Members approval to grant delegated authority to Strategic Director for Corporate Resources in consultation with the Leader and the Portfolio Holder for Housing, Homelessness Prevention & Customer Services for a scheme to disburse funding from the sixth Household Support Fund.

Funding was provided by the Department for Work and Pensions (DWP) to Devon County Council (DCC), however guidance or confirmed funding allocations had not been provided and delegated authority was requested to action the funding once guidance was provided.

Particular reference was made to:-

- the funding support commenced as of the day of this meeting and any delay in bringing the report to a forthcoming meeting cycle would severely cut into the allotted support time;
- the DWP guidance had since been released since the report was published, and remained broadly unchanged, from scheme 5, as were plans from Devon County Council;
- scheme 6 had an increased emphasis on pensioners; and
- the Council was on track to run the preferred scheme in line with the other districts and the Council was waiting for a confirmed funding agreement from Devon County Council, to draft the proposed policy.

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by Senior Officers, as detailed further in this minute.

Councillor Jobson as an opposition group leader had submitted questions prior to the meeting which were responded and are supplemented to the minutes.

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

- the funding scheme and work to prepare it was welcomed; and
- it was important there was strong communication for pensioners in particular to be made aware of the funding and to come forward to claim;

In response to questions and points raised by Members and opposition group leaders, the Leader and the Strategic Director for Corporate Resources advised that:-

- Trend data for the previous schemes, for those that have applied or not could be made available to highlight the needs of residents.
- There would be a strong communications drive to encourage as many residents as possible to come forward, particularly pensioners.

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

**RECOMMENDED** that Council grant delegated authority to the Strategic Director for Corporate Resources in consultation with the Leader and the Portfolio Holder for Housing, Homelessness Prevention & Customer Services to agree the scheme for disbursing funding from the sixth Household Support Fund.

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**PUBLIC SECTOR DECARBONISATION SCHEME 3B PROJECT – RAMM & RIVERSIDE LEISURE CENTRE**

The Executive received the report which summarised the outcome of the work undertaken to date in exploring the implementation of decarbonisation measures at Royal Albert Memorial Museum (RAMM) and the Riverside Leisure Centre. This was funded by the Public Sector Decarbonisation Scheme 3b grant from central government. The report also requested that due to challenges at both sites and the immovable grant funding spend deadline, that the project presented too much risk to the council to proceed.

Particular reference was made to:-

- the sites had the highest carbon emissions across the Council's corporate estate;
- the grant had commenced in March 2023 for a two-year period, with the first year focussed on feasibility and design to explore heat decarbonisation measures;
- the outcome of the first years' work had identified significant challenges in delivering within the time frame, budget and quality parameters required at both sites. These challenges could not be overcome and sufficient progress was made in the remainder of this financial year to meet requirements of the grant;
- the project ultimately presented a large risk, exposing the Council to unacceptable levels of uncertainty and financial risk;
- the money spent to date had not been wasted and both sites remained a high priority and the Council had extensive feasibility and technical design information which could be built on; and
- the Council was in a strong position for future grant funding and further Public Sector Decarbonisation Scheme applications, with an expected funding announcement in late autumn.

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised a number of points and questions, which were responded to by the Leader, further in this minute.

Councillor Jobson as an opposition group leader had submitted questions prior to the meeting which were responded and are supplemented to the minutes.

The Leader spoke on this item and in responding to questions and questions raised, made the following points:-

- this was a resolved matter for the Executive approve;
- the total costs incurred to date by the Council were £638,643.93 and the total grant money paid was £465,701.55, which left an outstanding balance of £172,942.38 which would be paid to the Council on 16 October 2024 leaving zero cost to the Council;
- officers had been managing the project to try and complete the work on time but it was not possible and Executive Members had not been contacted by contractors;
- he was satisfied with the information provided from Officers on this matter and that the project couldn't be completed on time;
- the Riverside work was 11 weeks late from the original deadline for the submission and there was a lack of detail provided to the Council including contractual conditions and risk allocation;
- the proposed recommendations would prevent the Council from inheriting a large cost;
- no Council money had been spent, other than what had been retained from the government grant and the allocated £871,000 had not been spent and remained in the budget; and
- thanks were given to the officers for their hard work and due diligence during this process particularly in addressing difficulties and protecting the RAMM which was a key asset.

