



## Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 19 JULY 2011**, at 6.00 pm, at which you are hereby summoned to attend. The following business is proposed to be transacted:-

	Pages
1 Minutes	
To sign the minutes of the Ordinary Meeting held on 12 April 2011 and the Annual Meeting held on 17 May 2011.	1 - 10
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 18 April 2011	11 - 20
4 Planning Committee - 23 May 2011	21 - 28
5 Planning Committee - 27 June 2011	29 - 42
6 Licensing Committee - 19 April 2011	43 - 48
7 Licensing Committee - 14 June 2011	49 - 54
8 Scrutiny Committee - Community - 7 June 2011	55 - 74
9 Scrutiny Committee - Economy - 9 June 2011	75 - 86
10 Scrutiny Committee - Resources - 22 June 2011	87 - 98
11 Executive - 21 June 2011	99 - 114
12 Executive - 5 July 2011	115 - 120

A plan of seating in the Guildhall is attached as an annexe

Date: 12 July 2011

Philip Bostock  
Chief Executive

**NOTE: Members are asked to sign the Attendance Register**



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# Agenda Item 1

## THE MEETING OF EXETER CITY COUNCIL

Guildhall  
Tuesday 12 April 2011

The Right Worshipful the Lord Mayor (Cllr Choules)  
The Deputy Lord Mayor (Cllr Sheldon)  
Councillors D Baldwin, M A Baldwin, Branston, S Brock, P J Brock, Crow, Coates, Cole, Mrs Danks, Edwards, Fullam, A Hannaford, R M Hannaford, Mrs Henson, Hobden, Martin, Mitchell, Morris, D J Morrish, Mrs J Morrish, Mottram, Newby, Newcombe, Newton, Payne, Prowse, Robson, Ruffle, Shiel, Spackman, Sterry, Sutton, Taghdissian, Thompson, Wadham and Winterbottom

14

### MINUTES

The minutes of the Extraordinary, Special and Ordinary Council meetings held on 22 February 2011 were taken as read and signed as correct.

15

### PLANNING COMMITTEE - 21 FEBRUARY 2011

The minutes of the meeting of Planning Committee held on 21 February 2011 were taken as read.

Members declared the following personal interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor P J Brock	15 (Member of Devon County Council)
Councillor Edwards	21 (Member of Exeter Canal and Quay Trust)
Councillor R Hannaford	15 (Member of Devon County Council)
Councillor Newcombe	15 (Member of Devon County Council) 21 (Member of Exeter Canal and Quay Trust)
Councillor Prowse	15 (Member of Devon County Council) 16 (Student landlord)
Councillor Ruffle	21 (Member of Exeter Canal and Quay Trust)
Councillor Winterbottom	21 (Member of Exeter Canal and Quay Trust)

**RESOLVED** that the minutes of the Planning Committee held on 21 February 2011 be received.

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### PLANNING COMMITTEE - 21 MARCH 2011

Subject to noting the following proposed amendments in relation to bullet points 2 and 7 of Min. No. 31 which will be reported to Planning Committee, that

- (1) at bullet point 2, to insert after 'Understood that', the additional wording of 'under the existing planning consent'; and at
- (2) bullet point 7, to delete 'A new road along Exhibition Way would be required to facilitate this proposal' and insert 'New vehicles movements could be recommended for change under the review with Devon County Council',

the minutes of the meeting of Planning Committee held on 21 March 2011 were taken as read.

Members declared the following personal interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor D Baldwin	34 (Applicant is close family relative)
Councillor P J Brock	31 (Member of Devon County Council)
Councillor Newcombe	31 (Member of Devon County Council)
Councillor Prowse	29 (student landlord) 30 (student landlord) 31 (Member of Devon County Council)

**RESOLVED** that the minutes of the Planning Committee held on 21 March 2011 be received, subject to noting the proposed amendments.

17 **LICENSING COMMITTEE - 29 MARCH 2011**

The minutes of the meeting of Licensing Committee held on 29 March 2011 were taken as read.

**RESOLVED** that the minutes of the Licensing Committee of 29 March be received and, where appropriate, adopted.

18 **SCRUTINY COMMITTEE - COMMUNITY - 8 MARCH 2011**

The minutes of the meeting of Scrutiny Committee - Community held on 8 March 2011 were taken as read.

**RESOLVED** that the minutes of the Scrutiny Committee - Community held on 8 March 2011 be received.

19 **SCRUTINY COMMITTEE - ECONOMY - 10 MARCH 2011**

The minutes of the meeting of Scrutiny Committee - Economy held on 10 March 2011 were taken as read.

Members declared the following personal interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor P J Brock	14 (Member of Devon County Council)
Councillor Newcombe	14 (Member of Devon County Council)
Councillor Prowse	14 (Member of Devon County Council)

**RESOLVED** that the minutes of the Scrutiny Committee - Economy held on 10 March 2011 be received.

20 **SCRUTINY COMMITTEE - RESOURCES - 23 MARCH 2011**

The minutes of the meeting of Scrutiny Committee - Resources held on 23 March 2011 were taken as read.

**RESOLVED** that the minutes of the Scrutiny Committee - Resources held on 23 March 2011 be received.

21

**STANDARDS COMMITTEE - 23 FEBRUARY 2011**

The minutes of the meeting of Standards Committee held on 23 February 2011 were taken as read.

**RESOLVED** that the minutes of the Standards Committee held on 23 February 2011 be received.

22

**EXECUTIVE - 22 MARCH 2011**

Subject to noting in relation to Min. No. 30, that Cllr R M Hannaford's declaration of personal interest, related in fact to Councillor A Hannaford and not himself, being a Board Member of Exeter Age Concern, the minutes of the meeting of Executive held on 22 March 2011 were taken as read.

Members declared the following personal interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor D Baldwin	33 (Member of the Cooperative Party)
Councillor Branston	33 (Member of the Cooperative Party)
Councillor Crow	29 (Grants Committee - 24 February close friend of the Manager of Exeter Relate)
Councillor Martin	29(Trustee of Exeter Community Transport Association) 33 (Member of the Cooperative Party)
Councillor Newcombe	29(Trustee of Exeter Community Transport Association)
Councillor Prowse	29 (Trustee of Exeter Community Transport Association) 31 (student landlord)
Councillor Robson	33 (Member of the Cooperative Party)
Councillor Spackman	33 (Member of the Cooperative Party)

In relation to Minute 35 (Lord Mayoralty), the Lord Mayor congratulated Councillor Mrs S R Brock and Councillor Mitchell respectively on their nominations as Lord Mayor Elect and Deputy Lord Mayor Elect for 2011/12.

**RESOLVED** that the minutes of the Executive held on 22 March 2011 be received and, where appropriate, adopted, subject to noting the proposed amendment.

23

**EXECUTIVE - 5 APRIL 2011**

The minutes of the meeting of Executive held on 5 April 2011 were taken as read.

**RESOLVED** that the minutes of the Executive held on 5 April 2011 be received and, where appropriate, adopted.

(The meeting commenced at 6.10 pm and closed at 6.30 pm)

Chair

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## ANNUAL COUNCIL

Tuesday 17 May 2011

### Present:-

The Right Worshipful the Lord Mayor (Councillor Choules)  
The Deputy Lord Mayor (Councillor Sheldon)  
Councillors M A Baldwin, Bialyk, Branston, P J Brock, S Brock, Bull, Clark, Cole, Crow, Dawson, Denham, Edwards, Fullam, A Hannaford, R M Hannaford, Henson D.J, Mrs Henson, Hobden, Macdonald, Martin, Mitchell, Morris, Mrs J Morrish, Mottram, Newby, Newcombe, Payne, Prowse, Robson, Ruffle, Shiel (for Minutes 24-26), Spackman, Sutton, Taghdissian, Thompson, Tippins, Wardle and Winterbottom

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### ELECTION OF THE LORD MAYOR

**RESOLVED** on the nomination of Councillor Ruffle, seconded by Councillor Taghdissian, that Councillor Stella Brock be elected Lord Mayor of the City for the ensuing Municipal Year.

The Lord Mayor was invested with her Robe and Chain of Office, made her Declaration of Acceptance of Office, took the Chair and returned thanks.

25

### APPOINTMENT OF DEPUTY LORD MAYOR

**RESOLVED** on the nomination of Councillor Cole, seconded by Councillor Robson, that Councillor Mitchell be appointed Deputy Lord Mayor of the City for the ensuing Municipal Year.

The Deputy Lord Mayor was invested with his Robe and Chain of Office, made his Declaration of Acceptance of Office and returned thanks.

26

### VOTE OF THANKS

**RESOLVED** that the Council record its appreciation for the able and courteous manner in which Councillor Choules and Mrs Choules have discharged the duties of Lord Mayor and Lady Mayoress during the past year.

Councillor Branston presented, on behalf of the Council, the retiring Lord Mayor's and retiring Lady Mayoress' badges.

The retiring Lord Mayor returned thanks.

**RESOLVED** that the Council record its appreciation for the able and courteous manner in which Councillor Sheldon and Mr B Sheldon have discharged the duties of Deputy Lord Mayor and Deputy Lord Mayor's Escort during the past year.

The retiring Deputy Lord Mayor returned thanks.

27 **APPOINTMENT OF THE LEADER OF THE COUNCIL AND DEPUTY LEADER OF THE COUNCIL**

Councillor Edwards was nominated as Leader of the Council. No further nominations were received.

**RESOLVED** that Councillor Edwards be appointed Leader of the Council.

Councillor Edwards confirmed the appointment of Councillor Sutton as Deputy Leader.

28 **APPOINTMENT OF THE EXECUTIVE AND PORTFOLIO HOLDERS**

The Leader of the Council confirmed his nominations for Portfolio Holders and Executive membership as circulated.

**RESOLVED** that the Council's Executive be appointed as follows for the ensuing Municipal Year:-

<b>Councillor</b>	<b>Portfolio or Group</b>
Edwards P.W	Leader, Budget and Strategic Vision
Martin I.J	Business Transformation and Human Resources*
Hannaford, R.M	Housing and Community Involvement
Sheldon G.N	Environment and Leisure
Sutton R.H	Sustainable Development and Transport
Denham R.C .	Economy and Tourism
Henson Mrs Y.A.C	Conservative
Fullam A.A	Liberal Democrat
Morrish Mrs J	Liberal

\* In order to ensure the most effective co-ordination of budgeting and staffing issues in the preparation and delivery of the Council's policy to restructure the Council, it is proposed that the HR function will be assumed by the Leader for this Municipal Year, with advice from the Portfolio Holder.

29 **APPOINTMENT OF COMMITTEES**

Alternative options were submitted by the Labour Group and the Liberal Democrat and Conservative Groups in respect of the membership and Chairs and Deputy Chairs of certain Committees. A vote was taken on the nominations.

**RESOLVED** that the membership of Committees etc, Chairs and Deputy Chairs, as shown at the Appendix to these minutes, be agreed.

(The meeting commenced at 7.00 pm and closed at 8.25 pm)

Chair



**EXETER CITY COUNCIL**

**EXECUTIVE,  
SCRUTINY AND OTHER COMMITTEES ETC. 2011/12**

**EXECUTIVE (9)**

Edwards, P.W. (Chair)	Martin, I.J.
Denham, R.C.	Morrish, Mrs J.
Fullam, A.A.	Sheldon, G.N.
Hannaford, R.M.	Sutton, R.H.
Henson, Mrs Y.A.C.	

**PORTFOLIO HOLDERS**

Edwards, P.W.	Leader, Budget and Strategic Vision
Martin, I.J.	Business Transformation and Human Resources*
Hannaford, R.M.	Housing and Community Involvement
Sheldon, G.N.	Environment and Leisure
Sutton, R.H.	Sustainable Development and Transport
Denham, R.C.	Economy and Tourism

\*In order to ensure the most effective coordination of budgeting and staffing issues in the preparation and delivery of the Council's policy to restructure the Council, it is proposed that the HR function will be assumed by the Leader for this Municipal Year, with advice from the Portfolio Holder.

**SCRUTINY - RESOURCES (13)**

Baldwin, M.A (Chair)	Mottram, L.W.
Hobden, S.M. (Deputy Chair)	Tippins, G.M.
Branston, R.A.	Ruffle, R.
Bull, P.	Spackman, R.D.
Henson, D.J.	Taghdissian, J.
Mitchell, K.J.	Wardle, A.J.
Morris, H.	

**Employee Liaison Forum (5)**

Edwards, P.W. (Chair)	Mottram, L.W.
Bull, P.	Ruffle, R.
Morris, H.	

**SCRUTINY - COMMUNITY (13)**

Mitchell, K.J. (Chair)	Hobden, S.M.
Thompson, Mrs C. (Deputy Chair)	Morris, H.
Branston, R.A.	Mottram, L.W.
Bull, P.	Newcombe, A.V.
Choules, M.	Tippins, G.M.
Clark, M.R.	Wardle, A.J.
Crow, T.N.C.	

**SCRUTINY - ECONOMY (13)**

Cole, N. S. (Chair)  
Prowse, G.J. (Deputy Chair)  
Bialyk, P.M.  
Choules, M.  
Dawson, C.  
Crow, T.N.C.  
Hannaford, A.J.

Morris, H.  
Payne, T.V.  
Robson, L.S.  
Thompson, Mrs C.  
Ruffle, R.  
Wardle, A.J.

**PLANNING COMMITTEE (13)**

Bialyk, P.M. (Chair)  
Macdonald, M. (Deputy Chair)  
Brock, P.J.  
Clark, M.R.  
Denham, R.C.  
Edwards, P.W.  
Henson, Mrs Y.A.C.

Morrish, Mrs J.  
Newby, R.C.  
Prowse, G.J.  
Spackman, R.D.  
Sutton, R.H.  
Winterbottom, J.W.

**Planning Member Working Group (8)**

Macdonald, M. (Chair)  
Brock, P.J.  
Clark, M.R.  
Edwards, P.W.  
Morrish, Mrs J.

Newby, R.C.  
Prowse, G.J.  
Sutton, R.H.  
Chair of Planning Committee

**Area Working Parties**

**Northern (3)**

Denham, R.C.  
Edwards, P.W.

Prowse, G.J.

**Southern (4)**

Macdonald, M.  
Morrish, Mrs J.

Newby, R.C.  
Spackman, R.D.

**Western (6)**

Brock, P.J.  
Bialyk, P.M.  
Clark, M.R.

Henson, Mrs Y.A.C.  
Sutton, R.H.  
Winterbottom, J.W.

**GRANTS COMMITTEE (6)**

Winterbottom, J.W. (Chair)  
Baldwin, M.A.  
Bull, P.  
Cole, N.S.

Newcombe, A.V.  
Spackman, R.D.  
Leader (ex-officio)

**LICENSING COMMITTEE (14)**

Macdonald, M. (Chair)  
Branston, R.A. (Deputy Chair)  
Choules, M.  
Fullam, A.A.  
Hannaford A.J.  
Henson, D.J.  
Newby, R.C.

Newcombe, A.V.  
Payne, T.V.  
Robson, L.S.  
Ruffle, R.  
Shiel, N.  
Tippins, G.M.  
Thompson, Mrs C.

**Licensing Sub-Committees (3)**

Licensing Sub-Committee membership to be drawn from Licensing Committee Members above.

**STANDARDS COMMITTEE (7 + 3 independent members)**

Mr Mimmack, A. (Independent Chair)  
Smith, Ms L. (Independent Deputy Chair)  
Branston, R. A.  
Brock, P.J.  
Hannaford. A.J.

Hobden, S.M.  
Kirby, Professor B. (Independent member)  
Morrish, Mrs J.  
Thompson, Mrs C.  
Winterbottom, J.W.

**FINAL ACCOUNTS COMMITTEE (5)**

Edwards, P.W. (Chair)  
Baldwin, M.A.  
Fullam, A.A.

Morrish, Mrs J.  
Sutton, R.H.

**EXETER HIGHWAYS AND TRAFFIC ORDERS COMMITTEE (13)**

(4 City Councillors)

Hobden, S.M.  
Morrish, Mrs J.

Taghdissian, J.  
Wardle, A.J.

(9 County Councillors)

Brock, P.J.  
Foggin, O.M.  
Hannaford, R.M.  
Leadbetter, A.R.  
Newcombe, A.V.

Owen, J.  
Prowse, G.J.  
Spence, Mrs S.M.  
Westlake, R.A.

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## PLANNING COMMITTEE

Monday 18 April 2011

### Present:-

Councillor Mrs Henson (Chair)  
Councillors Cole, D Baldwin, P J Brock, Edwards, Macdonald, Mrs J Morrish, Newby,  
Prowse, Sheldon, Sutton, Wadham and Winterbottom

### Also Present

Director Economy and Development, Head of Planning and Building Control, Development  
Manager, Trainee Legal Executive, Planning Solicitor and Member Services Officer (SJS)

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### MINUTES

The minutes of the meeting held on 21 February 2011 and 21 March 2011 were taken as read and that Council had noted the following amendments to 21 March 2011 minute no.31 to include after understood that 'under the existing planning consent' and also delete 'a new road along Exhibition Way would be required to facilitate this proposal, and insert 'new vehicles movement could be recommended for change under the review with Devon County Council', subject to these amendments the minutes were signed by the Chair as correct.

