



**Exeter City Council**

**AN EXTRAORDINARY MEETING of the COUNCIL will be held at GUILDHALL, HIGH STREET, EXETER on TUESDAY 21 JANUARY 2020 on the rising of the Ordinary meeting of Council which commences at 6.00pm at which you are hereby summoned to attend**

The meeting has been convened in accordance with Section 249 of the Local Government Act 1972 for the purpose of transacting the following business:-

To pass the following resolutions:-

**2 Executive - 14 January 2020**

3 - 14

Date: Date Not Specified

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## EXECUTIVE

Tuesday 14 January 2020

### Present:

Councillor Bialyk (Chair)  
Councillors Sutton, Foale, Ghusain, Harvey, Morse, Pearson, Williams, Wright and Wood

### Councillors in attendance under Standing Order 44:

Councillor K. Mitchell speaking on items 7 and 17 (minutes 5 and 16 below)  
Councillor D. Moore speaking on items 6, 7 and 14 (minutes 4, 5 and 12 below)  
Councillor J. Moore speaking on item 15 (minute 13 below)  
Councillor R. Branston speaking on item 17 (minute 16 below)

### Also present:

Chief Executive & Growth Director, Director (DB), Director (J-PH), City Solicitor & Head of HR, Chief Finance Officer, City Surveyor, Growth & Commercialisation Manager and Democratic Services Officer (MD)

### 1 MINUTES

The minutes of the meeting held on 10 December 2019 were taken as read, approved and signed by the Chair as a correct record.

### 2 DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

### 3 QUESTIONS FROM MEMBERS OF THE PUBLIC

Six questions were received from members of the public, which related to Minute 13, with five members of the public in attendance.

Question received from Aimee Beckett

<b>Question</b>
The plan on page four of the Clifton Hill Opportunity Paper shows a road that comes to an abrupt halt with no turning circle. Can you confirm there is no intention to extend the road beyond the area currently proposed?
<b>Response</b>
The Council Leader explained that the plan in the report was an indicative notional layout of the site and that the exact layout of the housing and roads was yet to be developed, and would be done during the design stage.
There was no intention to develop roads beyond the redline boundary shown on the plan contained within the report. It was intended that access routes were maintained and the existing access road outside the redline boundary serving the Golf Driving Range and Ski Slope would connect to a road in the new development.

<b>Supplementary Question</b>
No supplementary question was asked.

Question received from Ginny Russell

<b>Question</b>
The open area of green space between the sports centre and access road to the ski centre / golf range is mowed at regular intervals. To encourage existing wild flowers, will Exeter City Council stop mowing the whole area and leave most uncut, with only one or two paths of mown grass between wild areas?
<b>Response</b>
The Council Leader stated that the Council was keen to see this area enhanced for wildlife and biodiversity by reducing mowing and increased planting of wild flowers. The local community would be engaged with, about what they would like to see for this piece of open green open space and to develop a more biodiversity focused management plan. The Council had every intention to consult with the local community.
<b>Supplementary Question</b>
Was biodiversity on the agenda for this Council in terms of managing urban spaces in Exeter?
<b>Supplementary Response</b>
The Council Leader provided assurance that biodiversity was key factor and that the Council was fully committed for Exeter to be carbon neutral by 2030 and important work was being undertaken. The Council was working with its partners to tackle the constraints faced by the Council to address the climate crisis and would continue to engage with communities.

Question received from Emily Mclvor

<b>Question</b>
The land at Clifton Hill currently used as a golf range could be enhanced to promote biodiversity, create a haven for wildlife and provide an amenity for Newtown and Exeter. What is being done to ensure this publicly owned open space can be enjoyed by the community at the earliest opportunity?
<b>Response</b>
The Council Leader explained that the Golf Driving Range was operated under a contract and lease arrangement and that the City Council would review potential future uses of the land when that arrangement was closer to coming to an end. The interests of the existing contractor/ tenant would need to be given due consideration as part of that process together with other alternatives uses, including public access.
<b>Supplementary Question</b>
The proposed development goes outside of the existing building footprint and should this happen, the community would get back golf driving range as it is the largest area of open space and needed to be kept.