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

- thanks were made to the officers, particularly the Net Zero Project Manager for their due diligence and work undertaken for the report;
- the process had been a complex and challenging task and although it wasn't the outcome that was hoped for it was the right decision. The work undertaken, however, had been valuable, particularly the feasibility study;
- no money had been wasted on the project and had been done in an appropriate way and there would be further opportunities ahead as Net Zero work continued;
- it was important to recognise that this was a Government scheme and had a range of challenges and conditions outside of the Councils control;
- the Council would continue to work to reduce carbon emissions and would always take the management of its finances seriously to ensure projects were delivered appropriately;
- work on feasibility was undertaken carefully and a number of decision points were reached before it was decided it was no longer feasible. The work undertaken would help for the next project;
- despite the coverage of the item, the report showcased appropriate risk assessment and management to prevent a significant financial risk to the Council;
- knowing the background detail of the work carried out, highlighted why the project could not proceed further; and
- it was important for all Members to avoid advocacy for contractors in matters like this and to be mindful when approached by a contractor going forward.

The Leader summing up the debate, advised that he didn't want a debate with opposition leaders, but there were mechanisms available to them including a conversation with him.

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

**RESOLVED** that the Executive approve:-

- (1) for the PSDS 3b project (RAMM & Riverside) not proceed any further, following consideration of the outcomes of the Year 1 exploration, design, and pricing stages; and
- (2) for Officers to allocate time to progress matters in preparation for future funding opportunities to secure monies required to decarbonise both sites.

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### **ANNUAL INFRASTRUCTURE FUNDING STATEMENT 2023 - 2024**

The Executive received the report on the Annual Infrastructure Funding Statement for 2023 - 2024 which provided retrospective information relating to funding secured, received, committed, and spent from the Community Infrastructure Levy (CIL) and Section 106 monies in that year. The report also provided an Infrastructure List which identified a number of projects which could benefit from Community Infrastructure Funding and did not provide any financial commitments to projects set out in the Statement.

Particular reference was made to:-

- the Council had a responsibility to publish its infrastructure statements annually; and
- both CIL and the Section 106 were delivered through the planning process and funding from these sources was linked to new housing developments and was a major contributor to the medium-term financial plan;

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by a Senior Officer, as detailed further in this minute.

In response to questions raised, the Strategic Director for Place advised that:-

- The report provided high level details and it was not necessary to set out detailed levels for different wards for the neighbourhood portion of CIL.
- There was a lot of information sitting under the reported headline figures, which was collated by officers and used on a regular basis.
- Many of the reported projects were city-wide projects, rather than broken down by individual wards. The Council was only required to produce a high-level statement and information accordingly.

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

**RESOLVED** that the content of the Annual Infrastructure Statement for 2023 – 2024 was noted by the Executive prior to its publication.

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### **RAMM BUSINESS PLAN FOR ARTS COUNCIL ENGLAND NATIONAL PORTFOLIO ORGANISATION EXTENSION YEAR 2026-27**

Councillor Wright left the room for duration of this item.

The Executive received the report on the Royal Albert Memorial Museum & Art Gallery (RAMM) business plan, following an extension from Arts Council England (ACE) for its funding period for National Portfolio Organisations (NPOs) by one year. The RAMM was an NPO and therefore was entitled by the ACE to apply for a one-year funding extension period up to 31 March 2027. Particular reference was made to the funding application, which if successful would result in an additional income of £619,000.

The Portfolio Holder for Arts, Culture & Tourism advised that the exact amount of additional income would be £618,363 and that the Council would not be spending any of its own money and applying for the extension would generate this income for the RAMM.

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

**RECOMMENDED** that Council:-

- (1) endorse the Royal Albert Memorial Museum & Art Gallery (RAMM) Business Plan;
- (2) grant delegated authority to the Strategic Director for Place, in consultation with the Portfolio Holder for Arts, Culture & Tourism, to apply to Arts Council England for the additional year's funding (2026-27); and
- (3) authorise the Council to enter into the 2026-27 funding agreement with Arts Council England, should the application for funding be successful.

109 **FOOD LAW AND HEALTH AND SAFETY ENFORCEMENT SERVICE PLAN 2024 - 2025**

Councillor Wright was absent from the room for duration of this item.

The Executive received the report which sought approval to adopt the statutory Food Law and Health and Safety Service Plan 2024-25, which set out the Council's regulatory function in respect of food safety and health and safety over the forthcoming year.