40

### DECLARATIONS OF INTEREST

A Member declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Prowse	41 (student landlord) 42 (daughter is a member of Exeter Gymnastics Club) 43 (he knows the applicant and was a former owner of the property)

41

### PLANNING APPLICATION NO.11/0140/03 - TOWNSEND PRINTERS, WESTERN WAY, EXETER

Councillor Prowse declared a personal interest as a student landlord.

The Head of Planning and Building Control presented the application for redevelopment to provide student accommodation, access to the highway, central open space and associated works at Townsend Printers, Western Way, Exeter.

The application site was currently occupied by Townsends and used as a print works the premises was unsuitable for the business due to its changes in levels, lack of storage and servicing area. The current buildings varied in height from one to three storeys.

Members were informed that the application was for the redevelopment of the entire site to provide purpose built student accommodation comprising 487 bed spaces and associated management and welfare facilities. A range of accommodation was proposed including cluster flats and studio apartments, internal cycle stores,

reception and common rooms. Seven parking spaces were proposed, five disabled spaces and two for management.

The scheme varied in height with a five storey building fronting on to Summerland Street, the Verney Street frontage accommodation extending across four storeys and the Western Way frontage comprising a building that stepped up in height to reflect the gradient of the road and varied between four and five storeys. The materials to be used were red brick with zinc/slate cladding to break up the mass of the building.

The main entrance to the building would be off Western Way and the proposal would incorporate the creation of a new pedestrian link from Western Way through to Verney Street and hence Sidwell Street beyond.

The Head of Planning and Building Control updated Members on the main issues; use of the site for student accommodation, loss of employment land, the scale and massing of the building, and the direct and indirect impact of the building on the neighbours.

Members were circulated with an update sheet giving details of a further four letters of objection, three further letters of support which included a letter on behalf of the Newtown Community Association and a summary of a further Public Exhibition held on 29 March by the applicant.

The recommendation was to approve the application subject to a Section 106 Agreement in relation to contributions towards the provision of a district heating system, community facilities, environmental enhancements, upgrading of Belmont Park, footway works adjacent to the site and implementation of an agreed management scheme for the accommodation and the conditions as set out in the report.

Councillor Spackman, having given notice under Standing Order No.44, spoke on this item. He raised the following points:-

- representing the residents of Newtown
- had concerns regarding the shift in the balance of the residents, the increase in noise and the pressure on local amenities
- Newtown had a small town feel and this number of students would effect the balance of residents
- would increase the population of this area by 8%
- there was already problems with late night noise in the area caused by the 'Arena' nightclub
- the proposed Section 106 monies would help towards improvements in Belmont Park and a new hut but what about the on-going costs of maintenance?
- the no car policy would not stop students from bringing cars to the city as it only imposed a one km exclusion zone; this could mean that students who bring cars decide to park in Polsloe where there were not many enforceable parking restrictions increasing the parking problems in Polsloe
- the building was too large and over bearing
- the land should be retained for potential employment use as stated in the Council's Employment Land Review
- local residents were concerned that that this proposal would have a major change on the population of the area
- this proposal would over stretch local amenities; design was unsuitable due to scale and massing and questioned if the accommodation was needed.

In answer to a Members question, Councillor Spackman clarified that the Newtown Community Association did not represent the views of all the residents of Newtown.

Councillor Taghdissian having given notice under Standing Order No.44, spoke on this item. He raised the following points:-

- his ward residents would not be directly affected by the proposal but he did have concerns
- this proposal would considerably increase the number of students in a small area
- this proposal would exacerbate the parking problem in Polsloe due to the one km parking restriction
- there was limited parking restrictions in place in Polsloe therefore people park their cars in Polsloe and then walk to other areas of the city causing problems for local residents; the one km restriction could mean that students might park their cars in Polsloe
- there should be a condition on any approval requesting that the developer contribute towards any enforceable parking restrictions needed in the Polsloe area as a result of this application
- the number of students would impact on local facilities and the developer should be requested to contribute towards any improvements.

In answer to a Members question, Councillor Taghdissian stated that he was of the view that second and third year students preferred to live in the community rather than purpose built accommodation.

Ms Moore spoke against the application. She raised the following points:-

- local residents had serious concerns regarding this proposal
- was a member of Newtown Community Association and was not aware of the association's support for the proposal
- if this application was approved with existing student accommodation and the recently approved application at Stoneman & Bowker there would be over 1,000 students in a 100 metres radius; this would create an imbalance which the recent Article 4 directive sought to address when considering applications for student HMO's
- was contrary to the Council's Employment Land Review of 2009
- this land was of high commercial value and should be retained for employment use
- would result in the loss of over 70 jobs in Exeter.

Mr Whittle (representing the applicants) spoke in support of the application. He raised the following points:-

- Exeter was one of a group of leading Universities
- since 2007, there had been an increase of 4,364 full time students
- the University was expected to continue to expand
- the Council's Supplementary Planning Guidance directs student accommodation to the city centre
- the new buildings would improve the vitality of the area
- would be a sustainable development
- would contribute financially to local amenities
- give returning students alternative choice
- equated to 150 family homes that would otherwise be occupied by students
- understand local residents concerns but the accommodation would be managed and conform to the National Code of Practice for student accommodation
- there would be planning conditions enforceable by the Council
- Newtown Community Association supported the application

- would ease the pressure on private sector housing.

In answer to Members' questions, Mr Whittle stated that the Section 106 Agreement would cover the management of the site; the developer would not be investing in this proposal unless there was a need and take up of this type of student accommodation; there would be a secondary access off Summerland Street; materials to be used would be brick, zinc and slate; the glass areas at the front of the building would be communal areas; and the building would have on-site management during office hours and a 24 hour phone line to report any incidents which took place outside of office hours.

During discussion Members raised the following points:-

- concern regarding loss of employment land
- concern that there would be too many students in the area
- local residents had concerns regarding the possible increase in anti social behaviour
- this application would free up family homes in the city
- would be a managed development
- would provide safe student accommodation
- was not close to many residents
- would provide safe clean accommodation for students where they could undertake their studies
- the University had its own sports facilities that students would use as well as local amenities
- should be provision in the Section Agreement 106 for traffic orders in Polsloe if they were needed
- the design of the building was out of balance with the area
- could not stop students bringing cars to the city
- local amenities did have the capacity to take extra people
- the University brought jobs and money to the City and there was a need to provide accommodation for the students
- the need for a cycle route from the city centre to the University and for the developer to contribute towards this provision.

In answer to Member's questions, the Head of Planning and Building Control stated that the Section 106 Agreement could include a provision for monies for traffic orders in Polsloe if required. Discussion would shortly take place with the University regarding the updating of its Green Travel Plan and at this meeting officers would pursue the issue of a cycle route from the city centre to the University, provision for the developer contribution towards any cycle route could be included in the Section 106 Agreement.

**RESOLVED** that the application for redevelopment to provide student accommodation, access to highway, central open space and associated works be delegated to the Head of Planning and Building Control in consultation with the Portfolio Holder for Sustainable Development and Transport to **approve** subject to a Section 106 Agreement in relation to contributions towards provision of a district heating system, community facilities, environmental enhancements, upgrading of Belmont Park, footway works adjacent to the site, implementation of an agreed management scheme for the accommodation, and such contributions towards a traffic order(s) for Polsloe and a cycle route from the city centre to the University as may be agreed and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings



- 3) C17 - Submission of Materials
- 4) The landscaping scheme (both hard and soft) indicated on drawing nos 31509\_P116 Rev A, 31509\_P117 Rev A, 31509\_P118 Rev A and 31509\_P119 shall be fully implemented in accordance with a timeframe and on-going management scheme that shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development.  
**Reason:** To ensure that the agreed landscaping scheme is implemented appropriately in relation to the relevant planting season, and thereafter maintained in an appropriate manner in the interests of the character and appearance of the area.
- 5) C37 - Replacement Planting
- 6) C57 - Archaeological Recording
- 7) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain and that the site is fit for the proposed purpose.  
**Reason:** In the interests of the amenity of the occupants of the building(s) hereby approved.
- 8) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.  
**Reason:** In the interests of the amenity of the occupants of the buildings hereby approved and to prevent groundwater pollution.
- 9) No part of the development hereby approved shall be brought into its intended use until the car parking spaces indicated on drawing no. 31509 P105, and the cycle parking facilities indicated on drawing nos. 31509 P103 and P104, have been provided and made available for use of the occupants. Thereafter the said facilities shall be permanently retained and made available for their intended use unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure that adequate provision is made for parking facilities to serve the development.
- 10) The development hereby approved shall be managed in accordance with the submitted Framework Travel Plan, and within 3 months of the first occupation of any part of the development, and at periods not exceeding 12 months thereafter, a responsible person shall be appointed to update and circulate amendments to the Travel Plan with a view to implementing and encouraging sustainable modes of transport.

**Reason:** To ensure that the Green Travel Plan is implemented and updated in the interests of promoting the use of sustainable travel choices by occupants of the building.

- 11) Prior to the commencement of the development a scheme for the installation of swift nesting boxes, specifying the number, type, position and timing of the installation of the boxes, shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

**Reason:** To ensure that the opportunity to enhance the ecological contribution of the site is maximised in accordance with the advice of the Royal Society for the Protection of Birds.

- 12) The developer shall fully implement the risk mitigation measures identified in the 6 Alpha Associates Limited report reference P2360. Prior to the commencement of the development the developer shall submit a report to the Local Planning Authority which describes how the measures will be implemented, including copies of any documentary procedures developed.

**Reason:** In order to ensure that the potential risk in relation to unexploded ordnance on the site is fully appraised and if necessary mitigated to minimise the risk to the public and property in the area.

- 13) Construction/demolition work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

**Reason:** In the interest of residential amenity.

- 14) Prior to the first occupation of the accommodation hereby approved all boundary treatments shall be erected strictly in accordance with the detailed drawings hereby approved.

**Reason:** In the interests of the character and appearance of the area and to provide appropriate defensible space between the buildings and the public realm.

- 15) The development hereby approved shall not commence until details of the proposed finished floor levels and overall heights of the buildings, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.

**Reason:** In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.

- 16) Prior to the commencement of the development a scheme for protecting the proposed development from noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the finalised structural and glazing design for all facades and where possible be compared to octave or third octave band noise levels to demonstrate the internal levels which will be achieved. Comparison should also be made to Lmax data where available. Thereafter the scheme shall be completed in accordance with the approved details prior to first occupation.

**Reason:** To ensure that appropriate provisions are incorporated into the design of the building to minimise the impact of existing noise on potential occupants of the buildings.

- 17) A Construction and Demolition Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and adhered to during the construction period. This should include details of the monitoring and

mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and emissions of noise and dust. This should include details of the phasing and timing of work and measures that will minimise the impact of construction traffic on the local road network, including parking. The CEMP should contain a procedure for handling and investigation complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development, in order to discuss forthcoming work and its environmental impact.

**Reason:** To minimise the potential for disruption during the construction process.

(Report circulated)

42

**PLANNING APPLICATION NO.10/2029/03 - EXETER GYMNASTICS CLUB,  
BULL MEADOW PARK, BULL MEADOW ROAD, EXETER**

Councillor Prowse declared a personal interest as his daughter is a member of Exeter Gymnastics Club.

The Development Manager presented the application for conversion of store to a dance studio and infill extension on the east elevation at Exeter Gymnastics Club, Bull Meadow Park, Bull Meadow Road, Exeter.

The application site was situated in the Southernhay and Friars Conservation Area and the building was noted within the appraisal as making a negative contribution to the character of the area. The building was situated to the south of Bull Meadow Park and access was gained via the park, either coming from Lansdown Terrace or Bull Meadow Road or across the park from Temple Road. Below the site was Lansdown Terrace which were Grade II listed buildings.

The application was for the conversion and extension of the existing store into a dance studio and to provide a new entrance point by extending the main building in the form of an infill between the existing building and the outbuilding.

The Development Manager updated Members on the main issues; the potential noise impact, pressure on parking in the area and the effect on the mature Copper Beech tree close to the boundary. He stated that the Head of Environmental Health and the County Director of Environment, Economy and Culture had no objections and a Tree Specialist's report stated that there was no immediate impact on the tree.

Members were circulated with a revised update sheet giving details of the revised plans referred to in the circulated report and amending the comments of an objector.

The recommendation was to approve the application subject to the conditions as set out in the report.

Ms Wonnacott spoke against the application. She raised the following points:-

- the Gymnastics Club undertook great work within in the community
- the impact on the boundary wall with 12 Lansdown Terrace had been reduced
- disagreed with Devon County Council regarding the impact on street parking in the area; there were already problems with parking in the area and this proposal would increase the problems

- concerned that the fire exit door would be left open for ventilation causing a noise nuisance as there was no form of ventilation on the building.

During discussion Members raise concerns regarding adequate ventilation and the possible opening of the fire door for ventilation causing noise nuisance for local residents.

In answer to Members' questions, the Development Manager stated that any form of ventilation required would be determined by Building Regulations and that the fire door could be tagged to ensure that it was only open in an emergency. He confirmed that officers would take forward Members concerns regarding adequate ventilation and the tagging of the fire door.

**RESOLVED** that the application for conversion of store to dance studio and infill extension on east elevation be approved subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 8 December 2010 together with the site location plan and one drawing numbered 20:282-02 Revision D, as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) The use of the converted outbuilding hereby approved shall not be carried on other than between the hours of 09:00 - 21:00 Mondays to Fridays and 09:00 - 18:00 on Saturdays, Sundays and public or Bank Holidays.  
**Reason:** So as not to detract from the amenities of the near-by residential property.
- 5) The increase in height of the northern boundary wall will incorporate brick coursing to match the existing wall and the existing coping stones will be retained and reused.  
**Reason:** To protect the character and appearance of the Conservation Area.
- 6) Prior to the commencement of the development hereby approved, full details of glazed screen shall be submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To protect the character and appearance of the building and the wider Conservation Area.
- 7) The existing timber barge boards shall be retained and reused unless otherwise agreed and approved in writing by the Local Planning Authority.  
**Approve:** To protect the character and appearance of the building and the wider Conservation Area.
- 8) The works hereby approved shall be carried out in accordance with the recommendations contained within the Trees Report dated 1 July 2010 and written prior approval shall be gained from the Parks Department of the Local Authority prior to works commencing.  
**Reason:** To protect the health of the Copper Beech and its contribution to the wider area.

- 9) T05 - Trees - Quality
- 10) C38 - Trees - Temporary Fencing
- 11) Prior to the commencement of the use hereby approved the sound insulation works detailed in the Noise Impact Assessment received 28 February 2011 shall be implemented in full and maintained thereafter.  
**Reason:** To protect the amenity of neighbouring residents.
- 12) There shall be no amplified music, voice or tannoy system used unless routed through a suitable noise limiter. The noise limiter, its installation and operation shall be approved in writing prior to use of the hereby approved development by the Local Planning Authority. It shall be operated and maintained as approved thereafter.  
**Reason:** To protect the amenity of neighbouring residents.

(Report circulated)

43

**PLANNING APPLICATION NO.11/0333/37 - 11, SUMMERWAY, EXETER**

Councillor Prowse declared a personal interest as he knows the applicant and was a former owner of the property.

The Development Manager presented the application for amendment to a door on the south east elevation and new door on south west elevation (Non Material Minor Amendment Ref No. 10/1050/03 granted 10 September 2010) at 11 Summerway, Exeter.

The recommendation was to approve the application subject to the conditions as set out in the report.

**RESOLVED** that the application for amendment to door on south east elevation and new door on south west elevation (Non Material Minor Amendment Ref No. 10/1050/03 granted 10 September 2010) be approved subject to the following condition:

- 1) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on the 1 March 2011, as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.

(Report circulated)

44

**SECTION 106 AGREEMENT MONITORING**

The Head of Planning and Building Control presented the report to update on the progress of implementing Section 106 agreements and on the expenditure of financial contributions received.

**RESOLVED** that the report be noted.

(Report circulated)

45

**PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND  
WITHDRAWN APPLICATIONS**

The report of the Head of Planning and Building Control was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

46

**ENFORCEMENT PROGRESS REPORT**

The Head of Planning and Building Control presented the report updating Members on enforcement matters. He updated Members on the position with regards to Route 2, 1-2 Monmouth Hill Topsham and the prosecution of the Vapormatic Company Limited regarding the unauthorised removal of a oak tree.

**RESOLVED** that the report be noted.

(Report circulated)

47

**APPEALS REPORT**

The Head of Planning and Building Control presented the schedule of appeal decisions and appeals lodged.

**RESOLVED** that the report be noted.

(Report circulated)

48

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 14 June 2011 at 9.30 a.m.