<b>Supplementary Response</b>
The Council Leader stated that the Council was committed to saving the green open space. With regard to the driving range there was a contract and lease in place and the Council would review what was to happen when those came to an end at the proper time. However there were no intention by the Council to build on the land.

Question received from Moragh Mason

<b>Question</b>
The area of development outlined on page 3 of the Clifton Hill Opportunity Paper shows the trees behind the sports hall; will you confirm these trees will not be felled and that the brambles surrounding them, front and back, will be retained as these provide invaluable nesting areas for birds?
<b>Response</b>
The Council Leader confirmed that it was not the intention to fell the trees located between the sports centre and open space behind (the line of trees located along the edge of the redline boundary). Exeter City Living had already consulted with ecology experts on the scheme and were looking to manage ecology on site in a proactive and positive manner.
<b>Supplementary Question</b>
Will the brambles be left over for birds nesting? If they are removed it would take several years to grow back.
<b>Supplementary Response</b>
The Council Leader stated that Exeter City Living had consulted with experts and were looking to manage site in a responsible way. The Council would have control on the site and were committed to biodiversity and would not be removing anything unnecessarily.

Question received from Dr E Westland

<b>Question</b>
Can you confirm that the whole of the Clifton Hill site beyond the red lines on the photograph of the Development Area (Clifton Hill Opportunity Paper, para 2.0) will be kept in public ownership for the foreseeable future?
<b>Response</b>
The Council Leader explained that the land beyond the red lines had not been identified for disposal and would remain in Exeter City Council ownership, with no plans to change anything else on the remaining site.
<b>Supplementary Question</b>
When you consult with the local community on the future use of the site will there be an option to provide the community a voice on its use?
<b>Supplementary Response</b>
The Council Leader explained that the Council actively engaged with

communities within the city, and would do so for the green space behind the former leisure centre.

Question received from Raymond Edwards (Not in attendance)

**Question**

Could the Council reassure members and users of the green space, golf range and ski slope that access, parking and utilities/services will be fully maintained throughout the development period?

**Response**

The Council Leader stated that it was the intention for access to the green space, golf range and ski slope to be maintained during the development period, as would the provision of utilities and services, which would be subject to potential minor disruption. The parking outside of the redline boundary should be unaffected by the development, however any parking currently located within the redline boundary plan contained within the report would not be maintained.

4

**COMMERCIAL STRATEGY**

The Executive received the report on the Commercial Strategy which detailed the process to determine the viability of commercial projects and achieve the Council's aims and aspirations for commercialisation. The strategy would ensure that there was an open and transparent process in place to develop commercial ideas.

The focus of the work was on providing an increase to funding through the services delivered by the Council through a phased approach. The first phase addressed cost recovery and market testing, while the second phase focussed on delivering surplus from commercial activity and providing a delivery model for the service. It was highlighted that any additional funding would require approval from Members.

Particular reference was made to the first stage of the work and whether it met the evaluation criteria. If it did not meet the criteria, the work would need to be amended or discontinued and all work would undertake an Equality Impact Assessment.

Specific mention was made to the development of the Exeter City Services brand to be launched later in the year and that the ideas for work currently included commercial trade waste, commercial properties and ground maintenance.

Councillor D. Moore, having given notice under Standing Order No. 44, spoke on this item. She commented on the commercialisation of Council property and given the Council's need to reduce the external spending, whether the Executive would be reviewing the current business case for the new leisure centre and the intention for a third party to deliver the new leisure centre contract. She commented on the need to generate income to support the Council's core services and that stopping free car parking on Thursday evenings should be considered in order to save £35,000 a year.

During the discussion, the following points were raised:-

- Members were pleased with the strategy, especially with limited public sector resources, as it would support services and was essential in generating additional income;
- Members commended the professionalism and work of the officers involved and noted that it provided an opportunity to achieve the aims and objectives of the Council and support the priorities of residents;
- The strategy met the Carbon Neutral targets set by Exeter City Council;
- The loss of car parking charges would need to be evaluated while maintaining a level of support to local businesses.