Particular reference was made to:-

- 99% of food businesses were broadly compliant with the food hygiene law and Exeter now had more food businesses in the city than in its history;
- when food sampling, the team was specifically looking for issues, and having a 90% satisfactory rating for food samples was a positive reflection of the high standard of food businesses; and
- an excellent amount of work was undertaken by officers as detailed in the report, to address health and safety priorities.

Cllr Mitchell as opposition group leaders spoke on the item and enquired on the home delivery service and whether there was any relating to food prepared on-site and for when it was delivered to a home?

In response to the question raised, the Interim Director – Environment, Waste and Operations (SL) advised that businesses had a responsibility to ensure that they were providing food at a suitable temperature and critical control points were measured. Supermarkets had specialised delivery vans for refrigeration and had responsibility, but the Council did investigate issues as required.

The Leader moved the recommendations, which was seconded by Councillor Williams, voted upon, and CARRIED.

**RESOLVED** that the Food Law and Health and Safety Service Plan 2024-25 be supported by the Executive.

**RECOMMENDED** that Council:-

(1) approve the Food Law and Health and Safety Service Plan 2024/25; and  
(2) grant authority to the Head of Environment and Waste to change the plan in the light of national guidance and/or to meet operational needs.

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### **TREE AND WOODLAND MAINTENANCE AND INSPECTIONS CONTRACT**

Councillors Foale and Wright were absent from the room for duration of this item.

The Executive received the report which outlined the requirements for a new Tree Maintenance and Inspections Contract after the expiry date of the current contract on 1 April 2025, to support the ongoing delivery councils tree management in respect of industry best practice, duty requirements, and the Council's Corporate plan 2022-2026.

Particular reference was made to the risks in the sourcing strategy had been mitigated by existing legal contract procedures and the contract was fully funded. The appraisals outlined in report were the only viable options in accordance with legal requirements.

Cllrs Mitchell and Moore as opposition group leaders spoke on the item and raised points and questions, which were responded to by Senior Officers, as detailed further in this minute.

In response to questions raised, the Interim Director – Environment, Waste and Operations (CC) advised that:-

- The cost associated with contractors for self-delivery would vary each year, based on the assessment process.
- For a single source supplier, the Council would be able to potentially reduce costs annually, however, with an in-sourced supply, this wasn't possible.
- The forecast for annual expenditure was likely to be higher in regard to ceiling costs.
- Exeter city centre had a large quantity of trees, and the strategy for delivery and maintenance had a higher priority for quality of provision. Partner organisations prioritised cost over quality of service as their needs differed, and there was no opportunity therefore, for partnership working at the current time.
- The Ash Die Back budget shown in the capital budget hadn't contributed to overall costs. The contract was expected to this address Ash Die Back, but the budget may not last the lifespan of the contract, and therefore hadn't been included.

The Leader moved the recommendations, which was seconded by Councillor Williams, voted upon, and CARRIED.

**RECOMMENDED** that Council:-

(1) Authorises Council officers to proceed with the procurement process to appoint a contractor to provide a new tree maintenance and inspection service in

accordance with the proposals set out in the report, using an open tender process for the procurement of a single supplier; and  
(2) grant delegated authority to the Interim Director Community Services in consultation with the Strategic Director for Corporate Resources to confirm the award and appoint a contract following the procurement process.

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### **HONORARY ALDERMEN – MR RICHARD BRANSTON**

Councillors Foale and Wright returned to the room for this item.

The Executive received the proposal to confer the title of Honorary Alderman of the City of Exeter to Mr Richard Branston in recognition of his eminent services to the Council.

Members noted that the term of office for Mr Branston amounted to 24 years consecutively and therefore met the necessary length of service criteria and that Mr Branston was a diligent caseworker who had worked very hard for the benefit of his ward residents.

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

**RECOMMENDED** that in accordance with Section 249 of the Local Government Act 1972, the Right Worshipful the Lord Mayor be requested to convene an Extraordinary meeting of the Council, on the rising of the Ordinary meeting of the Council on 15 October 2024, to consider conferring the title of Honorary Alderman of the City of Exeter on Mr Richard Branston.