(The meeting commenced at 5.30 pm and closed at 7.30 pm)

Chair

## PLANNING COMMITTEE

Monday 23 May 2011

### Present:-

Councillor Bialyk (Chair)  
Councillors Macdonald, P J Brock, Clark, Denham, Edwards, Mrs Henson, Mrs J Morrish, Newby, Prowse, Spackman, Sutton and Winterbottom

### Also Present

Director Economy and Development, Head of Planning and Building Control, Development Manager, Planning Solicitor and Member Services Officer (SJS)

49

### DECLARATIONS OF INTEREST

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor P.J.Brock	50 (Member of Devon County Council)
Councillor Prowse	50 (Member of Devon County Council) 51 (Student landlord)

50

### PLANNING APPLICATION NO.11/0317/03 - LAND OFF CUMBERLAND WAY, EXETER

Councillor P J Brock declared a personal interest as a member of Devon County Council.

Councillor Prowse declared a personal interest as a member of Devon County Council.

The Head of Planning and Building Control presented the application for a centre for engineering and automotive studies with vehicle access, landscaping and associated works at land off Cumberland Way, Exeter.

Members were advised that the application was for a Centre which would accommodate all of the facilities necessary for the delivery of engineering and automotive courses taught by Exeter College. The proposal sought to amalgamate the motor vehicle centre at Marsh Barton Trading Estate and the engineering school at Queen Street into one bespoke vocational college building. The new centre would accommodate up to 40 staff and 300 equivalent full time students.

The development proposals would provide a workshop and teaching space, a learning centre, social areas, a café, IT facilities and a main reception area with 60 cycle spaces, motor cycle parking and 53 car parking spaces. The materials to be used would be a mixture of light and dark grey cladding with a public-fronting west elevation incorporating a feature curved entrance with a mix of glazed curtain walling and smooth red coloured metal cladding panels.

The Head of Planning and Building Control stated that the comments from the Police Architectural Liaison Officer had been received and the comments would be covered by the proposed conditions.

The recommendation was to approve the application subject to a Section 106 legal agreement to secure alterations to the adopted highway; support for sustainable transport measures (bus services, real time bus information, high quality bus stops, shelters and seating) and support for the district heating system for Monkerton and conditions as set out in the report.

Mr Hunt (agent) spoke in support of the application. He raised the following points:-

- was the consultant representing the college
- Exeter College was committed to providing high quality education
- the proposal would provide a state of the art teaching facility
- would provide 60 cycle parking spaces and contribute monies towards new bus stops
- committed to sustainability through the monies in the Section 106 for the district heating system
- the residents in Rock Gardens had not objected
- the application had been supported by Environment Agency, Highway Agency and Devon County Council
- site was allocated in the Monkerton Master Plan for education
- would be an asset for the City and asked the Committee to support the application.

A Member raised concerns regarding noise levels and the hours of operation particular if the doors to the workshops were left open.

The Head of Planning and Building Control stated that the Head of Environmental Health Services had not objected to the proposal and noise levels were covered by condition 8. The workshop doors were on the south side of the buildings facing away from any residential areas.

**RESOLVED** that that the application for a centre for engineering and automotive studies with vehicle access, landscaping and associated works be **approved** subject to a Section 106 legal agreement to secure alterations to the adopted highway; support for sustainable transport measures (bus services, real time bus information, high quality bus stops, shelters and seating) and support for the district heating system for Monkerton and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C36 - No Trees to be Felled
- 6) C37 - Replacement Planting
- 7) C38 - Trees - Temporary Fencing
- 8) The level of noise emitted from the site shall not exceed 40dB between 0800 and 2100 Monday to Saturday and shall not exceed 35dB between 2100 and 0800 Monday to Saturday and anytime on Sunday, at the nearest residential receiver (being the semi detached properties, adjacent to the site, on Pinn Lane). The level shall be measured as a rating noise level in accordance with BS4142:1997, or calculated as such from a level measured



at the site boundary. The occupier shall demonstrate compliance with this level if requested by the LPA.

**Reason:** In the interests of local amenity.

- 9) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interests of local amenity.
- 10) The development shall achieve as a maximum the light spill levels specified in the lighting assessment submitted with the application.  
**Reason:** In the interests of local amenity.
- 11) A comprehensive Travel Plan will be implemented for the development hereby permitted. The Travel Plan shall be submitted and approved in writing by the Local Planning Authority (who shall both consult with the Local Highway Authority and Highways Agency acting on behalf of the Secretary of State for Transport), in advance of occupation of the development. The Travel Plan will need to be prepared in line with prevailing policy and shall include as a minimum:
- The identification of targets for trip reduction and modal shift
  - The methods to be employed to meet these targets
  - The mechanisms for monitoring and review
  - The mechanisms for reporting
  - The penalties to be applied in the event that targets are not met
  - The mechanisms for mitigation
  - Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter
  - Mechanisms to secure variations to the Travel Plan following monitoring and reviews
- A review of the targets shall be undertaken within 6 months of the occupation of the development and on an annual basis thereafter, at the time of submission of the Annual Travel Plan Report.  
**Reason:** In order that the development promotes public transport, walking and cycling, and limits reliance on the private car.
- 12) The proposed roads, footways, footpaths, junctions, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.  
**Reason:** To ensure that adequate information is available for the proper consideration of the detailed proposals.
- 13) Prior to occupation of the development hereby permitted, covered and secure cycle parking, lockers, showers and changing facilities shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. All such facilities shall be maintained thereafter.  
**Reason:** to ensure that cycle parking and other facilities for cyclists are provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.

- 14) No development shall take place until a Wildlife Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the requirements of the Wildlife Management Plan shall be implemented by the applicant.  
**Reason:** In the interests of preserving and enhancing wildlife opportunities in the area.

In the event that the Section 106 agreement is not completed by 26 May 2011, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the Section 106 agreement.

(Report circulated)

51

**VARIATION OF CONDITION NO.11/0240/03 - BISHOP BLACKALL ANNEXE,  
PENNSYLVANIA ROAD, EXETER, EX4 6BP**

Councillor Prowse declared a personal interest as a student landlord.

The Development Manager presented the application for a variation of condition two to approve amended drawings to lower the mezzanine floor and to vary the appearance of roof lights in the west wing (Ref No. 10/0631/03 granted 26 July 2010) at Bishop Blackall Annexe, Pennsylvania Road, Exeter.

Members were circulated with an update sheet stating that the Planning Solicitor had advised that all conditions imposed on the original planning permission 10/0631/03 should be repeated on this consent, and modified to take account of the revisions to the scheme. Members were also advised that condition 1 should be amended so that the permission should be started no later than 3 years from 26 July 2010, the date of the original planning permission. The conditions were listed on the update sheet.

The recommendation was to approve the application subject to the conditions as set out on the circulated update sheet and subject also to an amendment to condition one that the start date should be within three years from 26 July 2010.

**RESOLVED** that the application for variation of condition two to approve amended drawings to lower the mezzanine floor and to vary the appearance of roof lights in the west wing (Ref No. 10/0631/03 granted 26 July 2010) be approved subject to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years from 26 July 2010.  
**Reason:** To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 26 April 2010 (dwg. no(s). 292-PL-SITE-1102, 292-PL-GA-1115, 1116, 1117, 1101, 1106 & 1107) and 18 June 2010 (dwg. nos. 292-PL-SITE-1101A, 292-PL-GA-1102A, 1103A, 1104A, 1105A, 1110A, 1111A, 1112A, 1113A, 1114A & 1120A), as modified by details received by the Local Planning Authority on 10 February 2011 (dwg. nos. 292-PL-AA-1121 1123 & 1124) and 4 May 2011 (dwg. no. 292-PL-AA-1122A) and by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.

- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.
- 4) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 5) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 7) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.  
**Reason:** To ensure the protection of the trees during the carrying out of the development.
- 8) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interests of local amenity.

- 9) Unless otherwise agreed in writing, prior to commencement of the development, details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, shall be submitted to and approved in writing by the Local Planning Authority. The predicted noise levels shall be demonstrated by measurement prior to occupation of the development.  
**Reason:** In the interests of local amenity.
- 10) No material shall be burnt on site during the construction works.  
**Reason:** In the interests of local amenity.
- 11) No development shall take place within the site until a written scheme of archaeological work has been submitted and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.
- 12) Within one month of the date of this permission, vertical centre bars shall be added to the roof lights as shown on the approved drawings.  
**Reason:** In accordance with the terms of the application, and in the interests of the character and appearance of this locally listed building situated within Longbrook Conservation Area.

(Report circulated)

52 **PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND WITHDRAWN APPLICATIONS**

The report of the Head of Planning and Building Control was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

53 **ENFORCEMENT PROGRESS REPORT**

The Head of Planning and Building Control presented the report updating Members on enforcement matters.

**RESOLVED** that the report be noted.

(Report circulated)

54 **APPEALS REPORT**

The Head of Planning and Building Control presented the report updating Members on the appeal decisions and appeals lodged.

**RESOLVED** that the report be noted.

(Report circulated)

55

**PLANNING MEMBER WORKING GROUP - SCHEDULE OF DATES**

The report of the Assistant Chief Executive was submitted.

**RESOLVED** that the circulated rota of dates for Planning Member Working Group meetings be approved.

(Schedule circulated)

56

**AREA WORKING PARTIES - COMPOSITION AND SCHEDULE OF DATES**

The report of the Assistant Chief Executive was submitted.

The Head of Planning and Building Control advised Members of the importance of nominating a substitute if they could not attend a meeting of the Area Working Party. The substitute must be from those on the Committee.

**RESOLVED** that the dates, as circulated, and the composition of the Area Working Parties as set out below be approved:-

**Northern Area Working Party:-**

Councillors Denham, Edwards, Macdonald and Prowse

**Southern Area Working Party:-**

Councillors Mrs Morrish, Mrs Henson, Newby and Spackman

**Western Area Working Party:-**

Councillors Bialyk, Brock P.J., Clark, Sutton and Winterbottom

(Schedule circulated)

57

**SITE INSPECTIONS - ROTA FOR VISITS**

The report of the Assistant Chief Executive was submitted.

**RESOLVED** that the circulated rota of site inspections, be approved.

(Schedule circulated)

58

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 14 June 2011 at 9.30 a.m. The Councillors attending will be Brock P.J, Macdonald and Prowse.

(The meeting commenced at 5.30 pm and closed at 6.15 pm)

Chair

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## PLANNING COMMITTEE

Monday 27 June 2011

### Present:-

Councillor Bialyk (Chair)  
Councillors Macdonald, Clark, Denham, Edwards, Mrs Henson, Mrs J Morrish, Newby, Spackman, Sutton and Winterbottom

### Also Present

Director Economy and Development, Head of Planning and Building Control, Development Manager, Planning Solicitor, Trainee Legal Executive and Member Services Officer (HB)

59

### DECLARATIONS OF INTEREST

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Macdonald	60 and 61 (Member of the RSPB)
Sutton	60 and 61 (Member of the RSPB)

60

### PLANNING APPLICATION NO.10/2088/01 - LAND AT PINHOE QUARRY, HARRINGTON LANE, EXETER

Councillors Macdonald and Sutton declared personal interests as members of the RSPB.

The Head of Planning and Building Control presented the planning application for full permission for re-profiling of the quarry to provide a platform for accommodation of residential development and outline permission for up to 380 residential units, community facilities, shop, associated open spaces (including allotments) and infrastructure with all matters reserved for future consideration apart from access, at land at Pinhoe Quarry, Harrington Lane, Exeter.

The recommendation was to approve the application, subject to a Section 106 Agreement, as set out in the report, and having had regard to the Environmental Impact Assessment submitted with the application and the representations made about the environmental effects of the development and conditions as set out in the report.

The Head of Planning and Building Control advised that a late representation had been received from English Nature requesting a financial contribution of £350 per dwelling to mitigate the cumulative effects of the provision of housing on the Natura 2000 sites (Exe Estuary, East Devon Pebblebed Heaths and East Devon Heaths). He advised that any decision that the proposal created a significant impact, on the level of any contribution in mitigation, was premature until an agreement had been reached on these issues following on from a meeting between representatives of the City Council, East Devon District Council and Teignbridge District Council with English Nature, scheduled to take place in September.

English Nature were also seeking a Wildlife Conservation Management Plan and a scheme for the protection of the Regionally Important Geological Sites. These were covered by conditions.

He detailed the rationale behind the contributions being sought through the proposed Section 106 Agreement for transport, education, affordable housing and community facilities. The density of the development would be 37 per hectare. He advised that two additional conditions would be required. One would require that no development shall take place until detailed sections showing the existing and proposed levels within the site in relation to the nearest adjacent buildings had been submitted to and approved in writing by the Local Planning Authority. The other enabling the precise locations of the highway accesses to be varied on full details of the locations and design of the highway accesses being submitted to and approved in writing by the Local Planning Authority.

In response to Members, he advised the proportion of the site to be allocated to open space and stated that a developer contribution of £625 per property would be sought which would raise approaching £250,000 for contribution towards community/recreation facilities. The developer had undertaken to maintain the open space area rather than paying a commuted sum to fund maintenance and Members were advised that this obligation would be passed on to any future owner of this land. With regard to the 15% affordable housing this figure was being proposed as a compromise in view of the costs associated with the levelling of the site and the fact that use as a landfill site would have been a financially viable alternative.

A Member referred to the County Council policy in respect of developer contributions to education facilities and his request that this be considered further at the Planning Member Working Group was supported.

Councillor Mrs Thompson, having given notice under Standing Order No. 44, spoke on this item. She circulated copies of a consultation plan by a prospective developer and an extract from the Draft Pinhoe Area Access Strategy. She raised the following points:-

- clarification required on the position of the County Council relating to the proposal for an improved or new railway bridge at the end of Exhibition Way and the necessary funding. Given that it appears that the new development requires a new road leading to Exhibition Way the funding for this issue should be taken into account prior to a decision being made. If the new road is unachievable because the bridge cannot be funded should the application be refused.
- the residents of Grenville Avenue and Thackeray Road had stated that they had not been consulted on proposals for the access road between Exhibition Way and Harrington Lane.
- further clarification was required on the future use of the right of way from the site onto Church Hill currently used by the Quarry owners.

The Head of Planning and Building Control advised that the right of way to Church Hill was a private right of way and not therefore a planning issue. In addition, consultation on the link road to Exhibition Way would be undertaken as part of a separate planning application for the link.

Peter Martin of Devon County Council set out the options considered for improving traffic flow in the area. Replacing the railway bridge on Exhibition Way would require Network Rail approval which could take some considerable time and introducing a two way flow was likely to exacerbate traffic problems in the area. A contribution of £1.3 million was therefore being sought from this development and any future development of the Ibstock Brickworks to improve the bridge and seek a separate cycleway/footpath on the side, subject to Network Rail approval. Because there would be a significant amount of levelling work required for Pinhoe Quarry, it was



not thought that building work would commence for some two years. In the meantime, it was anticipated that, once financial contributions had been obtained, the City and County Councils would seek to improve the bridge in advance as part of the creation of a link between Harrington Lane and Exhibition Way.

The Chair asked that local residents be informed of the outcome of the planning application by means of a summary of the decision being sent to them by means of a letter drop.

**RESOLVED** that:-

- (1) having had regard to the Environmental Impact Assessment submitted with the application and the representations made about the environmental effects of the development, the application for full permission for re-profiling of quarry to provide platform for accommodation of residential development and outline permission for up to 380 residential units, community facilities, shop, associated open spaces (including allotment) and infrastructure (all matters reserved for future consideration apart from access) be **approved** subject to a Section 106 legal agreement securing the matters referred to in the circulated report and the following conditions:-
  - 1) The quarry re-profiling development ("QRD") to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
  - 2) The residential development hereby approved ("RD") shall not take place until a phasing scheme has been submitted to and approved in writing by the Local Planning Authority. The phasing scheme shall identify the phases in which the RD shall be constructed ("Phase"), and unless otherwise agreed in writing the RD shall be carried out in accordance with the phasing scheme.  
**Reason:** To allow for the phased development of the site in accordance with an indicative site layout.
  - 3) Approval of the details of the layout, scale, appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") for each Phase of the RD shall be obtained from the Local Planning Authority in writing before that Phase of the RD is commenced. A detailed scheme for landscaping the RD within each Phase shall include details of the planting of trees and/or shrubs and hard landscaping including boundary screen walls and fences and shall be submitted to the Local Planning Authority as part of the submission of reserved matters for each Phase; such scheme shall specify types and species, and any earthworks required, together with a programme of planting and the timing of implementation of the scheme. This condition shall apply to each Phase of the RD.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
  - 4) Within 12 months of commencement of the QRD a structural landscape concept scheme including long term management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority. The structural landscape concept scheme shall be carried out as approved by the Local Planning Authority.  
**Reason:** To ensure the provision and future maintenance of structural landscaping to safeguard the amenity of the area.