**RECOMMENDED** that Council approve:-

- (1) the adoption of the Commercial Strategy; and
- (2) Strategic Management Board (SMB) being authorised to approve whether a commercial project continues.

## 5 **ENVIRONMENTAL ENFORCEMENT PILOT SCHEME RESULTS AND FUTURE OPTIONS**

The Executive received the report which provided a summary of the results from the recent year-long environmental enforcement pilot project and provided available options for permanent environmental enforcement solutions. The results also provided steps to address issues including parking and illegal camping.

Particular reference was made to the environmental enforcement trial which had primarily been undertaken in the city centre with the results being progressed internally. The scheme would also provide additional resources and flexibility for environmental enforcement officers in the work they undertake.

Councillor D. Moore, having given notice under Standing Order No. 44, spoke on this item, requesting the Executive to provide further responsibility to both current and new enforcement officers in conjunction with the Highway's Authority, to take action against vehicles idling under the Road Traffic regulations in order to support air quality in the city. She further enquired about the definition of illegal camping and whether fines would be applied to homeless sleepers or travellers covered by the Equalities Act.

Councillor K. Mitchell speaking under Standing Order No. 44, welcomed the report and enquired on expanding the remit for Environmental Enforcement Officers to include vehicle idling, which was a growing issue in several wards. He sought assurance that communities outside of the city centre would also be covered and whether fly tipping would be addressed as part of the officer responsibilities.

During the discussion, the following points were raised:-

- The report identified that there had been more offences recorded in the city centre, which would be the major area focus for environmental issues;
- It was important to raise income through the process to cover the costs of officers to support keeping the city clean;
- Residents and visitors needed to be encouraged to support the process by keeping the city clean and tidy;
- The focus of the scheme was on littering, illegal parking and illegal encampments on Council land. The remit of the work could potentially be expanded, once appropriate powers were made available;
- Air quality and carbon dioxide emissions would be continually monitored; and

- Homeless residents were not included under illegal encampments and would not receive fines.

**RECOMMENDED** that Council approve:-

- (1) the recruitment of an additional Civil Enforcement Officer (Response) post (1 x FTE) at Grade F; and
- (2) the inclusion of environmental enforcement work alongside the duties of the existing Civil Enforcement Officer (Response) team (3 x FTEs).

6

### **FLOOD PROTECTION SCHEMES 2019 - 2022**

The Executive received the report which sought funding support to deliver flood protection schemes at three locations in the city, as detailed in the report. The proposed flood schemes would help protect City Council houses and land, improve resilience to communities as well as protecting legally protected habitats against future climate change. The Council's contribution would generate substantial extra grant funding from Devon County Council and the Environment Agency, through partnership funding.

Particular reference was made to the 55 homes that would be protected by the Northbrook Flood Scheme, the 64 homes and 15 businesses in Topsham Ferry Road and the Strand Flood scheme, all of which would be protected.

During the discussion, Members considered the investment to be beneficial to protect homes in the city.

**RECOMMENDED** that Council approve:-

- (1) the contribution of £100,000 towards the £970,000 Northbrook Flood Scheme currently being delivered by Devon County Council;
- (2) the contribution of £80,000, towards the estimated £800,000 budget to deliver the Topsham Ferry Road & Strand Flood protection scheme, from the Exeter City Council capital spend, the remainder comprising of contributions from other parties (primarily Environment Agency and Devon County Council); and
- (3) the estimated £500,000 budget for the embankment repairs to Bowling Green Marsh, with recoverable costs made from the Environment Agency throughout the project.

7

### **STRUCTURAL INSPECTION PROGRAMME OF EXETER CITY COUNCIL BRIDGES**

The Executive received the report which sought funding to carry out an accelerated programme of inspections of all 27 bridges owned by Exeter City Council and to maintain a continuous programme of inspections in the future. The 27 bridges were previously inspected by an experienced engineer, but such inspections had ceased following cuts to local authority budgets. Regular inspections of the bridges would allow unsafe structures to be identified and repaired before they posed a significant risk to the public.