(The meeting commenced at 5.30 pm and closed at 7.51 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 15 October 2024.**

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## **Questions and Responses - Executive Committee - Tuesday 1 October 2024 from Leader Conservative Group – Anne Jobson**

### **Item 7: Overview of General Fund Revenue Budget 2024/25 – Quarter 1**

- 1) Is there any update on the progress of the Harbour Revision Order including likely time-scales?**

#### Response

Exeter City Council submitted the HRO application to the Marine Management Organisation (MMO) in September of last year. The next stage in the process is that the MMO will carry out a 42-day public consultation in their role as the regulating body. We do not get informed in advance of when that will occur, but will receive notice when the consultation goes out, at which point we are obliged to place the consultation in local and national newspapers. We have no influence over the MMOs timeline, and we have been informed by the MMO that there remain several applications ahead of our own. Until the MMO have carried out their consultation, and provided their recommendations, we don't have enough information to anticipate what their recommendations will be, what subsequent work will be required, or how long that will take.

- 2) With respect to the sundry debts itemised at top of page what steps are being taken to reduce the level of these debts?**

#### Response

Council have approved additional resources for Sundry Debt recovery. Both Finance and Legal are in the process of restructuring and we are increasing the number of debt recovery staff alongside adding a resource in Legal to support them. We believe there should be a quick improvement in these figures once the resource is in place.

### **Item 8: 2024/25 General Fund Capital Monitoring Statement – Quarter 1**

- 3) With respect to the proposed deferment of works to St Nicholas Priory and noting it is the roof is there an assessment of the detrimental impact likely to be caused to this heritage asset by delaying the necessary repair?**

#### Response

The project is reliant on Exeter Historic Buildings Trust being successful in their bid for the funding required. Our contribution meets the matched funding element of the project and is reliant of their bid.

### **Item 10: Approved Projects Options Report**

- 4) The preference would be for Vaughan Road to be completed. This provides the greater number of homes. Is there confirmation from Homes England**

**that there will be at least £60k per unit and that the current developers will remain on site? Would urge further exploration with SGA in respect of the Laings development in order to secure the future for that development.**

Response

We have asked the Housing Development team to confirm with Homes England the grant they will offer.

**Item 11: Household Support Fund scheme 6**

**5) In support for this recommendation**

**Item 12: Public Sector Decarbonisation Scheme 3b Project – RAMM & Riverside Leisure Centre**

**6) Noted that advice been given that the money spent is recoverable. Is there confirmation that this is the case (ref 4.1) and that any additional monies spent that were not invoiced at the time of the report will be similarly treated.**

Response

Salix have confirmed that they will provide the funding for money spent. We have recently submitted a further payment request to Salix to bring us up to date.

## Speaking under Standing Order 44

### Executive Committee - Tuesday 1 October 2024

#### Item 15: Air Quality Annual Status Report

**From: Councillor Haigh**

**As fellow Councillors, you may not be aware that my residents can live within 2 metres, at curb level, near the diffuse tube with exceedance at DT57. The unwanted holder of this title East Wonford Hill saw NO<sub>2</sub> levels reverse its downward trend and start to climb again.**

**I would like to ask: Is there an opportunity to extend the new Exeter Air Quality Management Area to include Fore Street, Heavitree up to Whipton Lane? These residents still live within the phenomenon of the canyon effect and at points are closer to the road and idling traffic. Other residents within the proposed area live at a higher elevation than you can see on the map and I would advocate for them to be included in the proposed area, to ensure a robust approach.**

**I appreciate our officers have done rigorous calculations; however, this would help to ensure inclusion and cement our proposal positively within our community. Especially as the health of these residents needs our extra protection from the unintended consequences of future developments.**

#### Response:

The measured level of NO<sub>2</sub> at East Wonford Hill was 0.1 micro gram per meter cubed higher in 2023 than 2022, a 0.2% increase, which is likely to be statistically insignificant.

This can be compared to a fall of 35% since 2019 or a 43% reduction since 2012, which were when the highest levels were measures at this location.

The measures which the Council and other key partners will continue to take to take to improve air quality are clearly set out in the action plan contained within this report.

As has been detailed in the report, DEFRA in their comments on our Annual Status Report in the previous years asked us to reconsider the Air Quality Management Area this year. This was put forward in the Annual Status Report with a consultation proposal.

DEFRA in their reply to this year's Annual Status Report, which can be found at Appendix B of the report stated, 'we advise ECC to wait until compliance has been achieved in 2022, 2023 and 2024 in the areas where ECC are proposing to remove the AQMA, before proceeding with plans to amend the AQMA.

Therefore, this report is not seeking to change the current Air Quality Management Area and it will be reviewed as part of the collation of the 2024 Annual Status Report.

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