- 5) This consent does not imply the approval of the details of siting, layout or design shown on the submitted illustrative master plan, which must be the subject of approval of reserved matters.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 6) The RD hereby approved must be begun within five years from the date of completion of the QRD, or two years from the final approval of the reserved matters, relating to the first Phase of the RD, whichever is the longer.  
**Reason:** To ensure compliance with section 91 - 92 of the Town and Country Planning Act 1990.
- 7) Application for the approval of the reserved matters for the first Phase of the RD shall be made to the Local Planning Authority before the expiration of three years from the date of the completion of the QRD and the first Phase of the RD hereby permitted shall be begun before the expiration of five years from the date of the completion of the QRD or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later. The time period for submission for approval of reserved matters for any subsequent Phase of the RD shall be agreed with the Local Planning Authority in writing as part of the phasing scheme approved pursuant to condition 2.  
**Reason:** To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
- 8) The QRD hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 23 December 2010(*dwg. nos. 500, 502C, 503C and 504C*), 23 June 2011(*dwg. no. 505C*) and 27 June 2011(*dwg. no. 21669-002-001B*) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 9) Samples of the materials it is intended to use externally in the construction of the RD (except infrastructure within each Phase) shall be submitted to the Local Planning Authority and the development of each Phase shall not be started before their approval is obtained in writing and the materials used in the construction of the RD in that Phase shall correspond with the approved samples in all respects. This condition shall apply to each Phase of the RD.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.
- 10) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 11) Prior to commencement of RD within any Phase the developer shall erect tree protection fencing in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority as required by the approved

plan. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

**Reason:** To ensure the protection of the trees during the carrying out of the development.

- 12) Unless otherwise agreed in writing, prior to the occupation of any of the dwellings hereby approved within any Phase the roads required by the Phase of the RD shall be constructed at least to base course level and street lighting provided to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of the amenity and safety of occupants.

- 13) Archaeological work shall be carried out in accordance with the written scheme submitted (Ref Written Scheme of Investigation, Watching Brief, Strip Map and Sample Excavation) prepared for Pinhoe Quarry LLP by GK Heritage dated April 2011). This scheme will include on-site work, and off-site work incorporating analysis, publication, and archiving of the results. All works shall be carried out and completed in accordance with the scheme, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

- 14) No RD shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. Any building(s) affected by contamination requiring remedial works in any Phase shall not be occupied until the approved remedial works have been implemented and a remediation statement for that Phase submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

**Reason:** In the interests of the amenity of the occupants of the building(s) hereby approved.

- 15) Unless otherwise agreed in writing by the Local Planning Authority no alteration shall take place to plot boundaries, open spaces, and highways, on completion of the development in accordance with the approved layout plan.

**Reason:** To ensure adequate provision is made for the future maintenance of all land within the application site boundary.

- 16) In relation to the RD the proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture within each Phase shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

**Reason:** To ensure that adequate information is available for the proper consideration of the detailed proposals.

- 17) Unless otherwise agreed in writing prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority (LPA)), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:
1. A preliminary risk assessment which has identified:
    - all previous uses.
    - potential contaminants associated with those uses.
    - a conceptual model of the site indicating sources, pathways and receptors.
    - potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The site investigation results and the detailed risk assessment ((2) above) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.

**Reason:** To protect controlled waters against pollution.

- 18) If, during the development, contamination not previously identified is found to be present at the site then no further development affected by that contamination (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

**Reason:** To protect controlled waters against pollution.

- 19) The noise levels arising from the development shall not exceed the following limits at noise sensitive dwellings when measured in accordance with Minerals Policy Statement 2:

- LAeq, 1hr (free-field) 55 dB
- LAeq, 1 hr (free-field) 70 dB for periods of up to eight weeks in a year at specified noise-sensitive properties if agreed in writing in advance with the LPA. If monitoring at a noise sensitive receptor is not possible, the level at this point should be calculated from monitoring data at another point using the techniques in BS5228:1 (2009).

**Reason:** In the interests of local amenity.

- 20) The Best Practicable Means shall be used at all times to prevent, or where that is not practicable, to reduce noise and dust emissions beyond the site boundary.

**Reason:** In the interests of local amenity.

- 21) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include details of monitoring and mitigation measures to control the environmental impact of

the development, including site traffic and emissions of noise and dust. This should include details of the phasing and timing of work, full details of the hours of working including construction and deliveries, provision for noise and dust monitoring, noise and dust emission limits, procedures to be followed in the event of non-compliance with noise and dust limits and measures that will minimise the impact of construction traffic on the local road network, including parking. The CEMP should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development, in order to discuss forthcoming work and its environmental impact.

**Reason:** In the interests of local amenity.

- 22) No development shall take place until a scheme for the protection of the Regionally Important Geological Sites (RIGS) during development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the agreed details.

**Reason:** In the interests of protecting the RIGS.

- 23) No more than 50% of the dwellings hereby permitted shall be occupied until on-site interpretation material relating to the Regionally Important Geological Sites has been provided in accordance with details which shall first have been agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the geologically important context of the site is apparent to residents and visitors.

- 24) No development shall take place until full details of the measures set out in the Biodiversity and Mitigation and Enhancement Management Plan have been submitted to and approved in writing by the Local Planning Authority. The biodiversity mitigation and enhancement shall be carried out as approved by the Local Planning Authority.

**Reason:** In the interests of preserving and enhancing wildlife opportunities in the area.

- 25) In accordance with details that shall previously have been submitted to and approved by the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains onto any County Highway.

**Reason:** In the interests of public safety and to prevent damage to the highway.

- 26) No more than 200 residential units provided as part of the RD shall be occupied until the community facilities have been completed to shell level.

**Reason:** To ensure provision of the community facilities.

- 27) Unless otherwise agreed in writing, the QRD shall not utilise any material not already present on the site unless used for specialist engineering and landscaping purposes in relation to the QRD.

**Reason:** In the interests of minimising heavy vehicle movements associated with the QRD.

- 28) No development shall take place until detailed sections showing the existing and proposed levels within the site in relation to the nearest adjacent buildings have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of visual and residential amenity.

- 29) The highway accesses shall be laid out and constructed in accordance with the details shown on drawing 21669-002-001B submitted with the application, or such amended details as may be agreed in writing by the Local Planning Authority.  
**Reason:** In the interests of maintaining flexibility in the location of accesses in relation to other proposed developments in the vicinity.
- (2) in the event that the Section 106 Agreement is not completed within six months of the Committee resolution to approve, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the Section 106 Agreement;
- (3) officers be authorised to make an order under Section 257 of the Town and Country Planning Act 1990 for the diversion of sections of Public Footpaths Nos. 50 and 53 affected by the development, this Committee being satisfied that it is necessary to do so in order to enable any development to be carried out;
- (4) the Planning Member Working Group examine Devon County Council policy in respect of developer contributions towards education facilities; and
- (5) a brief resume of the details of the decision be prepared for circulation to those who submitted representations to keep them apprised of the development.

(Report circulated)

61

**PLANNING APPLICATION NO.11/0780/02 - MILLBROOK VILLAGE (FORMER ST LOYE'S COLLEGE), TOPSHAM ROAD, EXETER**

Councillors Macdonald and Sutton declared personal interests as members of the RSPB.

The Development Manager presented the application for 71 retirement units on the southern part of the site, and hard and soft landscaping (approval of reserved matters on Ref. No. 09/0832/01 approved 24 September 2010) at Millbrook Village (Former St Loye's College), Topsham Road, Exeter.

Members were circulated with an update sheet giving details of further correspondence received from the applicant's agent regarding the affordable housing contribution referred to in the circulated report and from Sport England who had no objection to the application.

Members were advised that an objection had been received from the owners of the adjoining Crematorium on the grounds that the development would conflict with mourners. It was noted that the comments should have been raised when the application for outline consent had been under consideration.

The RSPB had stated that they did not accept that because the accommodation would be limited to residents over 55 years of age they would not impact upon the Natura 2000 areas and that there should therefore be an Appropriate Assessment with a contribution towards mitigation. Because of the age restricted nature of the accommodation, the distance of the site from the Natura 2000 sites, the presence of

the Riverside Valley Park on the 'doorstep' of the site, and the amount and type of open space being created on site, officers advised that the potential impact arising directly from the development was unlikely to be significant and did not therefore warrant a contribution towards mitigation. It was noted that a meeting would be held with East Devon and Teignbridge District Councils to agree a mitigation strategy and a charging schedule for any future contributions to other developments.

The recommendation was to approve the application, subject to the conditions as set out in the report.

**RESOLVED** that the application for 71 retirement units on the southern part of the site, and hard and soft landscaping (approval of reserved matters on Ref. No. 09/0832/01 approved 24 September 2010) be **approved** subject to the following conditions:-

- 1) All conditions imposed on notice of outline approval (ref no. 09/0832/01 enter) are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 28th April 2011 (*dwg. nos. S-106 Rev AA, S-101 Rev AA, S-105 Rev AA, S-SE-01 Rev AA, S-SE-02 Rev AA, S\_BE\_01 Rev AA, S\_BE\_02 Rev AA, S\_BE\_03 Rev AA, S\_BE\_04 Rev AA, S\_BE\_05 Rev AA, S\_HT\_A-01 Rev AA, S\_HT\_A-02 Rev AA, S\_HT\_F-02 Rev AA, S\_HT\_F-01 Rev AA, S\_HT\_G-02 Rev AA, S\_HT\_G-01 Rev AA, S\_HT\_H-02 Rev AA, S\_HT\_H-01 Rev AA, S\_HT\_H1-02 Rev AA, S\_HT\_H1-01 Rev AA, S\_HT\_K-02 Rev AA, S\_HT\_K-03 Rev AA, S\_HT\_K-01 Rev AA, P-L108, L207, L208, L209, P-L109, P-L110, P-L111*, as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) Prior to the commencement of any identified phase of the development full details (including sections and elevations to a scale of not less than 1:20) of the construction, including glazing, opening method and material finish of all windows/doors within that phase shall previously have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed strictly in accordance with the approved details.  
**Reason:** To protect and preserve the character of Fairfield House and to ensure a high quality design throughout the development.

(Report circulated)

62

**PLANNING APPLICATION NO.11/0678/38 - UNIVERSITY OF PLYMOUTH,  
FACULTY OF ARTS AND EDUCATION, EARL RICHARDS ROAD NORTH,  
EXETER**

The Development Manager presented the application for redevelopment to provide a continuing care retirement community (appearance and landscaping reserved for future consideration) at University of Plymouth, Faculty of Arts and Education, Earl Richards Road North, Exeter. This application was for the extension of time for extant planning permission Ref No. 07/1316/01 granted 09/05/2008.

The recommendation was to approve the application, subject to the completion of a legal agreement to link the original Section 106 Agreement to the new application and the conditions as set out in the report.

**RESOLVED** that the application for redevelopment to provide continuing care retirement community (appearance and landscaping reserved for future consideration) (Extension of time for extant planning permission Ref No. 07/1316/01 granted 09 05 2008) be **approved** subject the completion of a legal agreement to link the original Section 106 to the new application and to the following conditions:-

- 1) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of the permission and the development hereby permitted shall be begun before the expiration of five years from the date of the permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.  
**Reason:** To ensure compliance with section 91 - 93 of the Town and Country Planning Act 1990.
- 2) Approval of the details of the appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3) The development shall not begin until full details of drainage works have been submitted to and approved by the Local Planning Authority in writing.  
**Reason:** To ensure the satisfactory drainage of the development.
- 4) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 14th June, 17th October and 25th October 2007 (*dwg. nos. A5209/2.3/011, A5209/2.1/008B, A5209/2.1/003E, A5209/2.1/004I, A5209/2.1/005D, A5209/2.1/006E, A5209/2.1/007D, A5209/2.1/015 and A5209/2.3/020B*), as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 5) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.
- 6) A detailed scheme for landscaping, including the planting of trees and/or shrubs and hard landscaping including boundary screen walls and fences shall be submitted to the Local Planning Authority as part of the submission of reserved matters; such scheme shall specify types and species, and any earthworks required, together with a programme of planting and the timing of implementation of the scheme.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.



- 7) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 8) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 9) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.  
**Reason:** To ensure the protection of the trees during the carrying out of the development.
- 10) Prior to the commencement of work a full written schedule of any tree work proposed, showing the limbs and branches affected shall be submitted to the Local Planning Authority and their written approval obtained.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity to comply with Tree Preservation Order Regulations.
- 11) The plans submitted in accordance with condition 2 of this permission shall indicate the location of all trees, shrubs and hedges in the land, together with their species.  
**Reason:** In the interests of amenity.
- 12) No development shall take place within the site until a written scheme of archaeological work has been submitted and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.
- 13) No development shall take place on site until a full survey of the site has taken place to determine the extent of contamination of the land and the results together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied

until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that the site is in such a condition as to be suitable for the proposed use.

**Reason:** In the interests of the amenity of the occupants of the building(s) hereby approved.

- 14) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

**Reason:** To ensure that adequate information is available for the proper consideration of the detailed proposals.

- 15) No part of the development hereby approved shall be brought into its intended use until the visibility splays, on-site parking (both vehicular and cycle), turning, loading and unloading facilities have been provided in accordance with the requirements of this permission and retained for those purposes at all times.

**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.

- 16) Trees due for pruning or felling should be assessed for possible bat interest prior to works being carried out. This should involve inspection of the tree / limbs to be removed for potential roosting opportunities. If bats are found to be using limbs or trees, the advice of a bat consultant should be sought to prevent disturbance / injury to bats which would constitute an offence.

**Reason:** To comply with the Wildlife and Countryside Act 1981 and amended by the Countryside and Rights of Way Act 2000

- 17) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the buildings, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.

**Reason:** In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.

- 18) Prior to the development being occupied, or at such other time as may be agreed by the Local Planning Authority in writing, a sustainable drainage solution such as a soakaway, designed and constructed in accordance with Building Research Establishment Digest 365; or a Sustainable Urban Drainage System, in accordance with Construction Industry Research and Information Association Document 522 for surface water disposal shall be installed and the system shall be maintained effective at all times thereafter. Clean surface and roof water shall be kept separate from the foul drainage system. Unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to reduce surface water runoff in a catchment area where flooding occurs.

- 19) Notwithstanding the details indicated in the Revised Design and Access Statement dated October 2007 prior to the commencement of any

development detailed method statements for the construction of the development, including all buildings, footpaths, roads and services to the development shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed strictly in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that implementation of the development proceeds in a manner that will not prejudice the health and long term retention of existing trees and vegetation to be retained as part of the development.

- 20) Notwithstanding condition no. 4 no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be provided in accordance with such details:

- a) refuse storage facilities;
- b) details of construction phasing;
- c) hours of construction works;
- d) location, size and means of enclosure of storage compounds;
- e) extract ventilation systems;
- f) noise levels associated with all plant and equipment associated with the development;
- g) Air Quality Assessment;
- h) Green Travel Plan;
- i) Wildlife Plan identifying existing wildlife associated with the site, and proposals for its protection and the further enhancement of wildlife opportunities;
- j) all boundary treatments;
- k) cycle parking facilities; and
- l) Construction Management Plan, including Construction Traffic.

**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.

- 21) Prior to the commencement of the development hereby approved a detailed statement, including appropriate plans/drawings, demonstrating how the scheme will incorporate decentralised and renewable or low carbon energy sources to cut the predicted Carbon dioxide emissions arising from the development by the equivalent of at least 10% over and above those required to meet the building regulations current at the time of building regulations approval shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed strictly in accordance with the approved details.

**Reason:** To ensure that the scheme is developed in compliance with Policy CP14 of the Council's submitted Core Strategy.

- 22) Prior to the commencement of the works hereby approved the developer shall undertake such investigations as are reasonably required by South West Water to ascertain whether there is sufficient capacity in the existing public sewage system to accept foul water drainage from the development and if there is insufficient capacity identify, in agreement with South West Water, any works of improvement or enhancement to the public sewage system that are required as a result of the development. Any agreed works shall then be carried out in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that there is adequate capacity within the public sewage system to accommodate the development.

- 23) Prior to the occupation of the development hereby permitted cycle parking for staff, residents and visitors shall be provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the agreed cycle parking facilities shall be permanently retained solely for that purpose.  
**Reason:** To ensure that adequate cycle parking is provided in order to encourage travel by sustainable means in accordance with Local Plan policy T3.

In the event that the Section 106 agreement is not completed within 3 months of the Committee resolution, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the Section 106 agreement.

(Report circulated)

63 **PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND WITHDRAWN APPLICATIONS**

The report of the Head of Planning and Building Control was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

64 **ENFORCEMENT PROGRESS REPORT**

The Head of Planning and Building Control presented the report updating Members on enforcement matters.

**RESOLVED** that the report be noted.

(Report circulated)

65 **APPEALS REPORT**

The Head of Planning and Building Control presented the schedule of appeal decisions and appeals lodged.

**RESOLVED** that the report be noted.

(Report circulated)

66 **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 12 July 2011 at 9.30 a.m. The Councillors attending will be Councillors Bialyk, Mrs Henson and Mrs J. Morrish.

