

## **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:

Councillors 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

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### **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 asthmas 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 NO<sup>2</sup> 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.

(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.**

## Responses to Questions Raised at Executive Committee - Tuesday 3 October 2023

Item	Asked by	Question	Response
Public Question	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?	Officers from Environmental Health are in regular contact with Devon County Council's Highways teams as part of their normal duties. These conversations have included discussion of air quality monitoring, but the dates of such conversations have not been recorded. The City Council is confident that the existing monitoring network will continue to allow us to fulfil our statutory duties. Appraisal of the impact of the Active Street trial is a matter for Devon County Council. The City Council's officers will continue to provide technical support to them as they undertake this process.
General Fund Capital Monitoring Statement – Q1	Cllr Moore	Guildhall roof replacement – enquiry 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.	The contract for the Jury Room and Robing Room re-roofing has been completed.  The detailed study to inform the business case to the Environment Agency will shortly go out to tender. Once complete the results will inform the business case and our grant funding bid will be considered by the EA major projects board. The partnership funding element (our contribution) will also then be known.
Net Zero Exeter Update	Cllr M Mitchell	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 Council does not have the knowledge of the detail in relation to the physical assets or intellectual property.
Review of Exeter City Living	Cllr Moore	Could confirmation be provided on whether plans to establish a build to rent company would now no longer proceed?	No, they will not proceed.

<b>Item</b>	<b>Asked by</b>	<b>Question</b>	<b>Response</b>
Review of Exeter City Living	Cllr Moore	Having a criteria for protecting the land for community benefit for any disposal strategy for Clifton Hill was needed to ensure it was not used for any other purpose.	We will be reviewing the Clifton Hill site as part of our assessment of options for bringing forward development. The Public Open Space and recreational land will form part of that review.
Review of Exeter City Living	Cllr M Mitchell	The accumulated loses in 2023/24 were £6,026 million and rising to £8,934 million for 2025/25. Has the liability amount been established, if ECL was liquidated and what would be the liability to the Council?	If the Company was liquidated, the Company's liability to the Council would remain the same. The problem would be that administration is expensive and would remove assets from ECL in order to cover the costs of the administrators. ECC would then be a creditor along with any others identified and would receive what was left after costs were deducted. This would inevitably lead to a higher write off of the loan.
Consultation On Liveable Water Lane: Development Framework and Design Code Supplementary Planning Document	Cllr Moore	How would the SPD impact on planning applications before the document was approved and what was the approach to resolving risks for the environment, canal health and transport in the area.	Until the Liveable Water Lane: Development Framework and Design Code has been consulted on and subsequently adopted by the City Council as a Supplementary Planning Document, it would carry minimal weight in decision making. Further work will be undertaken during the consultation stage and thereafter to address a range of delivery issues and risks.
Food Law and Health and Safety Enforcement Service Plan 2023 - 2024	Cllr Parkhouse	What were the previous year's food hygiene compliance rating?	The compliance rate for the previous year was 98%.

**Responses to Questions emailed prior to Executive Committee - Tuesday 3 October 2023**

Net Zero Exeter Update	Cllr Moore	Please can you confirm the amounts the Council has awarded to Exeter City Futures and those spent on the council support and promotion of ECF (e.g. as identified by internal cost codes).	The amounts set out in the accounts (specified below) are an accurate representation of the costs of support and promotion. They do not however include amounts paid for specific services from ECF.
Net Zero Exeter Update	Cllr Moore	<p>The Council's support for ECF since 2016 appears to be in the region of over £.5m, so given:</p> <p>a) In 2016 a sum of "£50,000 be allocated as a working budget to facilitate the start-up and promotion of the Exeter City Futures Programme." The decision record notes no further allocation of funds to ECF.</p> <p>b) In 2019 Council approved the funding of the ECF Programme Director - City Transformation post for a further period of 2 years; and "approve the setting aside of the sum of £99,364 for each year from the business rate windfall to pay for the Program Director- City Transformation post for a further two year period commencing from April 2019."</p> <p>c) So a total of £198,728 over 2 years. I understand this was spent on a director who was seconded to ECF, rather than paying ECF directly and doesn't feature in for example the 2020 ECF accounts.</p> <p>d) The Council's accounts show that between 2016-2021, the authority incurred expenditure of a total of £354,632 for the 'promotion and delivery' of ECF.</p>	<p>There are two reasons for this:</p> <p>Further expenditure has been incurred since 2021. Services who have approved budgets as part of the normal budget process were free to engage ECF as part of their delivery of Services – no additional approval is required from Members. An example of this is engaging ECF directly to undertake some of the Exeter Development Fund work paid for by Central Government grant.</p> <p>ECF also took on one or more apprentices as part of the Governments Kickstart campaign to support young people during Covid. The Council made the payments on the Government's behalf and were paid the money. As an agency payment, no specific approval is required of Members, although it will show on our payments over £250.</p>

		<p>e) An analysis of the Council's published payments above £250, accounts and those of ECF show a confusing picture not consistent with the Council's accounts (assuming all the expenditure listed in the accounts was transferred to ECF CIC directly). The total amount awarded to Exeter City Futures CIC or under an Exeter City Futures cost code published by the Council appears to be £438,283.28 since March 2016 to date.</p> <p>When were the approvals made?</p> <p>Why are these amounts well above the approved amounts and different from the accounts?</p>	
Net Zero Exeter Update	Cllr Moore	<p>As ECF has been wound up what has the Council asked of the CIC, both as a member and a funder of:</p> <p>a) what assets were identified - such as project outputs and projects such as the Exeter Data Mill, Net Zero plan 2030, and</p> <p>b) what will or has happened to them?</p>	<p>The Exeter Data Mill ceased existence in December 2022 when the council terminated its contract with the provider, Data Press.</p> <p>The Net Zero Plan would be delivered through each partners existing corporate plans or strategies.</p>