It was noted that the re-instatement of such inspections would bring the backlog of inspections up to date.

**RECOMMENDED** that Council approve:-

- (1) an additional budget of £150,000 to span the financial years for 2020-21 and 2021-22 to allow for the completion of the programme of Principal Inspections for all Exeter City Council owned bridges; and
- (2) an additional ongoing annual budget of £40,000, commencing in 2022-23, to fund a rolling programme of regular bridge inspections to be in line with the Design Manual for Roads and Bridges, which would involve inspections on a principal (six-yearly) and General (two-yearly) interval basis.

8

### **HOUSING RENTS AND SERVICE CHARGES 2020-21**

The Executive received the report which set out the proposed increase to Council house rent, garage rent and service charges with effect from 1 April 2020 that would not override a landlord's statutory requirement to complete the four year social rent reductions.

Particular reference was made to the 1% social rent reductions made by the Council over the past four years, and that it was now permitted to apply the new central government policy to make a 1% increase above CPI for 2020/21. The increase to the charges would support additional maintenance, the Capital Programme and support the management of existing properties for tenants.

During the discussion, the following points were raised:-

- The 1% reduction left the Council with a deficit of £8 million but had only equated to 75p less rent per week for tenants. The increase would also put the Council back to its 2016 budgetary position; and
- The increase would provide support for staffing, spending on maintenance and would support the Council's HRA budget.

**RECOMMENDED** that Council approve:-

- (1) the increase of Council dwelling rent by 2.7% from 1 April 2020;
- (2) the increase of garage rent by 2.7% from 1 April 2020; and
- (3) service charges remaining at their existing levels with the exception of charges specified below from 1 April 2020:-
  - (a) 5.9% increase in emergency light testing in line with routine testing costs and additional installations;
  - (b) 2% decrease in respect of the Older Persons' property service charge due to vacant posts;
  - (c) 0% increase in water charges in respect of Magdalen Gardens in line with contract prices;
  - (d) 5% decrease in respect of door entry systems in line with system maintenance costs; and
  - (e) 5% increase in fire alarm charges to reflect the contract for weekly fire alarm testing.

9

### **2020/21 BUDGET STRATEGY AND MEDIUM TERM FINANCIAL PLAN**

The Executive received the report which provided a strategic overview of the budgetary position for the 2020/21 financial year and beyond, the potential level of available resources and the proposals to ensure that a balanced budget was achieved. The Council was required to set a balanced budget and Council Tax prior to the start of the financial year.

Particular reference was made to there being a one year business rate retention roll over in 2020/21 which would support the Council to spend on services. To support a balanced budget a £5 a year, an increase in Council Tax would be proposed, although it was for Members to determine the rate of Council Tax. The proposal would keep the reserves above the £3 million level as set by the Section 151 Officer. It was highlighted that the Government was committed to a fair funding review and intended to implement it in 2021/22.

Members noted that the New Homes Bonus settlement amount for 2019/20 was a one year figure only and would likely be phased out over the medium term financial plan period. The new business rate retention scheme would reset business rates back to its baseline and would mean, within the next three years, there would be a need for £3.7 million reductions.

During the discussion, the following points were raised:-

- The £5 Council Tax increase for Band D equated to less than 10p a week, but Council Tax was also set by other authorities;
- When the Government undertakes a review they create a consultation paper which Exeter City Council would respond to. Going forward there was likely to be a phased approach for resetting business rates but there would be a one-off complete reset back to the baselines of the business rates in 2021-22.

**RECOMMENDED** that Council:-

- (1) note the contents of the report; and
- (2) approve the proposals to establish a balanced revenue budget and capital programme.

10

#### **COUNCIL TAXBASE AND NNDR 1 2020/21**

The Executive received the report which set out the 2020/21 Council Tax base in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012. The report also sought approval to delegate the Council's estimate of Business Rate Income (NNDR1) for the next financial year to the Chief Finance Officer.

Members were advised that the amount calculated for the Council as its tax base for the year 2020/21 would be 37,348, which was an increase of 360 over the figures for 2019/20 and equated to a 1% increase.