(The meeting commenced at 5.30 pm and closed at 7.40 pm)

Chair

## LICENSING COMMITTEE

19 April 2011

### Present:

Councillor Norman Shiel (Chair)

Councillors Branston, S Brock, Mrs Danks, A Hannaford, Macdonald, Robson, Ruffle and Wadham

Licensing Solicitor, Principal Licensing Officer (IL) and Member Services Officer (SLS)

### 17 **Declarations of Interest**

The following Members declared personal interests as indicated:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Mrs Danks	Min. No. 28 (known to the applicant)
Councillors Ruffle and Shiel	Min. No. 29 (known to the applicant)

### 18 **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 for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

#### **TOWN POLICE CLAUSES ACT 1847/TRANSPORT ACT 1985, SECTION 16**

### 19 **Application for a Hackney Carriage Vehicle Licence (Mr A.A.)**

The Principal Licensing Officer reported that Mr AA had applied for a hackney carriage licence.

Mr AA did not attend the meeting. In his absence, the Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

**RESOLVED** that Mr AA's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr AA had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

20     **Application for a Hackney Carriage Vehicle Licence (Mr J.A.)**

The Principal Licensing Officer reported that Mr JA had applied for a hackney carriage licence.

Mr JA spoke in support of his application and stated that, in his view, there was an unmet demand. He submitted a number of letters in support of his application. He had a number of regular customers including disabled passengers. He had purchased a black TX4 London style taxi that could accommodate wheelchairs. .

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

**RESOLVED** that Mr JA's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr JA had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

21     **Application for the issue of a Hackney Carriage Vehicle Licence (Mr S.A.)**

The Principal Licensing Officer reported that Mr SA had applied for a hackney carriage licence.

Mr SA spoke in support of his application and stated that, in his view, there was an unmet demand. He requested permission to circulate photographs of the taxi ranks at Debenhams, which were taken to depict the level of queuing on a number of different dates and times. Members noted the photographs, but suggested it was difficult to ascertain the propensity of the queue. Mr SA responded to a number of Member questions including recalling the busiest periods for taxis leaving the rank at both the former Debenhams store in Sidwell Street and also St David's' Station. The Licensing Solicitor clarified that both ranks at St David's Station and the former Debenhams store in Sidwell Street were included in the comprehensive survey last May. The Licensing Solicitor advised the Licensing Committee that it was not possible to restrict the operating times of a hackney carriage licence and that night demand was covered in the recent survey.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

**RESOLVED** that Mr SA's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr SA had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

22 **Application for the issue of a Hackney carriage Vehicle Licence (Mr S.B.)**

The Principal Licensing Officer reported that Mr SB had applied for a hackney carriage licence.

Mr SB attended and spoke in support of his application. In his view, there existed an unmet demand in Exeter arising from the removal of swivel seats in saloon hackney carriages. Mr SB stated that the vehicle he proposed to purchase, subject to obtaining a licence, would accommodate a wheelchair and up to seven passengers.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

**RESOLVED** that Mr SB's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey by the same company (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr SB had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

23 **Application for a Hackney Carriage Vehicle Licence (Mr SH)**

The Principal Licensing Officer reported that Mr SH had applied for a hackney carriage licence.

Mr SH attended and spoke in support of his application. He had purchased a London type taxi with the capability of seating six passengers. He referred to his own research with regard to the number of plates issued since 2003. He also suggested that a recent change in private hire vehicles serving two of the city's nightclubs now presented a case of unmet demand, with patrons regularly waiting for taxis, the relatively low number of London style hackney carriages operating in the district (6) and the lack of a rank outside the Arena nightclub. Mr SH also outlined the benefits of a London style taxi in relation to electric wheelchair carriage and passenger safety.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

**RESOLVED** that Mr SH's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr SH had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

24 **Application for a Hackney Carriage Vehicle Licence (Mr A.D.)**

The Principal Licensing Officer reported that Mr AD had applied for a hackney carriage licence.

Mr AD spoke in support of his application. He also submitted a number of letters in support of his application, and relayed the circumstances relating to his inability to work for a period of time following a physical assault. Mr AD stated that he wished to include some additional safety features in his vehicle, but that would not be possible unless he was the proprietor of a hackney carriage himself. At present the owner of the hackney carriage driven by Mr AD was under no duty to ensure Mr AD's health and safety at work and so the measures required could not be implemented. In response to a Member's question, the Principal Licensing Officer confirmed an employers' duty to protect an individual at his place of work and in this case that Mr AD was his own employer for these purposes.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

**RESOLVED** that a Hackney Carriage Licence be issued to Mr AD, as there were exceptional circumstances relating to the serious physical assault suffered by Mr AD and the impact that had had on him. This enabled the Licensing Committee to depart from the policy and exercise its discretion to grant a further licence plate.

(Report circulated to Members)

25 **Application for a Hackney Carriage Vehicle Licence (Mr K.J.)**

The Principal Licensing Officer reported that Mr KJ had applied for a hackney carriage licence.

Mr KJ attended the meeting and spoke in support of his application. He stated that he had submitted letters of evidence from potential users of his service, which would, he said support his stance that an unmet demand existed and further support the need for additional wheelchair accessible vehicles and give him the opportunity to start his own business. The letters were not available at the hearing.

The Licensing Committee retired to discuss the matter in the presence of the Licensing Solicitor and the Member Services Officer.

**RESOLVED** that Mr KJ's application for a hackney carriage licence be adjourned to the next meeting to establish the contents of the most recent correspondence.

(Report circulated to Members)

26 **Application for a Hackney carriage Vehicle Licence (Mr G.Q.)**

The Principal Licensing Officer reported that Mr GQ had applied for a hackney carriage licence.

Mr GQ spoke in support of his application and stated that, in his view, there was an unmet demand in Exeter. He provided additional letters in support of his application including the demand for an eight seater hackney carriage being available late at nights. Mr GQ proposed, subject to obtaining a licence, purchasing an eight seater vehicle and stated that there was only one other eight seater vehicle currently operating in Exeter. Mr GQ confirmed that his vehicle would be configured to take one wheelchair and four additional passengers as opposed to the usual one or two additional passengers. He spoke of his need to being able to comply with the appropriate health and safety requirements and enjoy adequate protection. The



Licensing Solicitor sought clarity with Mr GQ and his need to be protected, but noted he had not put forward any evidence to support his need.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

**RESOLVED** that Mr GQ's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr GQ had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

27 **Application for a Hackney Carriage Vehicle Licence (Mr S.B.R.)**

The Principal Licensing Officer reported that Mr SBR had applied for a hackney carriage licence.

Mr SBR spoke in support of his application and referred to his work as an interpreter and to the fact that he was attending a further education establishment. He referred to the uncertainty of working for an employer and stated that his own hackney carriage licence would offer him more stability and more of a guarantee of permanent employment.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

**RESOLVED** that Mr SBR's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr SBR had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

28 **Application for a Hackney Carriage Vehicle Licence (Mr A.T.)**

Councillor Mrs Danks declared a personal interest as she knew the applicant.

The Principal Licensing Officer reported that Mr AT had applied for a hackney carriage licence.

Mr AT did not attend the meeting. The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

**RESOLVED** that Mr AT's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter.

Mr AT had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

29 **Application for a Hackney Carriage Vehicle Licence (Mr D.J.Y.)**

Councillor Ruffle declared a personal interest, as he knew the applicant, and withdrew from the meeting whilst this application was discussed. Councillor Shiel also declared a personal interest as he knew the applicant and withdrew from the meeting and the Chair whilst this matter was discussed. Councillor Mrs Danks took the Chair for this application.

The Principal Licensing Officer reported that Mr DY had applied for a hackney carriage licence. Mr DY spoke in support of his application, stating that there was an unmet demand which his vehicle, a Renault Traffic 8 could meet being able to carry two wheelchairs and their carers. He also referred to the proposed new housing developments in the city and surrounding area and accommodation at the University which could bring many new residents into the city. It was noted that this accommodation would take some time to be developed, by which time a further survey would be required. The Licensing Solicitor confirmed that there were currently two vehicles capable of carrying two wheelchairs users and their carers.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

**RESOLVED** that Mr DY's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr DY had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 7.15 pm

Chair

## LICENSING COMMITTEE

14 June 2011

### Present:

Councillor Moira Macdonald (Chair)

Councillors Branston, Fullam, Henson D.J., Newcombe, Payne, Robson, Ruffle, Shiel, Thompson and Tippins

Head of Environmental Health Services, Principal Licensing Officer (IL), Licensing Solicitor and Member Services Officer (HB)

### 30 **Minutes**

The minutes of the meeting held on 29 March 2011 were taken as read and signed by the Chair as a correct record.

### 31 **Declarations of Interest**

The following Member declared a prejudicial interest and left the meeting during consideration of the item:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Macdonald	33 (Member of Fawcett Devon who had opposed the original application for a Licence)

### 32 **Proposal to designate streets as Prohibited Streets, Licence Streets and Consent Streets for Street Trading**

The Head of Environmental Health Services presented the report setting out the responses to the notification of an intention to re-designate all streets in Exeter for the purposes of street trading in accordance with the Local Government (Miscellaneous Provisions) Act 1982.

Councillor Prowse attended the meeting and spoke on this item having given notice under Standing Order No. 44. Councillor Prowse detailed the background to problems caused by a burger van parked in a lay-by in Cowley Bridge Road, residents in the vicinity having complained about additional traffic, lorries parking overnight and noise from the trader's generator. Councillor Prowse referred to letters received from local residents as well as a petition. Many of the residents had originally sought a prohibition rather than a consent designation. Councillor Prowse confirmed that, generally, the residents now understood the distinction and accepted that the change of designation to a consent street would effectively control any problem as traders wishing to operate on this street would require initial permission from this Committee, and would be reviewed if problems ensued.

The Head of Environmental Health Services responded to a Member's questions in respect of the cost of the licence and enforcement.

**RESOLVED** that:-

- (1) with effect from 1 August 2011, all existing street designations be rescinded and all streets in the City of Exeter be designated as advertised in the notice as set out in the circulated report dated 25 March 2011;
- (2) delegated powers be granted to the Head of Environmental Health Services to deal with the migration of existing consents, on this one occasion; and
- (3) existing consents be permitted to renew to the previously agreed expiry date without incurring an additional fee.

(Report circulated)

**33 Application for the grant of a Sex Entertainment Licence**

Councillor Macdonald declared a prejudicial interest as a Member of Fawcett Devon who had opposed the original application for a licence, vacated the Chair and left the meeting during consideration of this item. In her absence, Councillor Branston, the Deputy Chair, chaired the meeting.

The Principal Environmental Health Officer Services presented the report setting out an application by Mr K. Kimitri in respect of a business trading as The Eden Lounge, seeking the grant of a licence enabling the business to operate at EX4, 162-163 Fore Street, Exeter, EX4 3AT. This licence had been applied for in February 2010 under the provisions of the above legislation and granted.

**RESOLVED** that a licence be granted for a sex entertainment venue with the proposed conditions at the Eden Lounge situated at EX4, 162-163 Fore Street, Exeter, EX4 3AT.

(Report circulated)

**34 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 for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

**TRANSPORT ACT 1985**

**TOWN POLICE CLAUSES ACT 1847/TRANSPORT ACT 1985, SECTION 16**

**35 Application for the issue of a Hackney Carriage Vehicle Licence (Mr J.A.)**

The Principal Licensing Officer reported that Mr JA had applied for a hackney carriage licence.

Mr JA and his son Mr SA attended the meeting. Mr SA spoke on behalf of his father. His father was committed to purchasing a black TX4 London style taxi that could accommodate wheelchairs and he hoped that this would be of much value for both the elderly and disabled. Mr JA had a number of regular customers including disabled passengers and he referred to representations from some 20-25 disabled people who supported the application. He stated that there was an unmet demand

particularly from families, as a number of six seater taxis had been replaced by four seater taxis in recent months. His letter in support of his application had been circulated.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

**RESOLVED** that Mr JA's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr JA had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

**36 Application for the issue of a Hackney Carriage Vehicle Licence (Mr S.B.)**

The Principal Licensing Officer reported that Mr SB had applied for a hackney carriage licence.

Mr SB attended and spoke in support of his application. In his view, there existed an unmet demand in Exeter as there was a shortage of seven seater taxis with a number of taxi drivers having switched to four seater vehicles. He asserted that demand was significant on student nights outside night-clubs when large groups of students wished to travel home together. In addition, there was a need for a seven seater taxi to operate from the St. David's Station rank and, in this context, he referred to groups of marines who required taxis at the station to return to the Lymstone barracks. Mr SB stated that his vehicle accommodated two wheelchairs and that it was possible for the passengers to remain in situ in the wheelchairs.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

**RESOLVED** that Mr SB's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey by the same company (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr SB had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

**37 Application for the issue of a Hackney Carriage Vehicle Licence (Mr S.H.)**

The Principal Licensing Officer reported that Mr SH had applied for a hackney carriage licence.

Mr SH attended and spoke in support of his application. He had purchased a London type taxi with the capability of seating six passengers. He suggested that a recent change in private hire vehicles serving two of the City's nightclubs now presented a case of unmet demand. He referred to the pattern of taxi provision outside the clubs

where patrons regularly waited for taxis. He also stated that unmet demand in Exeter was exacerbated by taxi drivers switching from six/seven seater to four seater vehicles which offered a better return. His letter in support of his application had been circulated.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

**RESOLVED** that Mr SH's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr SH had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

38 **Application for the issue of a Hackney carriage Vehicle Licence (Mr K.J.)**

The Principal Licensing Officer reported that Mr KJ had applied for a hackney carriage licence.

Mr KJ attended the meeting and spoke in support of his application. Mr KJ stated that he had submitted letters of evidence from potential users of his service which would, he said, support his stance that an unmet demand existed and further support the need for additional wheelchair accessible vehicles and give him the opportunity to start his own business.

Mr KJ stated that there would be an increase in demand for taxis as a result of an expansion of the night time economy because of increasing number of students and greater demand in the day with the opening of new retail outlets such as Waitrose and John Lewis. Mr KJ also stated that many elderly and disabled individuals had confirmed that they would continue to use his service if he was granted a licence. Some of these had submitted letters of evidence in his support. Mr KJ circulated a picture of a vehicle he proposed to licence which would be able to accommodate wheelchairs as well as scooters by way of an electric ramp fitted to the vehicle. He referred to the fact that he had applied on previous occasions for a licence. Mr KJ was asked if he currently held a hackney carriage vehicle licence and replied no. When pressed, he said that he had never been issued with a plate by the Council but had bought one and had sold it for personal reasons. The Chair confirmed that the decision made unanimously by the Committee had been based on the merits of the application, the other matters raised playing no part in the process.

The Licensing Committee retired to discuss the matter in the presence of the Licensing Solicitor and the Member Services Officer.

**RESOLVED** that Mr KJ's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr KJ had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing

Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

39 **Application for the issue of a Hackney Carriage Vehicle Licence (Mr G.Q.)**

The Principal Licensing Officer reported that Mr GQ had applied for a hackney carriage licence.

Mr GQ attended and spoke in support of his application. Mr GQ advised that he had been unable to meet the deadline for the previous Committee in producing evidence of an assault on him but that he had now made papers available. Copies of the Devon and Cornwall police log on Mr GQ had been tabled detailing an assault on him by a passenger. He enlarged on the incident and how it was not possible to anticipate the behaviour of passengers until they had been picked up. He referred to incidents of disorder that had occurred between passengers themselves as well as the potential for further assault on himself. He explained his pattern of work after the incident and confirmed that he worked at evenings because of family commitments. Mr GQ was asked by the Licensing Solicitor if his fears over his personal safety prevented him from working in the way he would normally do and he indicated that it did not.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

**RESOLVED** that Mr GQ's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr GQ had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

40 **Application for the issue of a Hackney Carriage Vehicle Licence (Mr S.B.R.)**

The Principal Licensing Officer reported that Mr SBR had applied for a hackney carriage licence.

Mr SBR spoke in support of his application and referred to the uncertainty of working for an employer. Mr SBR stated that owning his own hackney carriage licence would offer him more stability and more of a guarantee of permanent employment. In some cases, his employer had passed on his car to other individuals which had reduced his opportunities for working.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

**RESOLVED** that Mr SBR's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr SBR had adduced no evidence that cast doubt on the survey findings or

persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

**41 Application for the issue of a Hackney Carriage Vehicle Licence (Mr A.T.)**

The Principal Licensing Officer reported that Mr AT had applied for a hackney carriage licence.

Mr AT attended and spoke in support of his application stating that he did not wish to reiterate the same reasons used by other applicants in support of their applications but to seek the grant of a licence on the basis that he intended to convert a 4x4 vehicle for use as a taxi. He asserted that there was an unmet demand for such a vehicle as evidenced by the number of individuals who could not use public transport during the period of heavy snow in the winter of 2010. Mr AT referred to the demand from those wishing to leave the City to return to their home in the country as well as those who had arrived by public transport from elsewhere in the country. He proposed to make the 4x4 vehicle accessible by the disabled.