**RESOLVED** that:-

- in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, the amount calculated by Exeter City Council as its tax base for the year 2020/21 shall be 37,348; and
- responsibility to approve the Council's NNDR1 return by 31 January 2020 be delegated to the Chief Finance Officer (Section 151 Officer).

11

#### **NEW PERFORMANCE VENUE AND REDEVELOPMENT OF THE CORN EXCHANGE**

The Executive received the report which provided an overview of the feasibility studies for a new multipurpose venue for Exeter City Centre and the refurbishment of The Corn Exchange. The report examined the cost, programming and potential funding sources for a new 1,200 seat and 2,400 standing multipurpose venue as

part of the CityPoint development, following the commission of a report in 2019 about the size, location and 25 year business plan. The outline projected capital cost for the build was £61.97million and did not include the cost of a fly tower and it was highlighted that there would be no sources of funding.

Particular reference was made to the refurbishment of The Corn Exchange, which was considered as an alternative option, having identified the projected cost for the initial concepts for CityPoint and there being no alternative funding routes available. Members noted that there had been interest received from the Private Sector which could be brought back to Members for future consideration.

During the discussion, the following points were raised:-

- In the current financial climate, the cost was not viable, but there were opportunities at the Corn Exchange that could be considered; and
- The Council would continue to be proactive and seek out partners, for future consideration, however there were still good venues located around the city

Following the discussion, Councillor Sutton moved and was seconded by Councillor Morse to amend the second recommendation and was voted for unanimously.

**RESOLVED** that Members:-

- (1) note that there was a 'low likelihood' of externally funding a £61.91million multipurpose venue;
- (2) support the premise and the ambition for the redevelopment of the Corn Exchange and request the matter be put before scrutiny to explore funding sources; and
- (3) note the progress made for a privately funded commercial theatre for the city, and that any future positive developments would be brought back to Council.

12 **MINUTES OF THE LEISURE COMPLEX AND BUS STATION PROGRAMME BOARD**

The minutes of the Leisure Complex and Bus Station Programme Board meeting held on 4 September 2019 were submitted.

Councillor D. Moore, having given notice under Standing Order No. 44, spoke on this item. She enquired about whether a review would be held on Sidwell Street bus shelters and improvements to facilities, orientation and security for coach users. She highlighted the importance of having a clause in the tender documentation to ensure that the toilets would be kept free for use in the bus station.

Members noted that contents of the minutes had been agreed and the options available had been considered.

**RESOLVED** that the minutes of the Leisure Complex and Bus Station Programme Board meeting held on 4 September 2019 be received and, where appropriate, adopted.

13 **LOAN TO EXETER CITY LIVING FOR CLIFTON HILL DEVELOPMENT**

The Executive received the report which outlined an opportunity paper submitted from Exeter City Living to progress a residential development at Clifton Hill to develop 44 new homes. The report identified the loan required, the sales value,

development costs and the projected profit. The report also included the details of the current value of the land and the forecast costs.

Members were informed that the loan was for the purchase of the site, the design and development of the 44 new homes and subsequent roads and infrastructure. Members noted that the building of a residential development, rather than student accommodation meant there would be an under-value in excess of £2 million which would require the approval of the Secretary of State.

Councillor J. Moore, having given notice under Standing Order No. 44, spoke on this item. She spoke on the green space at Clifton Hill and the commitment to reversing the unpopular decision to sell the land. She expressed concern that a large area of the green space to the side of the former sports centre was also reserved for development. She requested that assurances be given so that the community could trust in the Council's plans for the wider site. Councillor J. Moore commented on a survey conducted by campaigners on how the community would like to see the land used, which showed the interest for an inner city nature reserve on the land currently occupied by the golf driving range and whether the Council would commit for the land to be kept for community use. She noted that the proposal to sell the land to Exeter City Living was more satisfactory than the original proposal but would only provide 25% affordable homes, and whether the number of homes could be revisited and on the necessity for the allocated car-parking space.