The Licensing Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

**RESOLVED** that Mr AT's application be refused. The Licensing Committee was satisfied with the conclusion of the Mouchel Ltd. survey (published in September 2010) together with a top-up survey published by the same firm (published in March 2011) that there was no significant unmet demand for hackney carriages in Exeter. Mr AT had adduced no evidence that cast doubt on the survey findings or persuaded the Licensing Committee that there was significant unmet demand. The Licensing Committee found no reasons that justified a departure from the policy of not exercising its discretion to grant further hackney carriage licences.

(Report circulated to Members)

**42 Capacity of Hackney Carriage Vehicles**

Members referred to the number of statements from the applicants for hackney carriage vehicle licences alleging that there was an increasing number of four seater vehicles in the City as opposed to larger licensed vehicles in the City, the owners allegedly having changed down from six or seven seater vehicles. The Committee asked that a report from the Head of Environmental Health Services be submitted identifying if there was any substance to this assertion.

**RESOLVED** that a report be submitted on this matter to a future meeting of this Committee.

The meeting commenced at 5.30 pm and closed at 8.40 pm

Chair



## SCRUTINY COMMITTEE - COMMUNITY

7 June 2011

### Present:

Councillor Kevin Mitchell (Chair)

Councillors Thompson, Branston, Bull, Choules, Clark, Crow, Hobden, Morris, Mottram, Newcombe, Tippins and Wardle

Director Community and Environment, Head of Leisure and Museums, Head of Contracts and Direct Services, Head of Environmental Health Services, Acting Head of Housing Services, Museums Manager, Housing Needs Manager and Member Services Officer (HB)

### Also present:

Councillor RM Hannaford - Portfolio Holder for Housing and Community Involvement

Councillor Sheldon - Portfolio Holder for Environment and Leisure

### 31 **Minutes**

The minutes of the meeting held on 8 March 2011 were taken as read and signed by the Chair as correct.

### 32 **Declaration of Interests**

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Newcombe	35 (Devon County Councillor and Chair of the County Council's People's Scrutiny Committee)
Councillor Morris	42 (husband employed by UCATT)
Councillor Choules	46 and 48 (employed by the University of Exeter)

### 33 **Questions from the Public under Standing Order 19**

In accordance with Standing Order No. 19, a question from Ms B.James in respect of the supply of rented accommodation from the private sector was put, to which the Portfolio Holder for Housing and Community Involvement responded. A copy of the question had been circulated to Members and was made available at the meeting. The question and the reply from the Portfolio Holder for Housing and Community Involvement (in italics) is appended to the minutes.

A Member stated that a number of private landlords had experienced difficulties in respect of benefit claimants and that this could prejudice the availability of private housing for rent. He requested that a report be submitted to a future meeting of the Committee on ways of improving the system. Members were informed that it was not possible to change the system locally as it was a national scheme. The Housing Needs Manager also stated that advice given to tenants of private properties by Council officers was in accordance with the Homelessness Code of Guidance.

A motion that a report be submitted to the next meeting was put to the vote and lost.

The member of the public asking the question responded to the points raised.

Scrutiny Committee - Community agreed that the answer be noted.

**34 Questions from Members under Standing Order 20**

In accordance with Standing Order No. 20, a Member asked for an update on progress in appointing a permanent Head of Housing Services together with a supplementary question on progress on the overall staff restructuring. The Portfolio Holder for Housing and Community Involvement advised that preliminary discussions on restructuring proposals had been held with group leaders and that further information could therefore be obtained from the respective leaders.

**35 Portfolio Holders' priorities for the forthcoming year**

Councillor Newcombe declared a personal interest as a Devon County Councillor and the Chair of the County Council's People's Scrutiny Committee.

Together with an update in respect of priorities for 2010/11, Councillor Sheldon presented the priorities within the Environment and Leisure Portfolio for the forthcoming year. Both reports are attached to these minutes.

The following responses were given to Members' questions:-

- although graffiti could be required to be removed from public buildings, bus shelters etc., it was only possible to remove these from private property with the owners' consent. In some cases, the expense was considerable and therefore a charge was made;
- solutions to address problems associated with the accumulation of rubbish in back alleys would be actively pursued;
- means of further improving recycling rates would be investigated including potential schemes for improving glass collection. Because of the associated costs, any proposals for glass collection would be reported to this Committee;
- in conjunction with the University, additional waste collections were being arranged for the end of term period in key areas. There would be community collections on 11 and 23 June 2011 with additional domestic collections scheduled for the period 13 June - 1 July. The University were proactively assisting in educating students in the collection regime. Similarly, schemes for the other end of term periods would be examined; and
- the provision of additional play equipment and the protection from vandalism of existing equipment had been identified as priorities.

Together with an update in respect of priorities for 2010/11, Councillor RM Hannaford presented the priorities within the Housing and Community Involvement Portfolio for the forthcoming year. Both reports are attached to these minutes.

The following responses were given to Members' questions:-

- the reduction of empty properties was a priority and the empty homes team had been restructured to this end. Empty Dwellings' Management Orders were a possible avenue for bringing empty properties back into use where informal approaches had failed;
- the 30 year business plan for housing would take into account the new Council Housing Finance reform and an interim report with indicative figures would be

submitted to the next meeting of this Committee in September, with final figures likely to be known in the New Year;

- the affordable housing target for 2011/12 was 150;
- improved dialogue with other housing providers would be a further target as would continuing partnership work with other agencies such as the Police within the neighbourhood management policy;
- negotiations were ongoing with the County Council in respect of continued housing support within the Supporting People framework for older persons' housing related services;
- because of the potential for further harsh winter weather, provision for rough sleepers would be re-assessed;
- dialogue with developers would continue as an important aspect of maximising opportunities for the provision of affordable housing with a view to seeking different structures for their provision; and
- in the same way as liaison meetings with social landlords and tenants were central to housing management practice, consideration would be given to establishing similar dialogue with residents of the City's four Residential Park Homes sites.

Scrutiny Committee - Community noted the achievements and priorities presented.

### **MATTERS FOR CONSIDERATION BY EXECUTIVE**

#### **36 Food Law Enforcement Plan 2011/12**

The Head of Environmental Health Services presented the report informing Members of the Council's performance against the previous year's Food Law Enforcement Plan and seeking approval for the adoption of the Food Law Enforcement Plan 2011/12 which set out the Council's regulatory function in respect of food safety over the forthcoming year.

He responded as follows to Members' queries:-

- establishments which posed an immediate threat to food safety could be and had been closed by visiting Environmental Health Officers. During an inspection, where a number of issues had been identified, those with the greatest priority were identified for early action;
- although there was a structured risk-based programme for visits by officers, all inspections were undertaken without prior notice. Exeter compared well with other areas and compliance rates were above 97%;
- in respect of the food hygiene rating system (FHRS), establishments could ask for a further inspection after two months. They could also post their own comments on the FHRS web-site;
- recent inspections of food stalls, etc., had been undertaken at both Exeter City FC and Exeter Chiefs; and
- food safety courses were an important intervention tool and a recent course for child minders had proved very successful, reducing the need for inspection of low risk premises.

Scrutiny Committee - Community supported the report and requested Executive to recommend to Council:-

- (1) approval of the Food Law Enforcement Plan 2011/12, which included the revised Food Safety Enforcement Policy; and

- (2) authorisation of the Head of Environmental Health Services to change the Enforcement Plan, as necessary, in the light of centrally issued guidance and/or to meet operational needs.

(Report circulated)

### 37 **Health and Safety Service Plan 2011/12**

The Head of Environmental Health Services presented the report seeking approval of the Health and Safety Service Plan for 2011/12 which set out the Council's performance over the past year, proposals for requiring health and safety in businesses for the forthcoming year and included a revised health and safety enforcement policy.

Scrutiny Committee - Community supported the report and requested Executive to recommend to Council:-

- (1) the approval of the Health and Safety Service Plan 2011/12, which included the Health and Safety Enforcement Policy; and
- (2) authorisation of the Head of Environmental Health Services to change the Enforcement Plan, as necessary, in the light of centrally issued guidance and/or to meet operational needs.

(Report circulated)

## **MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - COMMUNITY**

### 38 **Cost of Reverting To Weekly Residual Refuse Collections**

Councillor Winterbottom attended the meeting and spoke on this item having given notice under Standing Order No. 44.

The Head of Environmental Health Services presented the report setting out an estimated cost of returning all households to a weekly residual collection and highlighting associated implications.

Councillor Winterbottom referred to the Special Meeting of this Committee held on 11 January 2011 as a result of the difficulties in refuse collection experienced over the Christmas period due to weather conditions at which he had proposed a Council tax increase of £2 a month to meet the extra cost of reintroducing a weekly collection. He enlarged on this suggested solution, the £2 relating to a Band D household with increases of £1.78 and £1.56 for Band C and D properties respectively also proposed, as he believed that C and D properties were largely terraced properties which would benefit most from weekly collections. He also stated that such an increase would represent approximately 1.6% of the total Council tax paid. With the introduction of a waste to energy plant he maintained that, as there would be less landfill, there would be a reduction in disposal costs.

He felt that weekly collections would have environmental benefits as such a regime was more suitable to temperate climates such as the UK and stated that the National Association of Pest Controllers had identified an increase in rats in urban areas over recent years, partly attributable to the increase in household waste. He also stated that there should be an associated small increase in employment opportunities and that the Government was in favour of weekly collections. He requested that a survey

be undertaken via the Exeter Citizen on increasing the Council Tax on the basis suggested to fund the reintroduction of a weekly collection.

The Head of Environmental Health Services confirmed that research had shown substantial increases in recycling associated with an alternate weekly collection. A £2 a month increase in Council Tax would still equate to an increase of nearly 20% for City Council tax payers, which would far exceed the Government cap on Council tax rises. In addition, there would still be significant costs to the Council tax payer associated with the gate fee payable for waste taken to the waste to energy plant.

There was support from some Members for a survey. One Member suggested that environmental improvements would be most noticeable in those properties where black bins were collected from back alleys. Here, rubbish was sometimes left out for up to 10 days, one of the associated problems being difficulty of access for those with bicycles and prams. Other Members opposed the proposal and stated that the majority of the top 30 recycling Councils and, all in the top 10, operated an alternate weekly collection regime and that recycling rates were higher when residual collections were every two weeks. He also stated that the media often focussed on bad news stories. A Member queried the accuracy of any survey undertaken in the manner suggested, stating that she had experience in such surveys and a newspaper survey would only attract a 5% return at most, with any returns being dominated by the “motivated disgruntled”, rather than the satisfied majority. Reference was made to the proposal in the Localism Bill for local authorities to pay EU fines which could apply if the level of biodegradable landfill material did not meet EU standards.

The motion to undertake a survey was put to the vote and lost.

Scrutiny Committee - Community noted the report.

(Report circulated)

### **39 Temporary Accommodation Review and Strategy**

The Acting Head of Housing Services presented the report informing Members of the Council’s plan to continue the reduction in the use of Temporary Accommodation for homeless people.

He enlarged on how the initial reduction in numbers had been achieved and referred to the pressure which had contributed to the Council seeing an increase in demand and why the prediction was for future increases in demand. Members were advised of the breakdown in the budget following cuts in Supporting People funding and informed that discussions were continuing with the County on how to maximise the service, in particular for older persons. Further details were provided on those defined as in “priority” housing need and on the rough sleepers’ counts.

Scrutiny Committee - Community noted the report and supported the actions proposed.

(Report circulated)

40 **RAMM's Temporary Exhibition Programme 2011/12**

The Museums Manager presented the report setting out the importance of the exhibition programming to a successful opening and detailing the upcoming programme for 2011/12.

A Member felt that, on opening, the museum should include regular exhibitions by Exeter residents and local artists. The Museums Manager responded that, each year, there would be an open invitation and fixed date for artists and artist groups to send in their proposals which would be considered by RAMM's programming group supported by an external panel of advisors. She went on to confirm that the staff would consult with the Portfolio Holder on exhibition policy generally as the newly refurbished museum re-established itself.

Scrutiny Committee - Community noted the report.

(Report circulated)

**PERFORMANCE MONITORING**

41 **HRA Capital and Revenue and AIM Property Maintenance Out-Turn 2010/11**

The Head of Contracts and Direct Services submitted a report detailing the fourth quarterly/outturn report, covering the period from January to March 2011 (but including updated figures at 21 April 2011). It included the financial position of the £7.6 million programme of reactive and planned property maintenance and refurbishment at the end of 2010/11 and covered revenue funded housing and non-housing schemes as approved by Council for the financial year 2010/11 and budgets for schemes rolled forward from 2009/10. Where necessary, the report also provided specific details on significant programme variations.

Scrutiny Committee - Community noted the outturn financial position and works in 2010/11, as detailed in the report.

(Report circulated)

42 **AIM Property Maintenance Proposed Programme 2011/12**

Councillor Morris declared a personal interest as her husband was employed by UCATT.

The Head of Contracts and Direct Services presented the report detailing the proposed programme of property asset related project work in relation to the budgets set in 2011/12 in respect of reactive and planned maintenance, improvement and refurbishment to housing and non-housing properties and other projects to be monitored by the Asset Improvement and Maintenance (AIM) group in 2011/12.

He advised that the permanent kitchen and bathroom replacement had not yet been put in place.

Scrutiny Committee - Community noted the programme of property asset related work for 2011/12, as detailed in the report.

(Report circulated)

43 **Annual Results of Performance Monitoring 2010/11**

The Director Community and Environment presented the report advising Members of performance at the end of the year on a range of services across the Directorate.

Scrutiny Committee - Community noted the report.

(Report circulated)

44 **Housing Revenue Account - Final Accounts 2010/11**

The Director Community and Environment advised Members of the overall financial performance of the Housing Revenue Account for the 2010/11 financial year ended 31 March 2011.

Scrutiny Committee - Community noted the report.

(Report circulated)

45 **Revenue Final Accounts - Community 2010/11**

The Director Community and Environment advised Members of the overall financial performance of the Community and Environment Directorate for the 2010/11 financial year ended 31 March 2011.

The Scrutiny Committee - Community noted the report.

(Report circulated)

**MATTERS FOR CONSIDERATION BY EXECUTIVE**

46 **Changes to Community Patrol Service and Control Centre**

Councillor Choules declared a personal interest as an employee of the University of Exeter.

The Head of Environmental Health Services presented the report seeking approval for the restructuring of the Community Patrol following a review of the activities and resources of the Patrol. The Committee resolved to discuss that part of the report that was not exempt in open meeting.

The Head of Environmental Health Services responded to Members' queries. With regard to the statistical information on complaints received, he advised that, whilst a general picture of anti social behaviour could be built up, including that of transient noise, this comprised a whole raft of different requests covering domestic and all commercial premises as well as open spaces. It was therefore not practicable for the information to be used when Licensing Hearings considered premises licences. In response to a question about relocating the Community Patrol base, he explained how the Community Patrollers would organise their transport to and from work.

One Member felt that the proposal was retrogressive. Another was concerned that the proposal to retract the overall service was inappropriate when there was an active night-time economy. The Chair referred to transient noise such as that occurring when the nightclubs were emptying and that, as such, it was possible to trace noise problems back to an individual premises and he asked how that would be dealt with in the future. The Head of Environmental Health Services replied that with

chronic noise problems from either commercial or domestic venues, monitoring would be carried out by means of digital noise recording devices (MATRONS) and programmed monitoring by Environmental Health Officers.

Reference was made to the spike in complaints at the beginning of October associated with the return of students to the City. It was proposed that consideration be given to providing extra cover for this period.

Scrutiny Committee - Community:-

- (1) requested further consideration of the proposed shift pattern with a view to increasing after hour cover by moving the shift to 23.00 hours to 24.00 hours every day of the week for the whole of the October period when a greater number of student-related problems were being experienced; and
- (2) subject to (1) above, supported the report and requested Executive to approve the proposed re-structure of Community Patrol resources and the proposed hours, as set out in the report.

(Report circulated to Members)

**47 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 for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

**48 Changes to the Community Patrol Service and Control Centre**

Councillor Choules declared a personal interest as an employee of the University of Exeter.

The Head of Environmental Health Services presented the report seeking approval for the restructuring of the Community Patrol following a review of the activities and resources of the Patrol.

Subject to Min. No. 46 above, Scrutiny Committee - Community supported the report and requested Executive to approve the proposed re-structure of Community Patrol resources and the proposed hours, as set out in the report.

(Report circulated to Members)

**49 Restructure of the Housing Enabling and Empty Homes Team**

The Acting Head of Housing Services presented the report seeking approval for the restructure of the Housing Services Unit's Enabling and Empty Homes Teams to create a new Housing Development Team.