During the discussion, the following points were raised:-

- Members had listened to the community's desire that no student accommodation should be built;
- By not disposing of the land on the open market, the Council would not be able to secure best consideration for the land. The level of the indicative undervalue would require the Council to obtain approval from the Secretary of State;
- The development of the site was a strategic challenge. The Council needed to ensure it received the best outcome before the Planning Committee considered any future planning application for the scheme and would include carbon neutral issues;
- There was a requirement for the Council to meet the demand for 600 new dwellings every year in conjunction with the commitment to being a Carbon Neutral city. The proposal would ensure that there would be high quality housing on the land. The Development Company was designed to support the development in the city and set a standard for environmental performance; and
- The Council and Exeter City Living would continue to consult and engage with communities on the development.

Following the discussion, Councillor Morse moved and was seconded by Councillor Bialyk to amend the recommendation and was voted for unanimously.

**RECOMMENDED** that Council approve, a loan to Exeter City Living of £15,643,478 to enable Exeter City Living to progress with the purchase of Clifton Hill and development of 44 new homes in the city.

14

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1, Schedule 12A of the Act.

### **LOAN TO EXETER CITY LIVING FOR CLIFTON HILL DEVELOPMENT**

The meeting was moved to Part 2, following a vote by Members, to be presented with the financial element of the opportunity paper from Exeter City Living to progress a residential development at Clifton Hill, which contained information of a commercially sensitive nature. Members discussed the borrowing process for Exeter City Living and future investments to develop affordable homes.

Councillor K. Mitchell spoke on this item under Standing Order No. 44. He welcomed the development of homes over student accommodation and commended the Leader of the Council for overturning the decision to sell the land. He considered the land adjoining the former leisure centre to be green open space but stated that the Council would need to monitor the progress of the development.

During the discussion, the following points were raised:-

- The development of 44 homes would be built to Passivhaus standards;
- There would be a focus on maintaining the green space on the retained land and that the Council would be working with the Devon Wildlife Trust for any environmental impacts;
- The proposal was a first step in developing quality and affordable homes for residents and would provide them with a better living environment;
- Exeter City Living also required the means to make a profit to continue to develop better quality homes;
- Decisions for new homes were made to support residents and provide better living conditions, but the Council understood the desire for not building on green spaces;
- The decision was not easy and given that the Council was not receiving value for the site, unity from Council Members was needed.

### **CLIFTON HILL SITE**

The Executive received the report which reviewed the Council decision of the 26 February 2019, which was to dispose of the whole of the Clifton Hill site. The report provided alternative disposal proposals, a review of the statutory implications of the propositions and made recommendations for the disposal of part of the site.

Since the Council's original decision it had been recognised that the green space, golf driving range and ski slope provided an important civic amenity to both the local and the wider community of Exeter and consequently the site disposal plan had been revised.

Councillor R. Branston, having given notice under Standing Order No. 44, spoke on this item. He discussed the report which he considered to be concise and detailed, and noted that the Council could dispose of land but that Secretary of State consent would be required for a disposal at the indicative level of undervalue. The Council was in a position to provide quality housing through Exeter City Living, while carrying out the Government Strategy to build affordable homes and supporting the Council's goal for being a carbon neutral city and supporting green open spaces for a better quality of life for residents. It was important that the Council showed how it was united on working with communities and its commitment for saving green open spaces and confirmed that he supported the recommendations.

During the discussion, the following points were raised:-

- Should the Secretary of State refuse to give consent for the disposal at an under-value, the decision to reverse the disposal would stand, however Members would need to decide on how to proceed.

**RECOMMENDED** that Council:-

- (1) set aside the decision to sell the Clifton Hill site for a mixed residential development made by the Executive on 12 February 2019 and Council on 26 February 2019;
- (2) authorise the City Surveyor to progress the disposal of a reduced site to Exeter City Living Ltd on detailed terms to be agreed; and
- (3) agree that should the disposal to Exeter City Living Ltd not be agreed within three months of the Executive meeting, the City Surveyor be authorised to dispose of the revised site for the best consideration that can reasonably be obtained, subject to all necessary steps being taken to ensure that it is not used for purpose-built student accommodation.

(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 21 January 2021.**