Scrutiny Committee - Community supported the report and requested Executive to:

- (1) approve the deletion of the posts of Empty Homes Partnership Manager and Empty Homes Partnership Officer [CE06118 and CE06182] from the establishment of the Council, the employment of the holders of these posts to be terminated on the grounds of redundancy on 30 September 2011 with



compensation being paid to the holders of the posts in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006;

- (2) approve the new structure as outlined in Appendix II of the report, to be implemented in accordance with the Council's Organisational Change Policy, and for any displaced employees to be confirmed as redundant; and
- (3) where, despite all efforts, notice of redundancy is confirmed and suitable alternative employment not found, those employees with two or more years' service be paid a compensation payment upon employment termination in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 9.15 pm

Chair

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**QUESTION FROM A MEMBER OF PUBLIC****UNDER STANDING ORDER NO.19****SCRUTINY COMMITTEE - COMMUNITY – 7 JUNE 2011****QUESTION FROM MS BERYL JAMES**

How does the Housing Office satisfy the need to maintain a sufficient supply of rented accommodation from the private sector given its cavalier and unfair attitude towards landlords which adversely impacts on the Council's finances ?

This evidenced by

- Failure to negotiate with the landlord when the tenant applies to the Housing Office
- Partial advice given to tenants to remain in properties beyond the notice period given under Section 21 of the 1988 Housing Act, even where there are serious arrears, with the direct result that the landlord must pay the £175 court fee for a repossession order
- The further £110 cost to the landlord of a bailiff to carry out eviction
- The loss of housing stock withdrawn by disillusioned landlords placed in severe financial difficulty
- The resulting inability of the tenant to obtain references for future private housing and thus becoming a long term financial burden on the Council Tax payers
- The loss of revenue from Council Tax arrears on the property
- The cost of paying Housing Benefit to the tenant

**RESPONSE**

*In responding to this question I can only answer in general terms on the Council's policy and can not respond to any specific cases or incidents.*

- *We would always try to advise the landlord of the contact with their tenant where appropriate. This might be as a courtesy or to enable the landlord to speak to the tenant*
- *The advice given to a tenant who exercises their legal right to remain in a property beyond the notice period would also include that they continue to abide by the terms and conditions of the tenancy agreement. We would expect the tenant to continue to pay their rent whilst their housing situation is resolved. The matter of the collection of rent is matter for the landlord and the tenant and the Council is not involved.*
- *When applying to the court for a possession order a landlord can apply to seek costs such as this that they have incurred.*
- *It is not our intention to disillusion private landlords but the advice given is in accordance with housing law and we would be remiss if we did not give tenants full and proper advice.*
- *As stated previously we would expect a tenant to continue to pay their rent and comply with all other terms and conditions of their tenancy.*
- *Council Tax arrears on the property would be liable and pursued in the normal manner.*
- *Housing Benefit is entitlement based and therefore paid to those who need it.*



**PORTFOLIOHOLDER FOR ENVIRONMENT AND LEISURE  
UPDATE ON PRIORITIES FOR 2010/11**

- **To manage the RAMM redevelopment project to minimise the cost and reopen in December 2011.**

Good progress has been made and the museum is on track to reopen in December with a big programme of national regional and local exhibitions, events and activities.

- **To make necessary savings in a careful and considered way trying to minimise the impact on the public.**

We have saved over £1million across the Directorate, where possible by making efficiencies. The new leisure management contract let this year was a significant contributor to this.

- **To continue to implement the changes to the refuse collection service and make any necessary adjustments.**

The remodelling of the refuse collection rounds into 5 zones across the city was successfully implemented in the Autumn, giving a more efficient route structure. A further 14000 households have been brought into the alternate weekly collection cycle making 90% of households; this has saved on fuel and staffing, increased recycling and allowed the rounds to be more balanced. We have also improved how we catch up after Bank Holidays so that 80% of households do not change their collection day. Some areas where there are still back alley collections of black bags, remain a challenge.

- **To maintain all our current play areas to a good standard, to tackle vandalism and maximise the use of S106 money to make improvements.**

We have developed and improved play areas including Wyvern Park and Wonford Playing Fields. Vandalism remains a problem in some areas and sadly we have had to take some equipment out of use at the Chillzone because of repeated attacks by vandals.

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## PORTFOLIO HOLDER FOR ENVIRONMENT & LEISURE PRIORITIES FOR 2011/12

- **Open the Royal Albert Memorial Museum in December 2011**

We will reopen the museum and offer exhibitions and events which will attract the attention of many thousands of potential visitors and re-establish RAMM as the South-West's premier museum. RAMM will open on Sundays as well. Through our partnerships with national museums and the Royal Collection we will offer local people the chance to see world-ranking exhibitions on their doorstep as well as providing a significant attraction for visitors.

- **Enhance the City's parks and play areas**

Exeter already has a wonderful range of parks and it is our aim to maintain and extend play facilities and equipment in parks including paddling pools in St Thomas and Heavitree. The pools have undergone a substantial refurbishment including improvements to the water treatment systems to improve water quality, pressure grouting and a new water-proof coating as well as partial rebuilding of the pump houses. The pools will be open for 16 weeks in 2011/12, longer than they were last year. Despite the financial challenges faced by the Council we believe that this is money well spent given the pleasure that these facilities bring to the City's children and families.

- **Keep the City clean and pleasant for everyone**

We will continue our rolling programme of deep cleans of parts of the city and our work in removing chewing gum and graffiti. We will look for opportunities to enhance this further, particularly if the new Business Improvement District goes ahead.

We will continue to work to improve cleanliness of back alleys by working with residents to find the best way for them to store and present their rubbish. We realise that there won't be one solution for every area but we will need to be flexible and creative.

- **Minimise waste and build on our recycling rates**

We will work hard to make our collection and recycling systems as efficient as possible whilst not forgetting that our prime aim is to minimise the waste produce in the first place. Increasing our recycling rate will be a challenge as the recession will reduce the amount of newspapers and magazines purchased and because industry has been working hard to reduce the weight of packaging used.

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## PORTFOLIOHOLDER FOR HOUSING AND COMMUNITY INVOLVEMENT

### PRIORITIES FOR 2010/11

- To work with the Social Health and Inclusion Partnership to focus our work to support priority groups and areas.

We continue to work with SHIP and its agreed action plan which is working towards improving services to homeless people and other vulnerable groups together with increasing the supply of affordable housing.

- To provide at least 100 new units of affordable housing.

We exceeded this by providing 146 units of affordable housing during 2010/11

- To effectively manage the new council housing repairs contract, ensuring a smooth transition that delivers service improvements.

Our contractor, Mears, started this contract on the 29 September 2010. Indications show that tenant satisfaction is high and the quality of work is improving.

- Consult council housing residents on the new Tenant Services Authority regulatory framework for social housing and develop a set of local standards for Exeter to meet our obligations.

A major consultation exercise took place in August of 2010 from which our local offer was agreed with tenants and published. This was part of the Council's response to the new TSA Regulatory Framework.

- To continue to work with the Resident Auditor Team for Council housing and act on their findings.

The Resident Auditor Team continues to undertake detailed assessments of existing housing services and producing reports on their findings. Recently the group have looked at our lettable standard on council houses when re-let and the possible use of incentive schemes.

- To review the processes by which the need for disabled adaptations are assessed and provided.

The review looked at the Disabled Adaptation service across rented properties and resulted in a protocol being agreed and signed by all

registered providers to ensure a consistent level of service delivery of adaptations.

## PORTFOLIOHOLDER FOR HOUSING AND COMMUNITY INVOLVEMENT

### PRIORITIES FOR 2011/12

- To provide a supply of high quality, social rented housing within the city in light of new government policy.

We plan to develop a city-wide Strategy with all social landlords that takes into account the implementation of the governments new “affordable rent” tenancies and fixed term tenancies. This includes ensuring negotiation and lobbying to ensure the maximum number of “social rented” homes are provided and re-let through Devon Home Choice. We plan to re-structure the enabling and empty homes to meet these challenges.

There will be a 30 year business plan produced for housing that takes into account the implementation of a new self financing Housing Revenue Account in line with Government proposals.

- To provide at least 150 new units of affordable housing.

We currently expect this target to be exceeded by the end of March 2012. There are currently over 141 new homes on site across the city.

- Publish an annual report to tenants which includes the agreed targets within the local offer and our performance against these offers as per the Tenancy Services Authority (TSA) regulatory requirements.

Following the major consultation exercise in response to the new TSA Regulatory Framework requirements we are required to publish and monitor the range of service standards and priorities (Local Offer) agreed with tenants that the Council will aim to meet in future years.

Although the TSA is to be abolished the Regulatory Framework they have published remains.

- Review the Neighbourhood Management Policy

Following the re-structure of the Tenancy Services team it will now work towards a more tenure neutral pro-active approach in the management of neighbourhoods working with all appropriate agencies to deliver effective management of our neighbourhoods.

- To work with Devon County Council on how older persons housing support services are provided in Exeter to our tenants in the future.

Devon County Council is currently reviewing the funding arrangements for the provision of older persons support services across Devon which is going out to consultation in June 2011. We wish to ensure tenants are best served by any changes in the funding arrangements and continue to receive appropriate support.

- To encourage good quality privately rented accommodation whilst recognising the need for managing the impact of HMOs upon established communities.

We will seek to introduce a discretionary HMO licensing scheme in the wards around the University in order to help improve the safety and management of the estimated 2000 HMOs in the area.

- Work pro-actively with all agencies to prevent homelessness and work to support those that are.

We will update our strategy for helping rough sleepers during periods of extreme cold weather and look to ensure they are provided with hot food, warm clothes and medical assistance where it is needed.

We will pro-actively work to help people facing mortgage difficulties remain in their home.

# Agenda Item 9

## SCRUTINY COMMITTEE - ECONOMY

9 June 2011

### Present:

Councillor Cole (Chair)

Councillors Prowse, Bialyk, Choules, Crow, Dawson, Morris, Payne, Robson, Ruffle, Thompson and Wardle

Director Economy and Development, Head of Economy and Tourism and Member Services Officer (SLS)

### Also present:

Councillor Rosie Denham - Portfolio Holder for Economy and Tourism  
Councillor Rachel Sutton - Portfolio Holder for Sustainable Development and Transport

## 21 Minutes

The minutes of the meeting held on 10 March 2011 were taken as read, and signed by the Chair as correct.

## 22 Declarations of Interest

The following personal (and \*prejudicial) interests were declared:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councilor Mrs Thompson	*24 and *25 (landowner in the Monkerton Master Plan area and due to business arrangements with Eagle One)
Councillor Bialyk	24 (member of the Exeter Bus and Coach Station Social Club)
Councillor Prowse	24 (Member of Devon County Council)
Councillor Payne	24 and 28 (employee of Exeter College)
Councillor Morris	24 and 29 (Member of the Union of Shop, Distributive and Allied Workers and employed by Ben Bradshaw MP)
Councillor Choules	32 (wife is an employee at the Northcott Theatre)

## 23 Questions from Members of the Public under Standing Order 19

The Chair advised that a letter from a member of the public had been passed to her, detailing a number of complex issues relating to vessels at the canal and VAT payments, which do not fall within this Scrutiny Committee's terms of reference. A copy of the letter would be passed to the Chair of Scrutiny Resources to take any appropriate action. She would also ensure that a full and appropriate response was made to the letter.

A Member advised that he had seen a copy of the letter and suggested it would be helpful to have clarification of the processes that can be used by those who feel they have a grievance. The Director outlined the City Council's formal complaints procedure.

## 24 **Portfolio Holders to Present their Priorities for the Forthcoming Year**

Councillor Bialyk declared a personal interest as a member of the Exeter Bus and Coach Station Social Club.

Councillor Mrs Thompson declared a personal and prejudicial interest in relation to being a landowner in the Monkerton Master Plan area and took no part in any discussion on that subject.

Councillor Prowse declared an interest as a Member of Devon County Council.

Councillor Morris declared an interest as a member of the Union of Shop, Distributive and Allied Workers (USDAW)

Councillor Payne declared an interest as an employee of Exeter College.

Councillor Sutton presented the following priorities within the Sustainable Development and Transport Portfolio for 2011/12. A copy of the briefing note, together with a brief explanation on each priority will be attached as an appendix to these minutes.

The following responses were given to Members' questions: -

- the feasibility study will look at a number of options for the redevelopment of the Bus and Coach Station site, and although the bus terminal would have a central presence, it was not clear where that would be. The concern about ensuring the design and location would be in a place that people wanted to use was noted. The Director added that many features including safety and Highway concern, as well as the bus operator's requirements for passenger movements and bus maintenance would be fed into the design process.
- plans for the enhancement of Cowick Street were now being drawn up in detail, with work due to commence towards the end of the calendar year.
- the Director stated that the CIL was a national initiative, with the rate dependent on house values, but every effort would be made to bring forward a common charging schedule. Some of the revenue would be used to improve local infrastructure including rail and road, for the benefit of Exeter residents as well as those visiting the city for work and leisure. The infrastructure offset will be captured by the CIL, with no additional burden for house buyers or those renting.
- although the Harbour Revision Authority had not made its final report, no changes in navigation on the Exeter Canal were anticipated.
- officers would be asked to look into the individual patronage and revenue derived from off street parking. (The Chair suggested a Working Party might be convened to look at this in more depth.)
- a response would be made to a Member's enquiry about the formal appeals procedure in relation to a particular instance of parking enforcement.
- the positive comments on improvements to the entrance to Gandy Street were welcomed.

Councillor Denham presented the following priorities within the Economy and Tourism Portfolio for 2011/12. A copy of the briefing note, together with a brief explanation on each priority was attached as an appendix to these minutes.

The following responses were given to Members' questions and comments:-

- the increase in youth unemployment and decline of local apprenticeships were still areas of concern, but the Council would look to take advantage of any employment and training opportunities from new construction sites in the city. The Council has also been working with local colleges and Job Centre Plus to identify opportunities for young people to gain vital work experience.
- the suggestion of inviting Richard Atkins, Principal of Exeter College to a future meeting would be pursued.
- there was disappointment that Exeter did not have a seat on the Heart of the South West Local Enterprise Board. However, there should be the opportunity for continued dialogue through the newly reconstituted Exeter and Heart of Devon Growth Board, as they will be offering a seat to the LEP's private sector business representative covering the Exeter area. Details of the nomination were expected shortly.
- initiatives such as the development of a Business Improvement District (BID) should help address some of the challenges facing Exeter's less viable shopping centres. The City Centre Vision for a Green Capital (to be discussed later on the agenda) should also ensure that the city centre does not just revolve around new developments such as Princesshay and John Lewis, with other parts of the city centre being forgotten.
- every effort was being made to fill the city centre's vacant retail outlets.

Scrutiny Committee – Economy noted the achievements and priorities presented.

## **MATTERS FOR CONSIDERATION BY EXECUTIVE**

### **25 The Exeter and Heart of Devon Growth Board, the Local Delivery Board for the Functional Economic Area**

Councillor Mrs Thompson declared a personal and prejudicial interest due to business arrangements with Eagle One, and took no part in the discussion.

The Director Economy and Development outlined the proposal and decision by the Exeter and East Devon New Growth Point Steering Board to formally reconstitute itself from the 26<sup>th</sup> July 2011, as the Exeter and Heart of Devon Growth Board. The new delivery governance structure would have an extended term of reference encompassing economic development, infrastructure planning, jobs growth and the delivery of housing. It would function within the governance structure of the new Heart of South West Local Enterprise Partnership, providing a "sounding board", as part of the important economic role of the Exeter and Heart of Devon functional economic area. The structure would include senior level political representation from the County's local authorities as well as key private sector and regional agency representatives. Members were advised that with such a collaborative approach, it was appropriate for the Exeter and Heart of Devon Economic Partnership to cease operation forthwith. Members would be thanked for their valuable contribution.

The Director responded as follows to Members' comments:-

- It was appropriate for Exeter Airport to be a permanent member of the Board, rather than as a temporary member, in recognition of its contribution to the local economy.
- the Growth Board and the Heart of the South West LEP differs in that the latter's lead is private sector led. The City Council remains concerned over the lack of Exeter Member representation on the LEP, but the expectation that a private sector presence representing Exeter will be appointed goes some way to address this.

Scrutiny Committee - Economy welcomed the initiative to establish a local delivery board for the Exeter economic area to build on the track record of good partnership working and effective delivery with the private sector and recommended that Executive approve the following:-

- (1) that the Exeter and East Devon New Growth Point Steering Board change its name to the Exeter and Heart of Devon Growth Board, with extended terms of reference, to include economic development;
- (2) that the delivery board be recognised as the local delivery structure for the Exeter economy in the context of the proposed governance arrangements for the Heart of the South West Local Enterprise Partnership;
- (3) the decision to close down the Exeter and Heart of Devon Economic Partnership; and
- (4) the minutes of the Exeter and Heart of Devon Growth Board be circulated to Members of Scrutiny Committee – Economy and Executive.

(Report circulated)

## 26 **A City Centre Vision for a Green Capital**

The Director Economy and Development made a presentation and also submitted a report, 'A City Centre Vision for a Green Capital' to consider whether to adopt the document for engagement with key stakeholders. It had been commissioned to provide a development context for the City Centre Transportation Strategy and other potential studies and projects in the city centre and formed the basis of a vision for any future city centre Action Area Plan. A total of 17 principles were also listed for future guidance, with the aim of creating a flexible framework for the growth of the city centre over the next 20 to 30 years.

Members made the following comments:-

- welcome for a very positive document;
- what impact the extension of pedestrianised areas in the city centre might have, particularly if that included the Paris Street/New North Road junction, adjacent to the development of the John Lewis At Home store, which was an arterial route to Crediton. The Director referred to the need to address such challenges, but with the current and predicted footfall of that particular junction, a solution would have to be found. Some transport modelling would be carried out to understand all the implications including cost.
- support for the Vision, but concern that a predicted growth of 50% of the city's working and local population should include improvements to the transport infrastructure to facilitate movements both in, and to and from the city, and include rail. The Director agreed that desired transport outputs had to include



new railway stations at Newcourt, Monkerton and Marsh Barton, as well as additional services on the existing lines and better rolling stock. The case for such improvements needs to be continually made to business and the local MP's.

- an extension of pedestrianised areas to allow further development of the night time economy should allow for more CCTV and good quality downward street lighting and the public engagement exercise should be as wide as possible.
- the consultation should include workshops and public exhibition as well as investigating the possibility of a roving exhibition to community halls for greater access. The Director stated that the consultation would be as wide reaching as possible.
- the reduction of cars within the urban extension of Exeter should be welcomed, but the Member hoped that the outlying areas such as Pinhoe would not be used for additional Park and Ride facilities. The Director advised that city wide Park and Ride had to be part of the transport solution as well as trains and buses. Other initiatives such as Park and Change (to a bus) were being developed to serve rural areas. The Director advised that every effort was continuing to find suitable locations for any further Park and Ride schemes.

Scrutiny Committee – Economy supported the report and recommended that Executive approve the contents of the City Centre Vision document for the purpose of a public engagement exercise with key stakeholders, and subject to the engagement endorse the use of the document to inform decision making by the City Council specifically in relation to future City Centre Action Plans; and that Members commend the document to the Exeter Vision Partnership.

(Report circulated)

## 27 **City Centre Business Improvement District**

The Head of Economy and Tourism presented a report which updated Members on progress towards establishing the proposed Business Improvement District (BID). It also sought to establish Executive's confirmation of a "yes" vote in the ballot to support the setting up of the BID. A draft of the Exeter City Centre BID proposal was circulated with the report.

A Member stated that it was clear that the City Council wanted a vote in favour, but he enquired if the tenants of the City Council's business properties listed in the appendix would be eligible to vote or if a block vote mechanism would be used by the City Council. The Head of Economy and Tourism advised that a tenant paying business rates would be entitled to a vote. He also responded to a Member who sought more detail about the 'purple flag' status, which was awarded to towns and cities, whose night time economy presented a quality, clean and safe environment.

The Chair thanked officers for their hard work in bringing this project to fruition.

Scrutiny Committee – Economy supported the report and recommended that Executive approve the following:-

- (1) confirm its support for the proposed City Centre Business Improvement District and the priorities and projects as set out in the formal prospectus;
- (2) authorise the Portfolio Holder for Economy and Tourism to cast the City Council's votes in favour of establishing the BID;

- (3) confirm that in principle the continuation of the City Council's contribution of £50,000 towards the costs of the City Centre Management function in collaboration with the BID Company, subject to agreement on the final arrangements; and
- (4) that the Head of Treasury Services arrange for provision for funding the BID levies from existing budgets associated with each property liable for the levy.

(Report circulated)

## **MATTERS FOR CONSIDERATION BY SCRUTINY ECONOMY**

### **28 Economic Development Service - Update**

Councillor Payne declared a personal interest as an employee of Exeter College.

The Head of Economy and Tourism provided an overview of the Economic Development Service's activities during 2010/11, which had contributed to the implementation of the Exeter and Heart of Devon Economic Development Strategy. The priorities of the Strategy continued to focus on promoting and securing the growth of businesses, a better-trained workforce, helping people into work, bringing forward the availability of employment land and lobbying for investment in transportation and the communications infrastructure. The Service's key priorities for supporting growth and recovery together with the key actions planned in 2011/2012 were also set out in the report.

The Head of Economy and Tourism responded to comments on the service's key priorities. He addressed a Member's concern about the Science Park's future development, stating that the formal planning regime and the Gateway Policy would ensure compliance with the preferred types of businesses to be located on the park. A Member welcomed the business support delivery model, but enquired how various projects would be protected in the light of reductions in public sector spending. He was advised that, whilst there was the current City Council funded business advice in collaboration with the Innovation Centre, there was also the Government policy to establish a network of over 40,000 business mentors offering practical advice on a voluntary basis. It was unclear at the moment how the latter would be delivered.

Scrutiny Committee – Economy noted the report and supported the economic development priorities and activities for 2011/ 2012.

(Report circulated)

### **29 Heart of the South West Local Enterprise Partnership Update and Briefing on Proposals for an Enterprise Zone**

Councillor Morris declared a personal interest as an employee of Ben Bradshaw, MP.

The Head of Economy and Tourism updated Members on the proposal to establish the Heart of the South West Local Enterprise Partnership (LEP) covering Devon and Somerset. The LEP will grow in influence and importance, but the representation from District Councils remains an issue, and particularly in ensuring that Exeter's interests are adequately represented at regional and national level. The report also covered an invitation to establish an Enterprise Zone, based around the Exeter and East Devon Growth Point development programme. A substantial incentive was being offered to achieve a step change in regeneration. An expression of interest for Exeter had been submitted, and the outcome would be reported to Members.

Members commented on the lack of District Council representation on the LEP. The Director stated that the City Council had made their disappointment over the lack of political representation and accountability known. In response to a question, the Director stated that Ben Bradshaw had been very involved in these discussions. Details of the business representative would be known shortly. An invitation would be extended to Jeremy Filmer-Bennett, Chair of the LEP Steering Group, to attend a future meeting.

Scrutiny Committee – Economy supported the formation of the new Local Enterprise Partnership and proposed setting up of an Enterprise Zone, but wished to record their displeasure at the way Exeter City Council had been excluded from the Heart of the South West LEP process.

(Report circulated)

### 30 **Summer Events Programme**

The Head of Economy and Tourism presented a report which provided Members with a summary of the summer events programme 2011.

Officers had put together a varied and very different programme, and the outcome would be closely monitored. The Chair welcomed the wide range of activities and events, and asked how this would feature in future budget programming. The Head of Economy and Tourism confirmed that feedback from events would be acknowledged and added into that process. He responded to comments on the challenges of staging the forthcoming Midsummer Party on the Quay in the short timescale following the difficult budget setting round.

Scrutiny Committee – Economy Members noted the Summer Events Programme for 2011.

(Report circulated)

## **PERFORMANCE MONITORING**

### 31 **Capital Programme Monitoring**

The Director Economy and Development presented a report which advised Members of the final position with regard to the 2010/11 capital programme for the Economy and Development Directorate.

Scrutiny Committee –Economy noted the report.

(Report circulated)

### 32 **Economy Stewardship 2010/11 (Final Accounts)**

Councillor Choules declared a personal interest as his wife is an employee at the Northcott Theatre.

The Director Economy and Development presented a report detailing the overall financial performance of the Economy and Development Directorate for the 2010/11 financial year ended 31 March 2011.

Scrutiny Committee – Economy noted the report.

(Report circulated)

33 **Annual Results of Performance Monitoring 2010/11**

The Director Economy and Development presented a report on the performance at the end of the year on a range of statutory and local performance indicators that relate to services provided by the Economy and Development Directorate.

Scrutiny Committee – Economy noted the report.

(Report circulated)

34 **Energy Partnership with E.ON - Progress Report**

The Director Economy and Development presented a report which updated Members on partnership work with E.ON.

A Member congratulated all those involved in drawing together the concept, and he asked if the lead officer of the Low Carbon Task Force could be invited to a future meeting.

Scrutiny Committee - Economy noted the following:-

- (1) the signing of the memorandum of understanding between Exeter City Council, Devon County Council, East Devon District Council and E.ON for the purpose of developing, overseeing, influencing and, where appropriate, commissioning projects within a programme which is intended to achieve the ambitious goals of reducing carbon emissions, addressing fuel poverty and stimulating the low carbon economy for the region; and
- (2) that an invitation be extended to the lead officer of the Low Carbon Task Force to attend the next meeting if possible.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 8.20 pm

Chair

SCRUTINY ECONOMY COMMITTEE  
9 JUNE 2011

SUSTAINABLE DEVELOPMENT AND TRANSPORT PORTFOLIO  
PROGRAMME FOR 2011/12

**Core Strategy**

The core Strategy will be considered at an Inquiry starting 21<sup>st</sup> June. A number of significant policy documents will have to be produced during the year and represent a major undertaking for the Department, they include: Development Management Development Plan Document; Site Allocations DPD; and we will begin work on the City Centre Action Plan and Student Accommodation and small HMO's supplementary planning document.

**Community Infrastructure Levy (CIL) and Localism Bill**

We have indicated our intention to introduce a community infrastructure levy for Exeter. CIL enables local authorities to obtain contributions from developers towards infrastructure. Unlike section 106 agreements, which are negotiated individually on a case by case basis, and tend only to be used on larger developments, the Levy applies to all new buildings that involve the creation of a new dwelling and possibly non residential development. From 2014 unless a CIL is in place Councils will be restricted in what can be raised by section 106 agreements. Therefore it is important to make progress with this initiative. We are currently working on the evidence base to support CIL. Key requirements will be: to produce a draft charging schedule for consultation; to produce evidence on viability; to produce an infrastructure delivery plan; and a code of practice. The policy framework for this work will be an adopted Core Strategy.

The growth area covers East Devon and Teignbridge and therefore it is preferable to have a CIL that is integrated with neighbouring districts, and vertically with the County Council. Therefore this summer our intention is to establish governance arrangements between the authorities for the introduction of a CIL. This work will be led through the Exeter and Heart of Devon Growth Board.

The Localism Bill has introduced the concept of neighbourhood plans and this suggests a level of community engagement that will require the Council to have clear protocols in place for engaging community groups and addressing requests for support. It is my intention that we bring forward a report on how the localism agenda will be addressed.

**Affordable Housing**

The government has profoundly changed the "affordable housing" product that it is willing to support financially. Affordable housing now includes housing that is 80% of an open market rent. The HCA no longer offer grant to subsidise the delivery of affordable housing as previously understood; instead registered providers will now be able to charge rents up to 80% of open market rents and use this increased income to fund new building. In practice this will significantly challenge our ability to delivery affordable housing at the levels historically produced in the City. Given that most affordable housing is likely to come forward through section 106 agreements, we will be working closely with the housing service to address the challenges of producing new dwellings in a fundamentally different policy and financial landscape.

**Climate Change**

The development of a local energy network to serve the City centre and Heavitree Road corridor to St Lukes and the RD&E is gaining momentum and this year we should see

stakeholders and the private sector energy companies develop a commercial proposition. The Energy partnership with E.ON will provide a platform for developing initiatives.

### **City Centre and Bus and Coach Station Site**

The City Centre Vision is on the agenda of this meeting, a city centre transport study will be shortly concluded and this will provide the technical studies to underpin specific proposals.

We continue to work with Land Securities on a feasibility study of the redevelopment of the Bus and Coach Station site. A two year Exclusivity Agreement has been agreed in principle with Land Securities/Crown Estate to provide comfort to all parties during this process. The work is behind schedule and we had hoped to have received the feasibility study by now. However, developments with the John Lewis store at 1-11 Sidwell Street have given Land Securities reason to pause on the master planning work. This is understandable and we hope to receive the feasibility study in the autumn. The Concept master planning principles for the redevelopment of this site should be reported to a future meeting of Scrutiny committee later this year.

### **City Centre Enhancements**

Members may have noticed the work currently being undertaken on Gandy Street. Works to Cowick Street and Northernhay Gardens are planned for later this year. Proposed improvements to the public realm outside the former Debenhams building are intended for later this year but precise timings will depend on the work programme for the John Lewis building.

### **Parking, waterways and flood prevention**

It is important for all Members to realise that our ability to generate income from our assets, such as car parks and property, will be tested to the full because of the economic circumstances we face and I have therefore asked officers to pay very close attention to this in terms of the focus of their activities. With regard to parking, I believe we need to rebalance the competing claims of managing the City Council's off-street parking operations on the one hand against running civil parking enforcement on behalf of the County on the other. While the CPE role is clearly an important and high profile one, it is of little direct financial benefit to the City Council and over the next year I will be asking officers to focus in particular on the issue of how we can develop our own parking facilities to deliver a better service for customers and protect and grow income, rather than spending disproportionate management time on CPE-related matters.

We also need to devote time & effort to the City's key infrastructure. I have asked officers to bring forward new proposals for managing the river & canal function (which transferred into my portfolio last autumn) that not only reflect the continuing delay in receiving a decision from the Department for Transport on our future role as Harbour Authority but also the need to effectively meet the challenges associated with this. Dealing with the Department's decision, when it eventually comes, will be a significant task whichever way the decision goes; it will not be business as usual and we must ensure that the arrangements we have in place are fit for purpose.

I am also aware of the need for us as an organisation to engage seriously with the issue of flood risk (which in the wake of the severe floods of 2007, and continuing concerns over the effects of climate change, has moved significantly up the national agenda and has potentially major implications for Exeter). A number of Members will have attended a recent briefing by the Environment Agency outlining their early thoughts on how Exeter's flood defences might be improved, and in the next year I want officers to clarify the likely financial implications of various schemes and develop proposals for potential sources of funding. A paper on this issue will be brought to Scrutiny Committee for discussion in due course.

### **Councillor Rachel Sutton - Portfolio Holder Sustainable Development and Transport**

## SCRUTINY ECONOMY COMMITTEE 9 JUNE 2011

### Key Elements of the Programme for the Economy Portfolio for 2011/12

#### Economic Development

It is important to recognise that the national picture is not very promising, there is no growth in the economy, and the reduction in public sector funding will have a localised impact on the city. The SWRDA has forecast some 5,000 job losses in the City through public sector cuts. Therefore as an absolutely priority for the City Council must be to support growth and recovery.

The key priorities for supporting growth and recovery in 2011/2012 are summarised in the report of the Head of Economic Development on the main agenda, they are as follows:

- Work with the business community to secure support for the establishment of the city centre Business Improvement District. The City centre remains the engine of the city's economy and I am sure the BID will have a positive impact on the city centre;
- The arrival of John Lewis to the City Centre will be a major boost to the economy; we have a lot to do in terms of supporting this investment with improvements to the public realm.
- We will continue to work with Land Securities and the Crown Estate to build on the City Centre Vision, and transport study already undertaken with a view to bringing forward a concept master plan for the Bus & Coach Station site. A key element of this will be to produce a detailed feasibility analysis based on established master planning principles. If a viable scheme can be identified we will be looking to press ahead with the planning processes and seeking to agree Heads of Terms for a development agreement.
- Individual developments, such as John Lewis, and Waitrose have an important role to play both in providing immediate jobs for construction workers and in creating new permanent jobs. Both developments will provide hundreds of jobs and will provide an important boost to the local economy.
- A priority for this year will be to capitalise on the investment that has been made in the growth point outside the city. Therefore we will work with the Exeter and Heart of Devon Growth Board to influence and secure support for priority actions and developments from the new Local Enterprise Partnership. Although we do not have a seat at the table of the LEP we will make our presence felt through the new Growth Board.
- An immediate priority will be to assess with our partners in East Devon and the County Council the merits of pursuing proposals for an Enterprise Zone
- We will continue to progress the development of Exeter Science Park with a particular focus on its promotion
- Increase business formation and survival through a programme of activities coordinated by Exeter Business Support

- Promote the formation and survival of social enterprises through the services of Fruit Tree for Business
- Adjust service delivery and customer relationship management in the handling of investment enquiries and the operation of the Commercial Property Register with reduced resources
- Continue to work with the Exeter and Heart of Devon Employment and Skills Board to promote investment in relevant training provision for employers and progress projects which support local people to take advantage of job opportunities arising from the Exeter and East Devon New Growth Point projects
- Through the delivery of Exeter Positive Steps Fund projects assist people from the most deprived neighbourhoods and backgrounds in the city to take up training and/or employment

### **Estates**

The process of selecting a new auctioneering firm to run the livestock markets at the Matford Centre is in hand and we hope to select a new partner over the course of the summer with a view to the new arrangements being in place for next Spring..

We will continue to work to deliver the next phases of the Canal Basin regeneration. In particular work is now in hand on the conversion of the Old Electricity Building into a new indoor climbing centre and Devon County Council have confirmed their intention to bring forward their scheme for a new Outdoor Education Centre. Over the course of the summer we will be examining our approach to the listed buildings and the uncompleted site at the head of the Basin in conjunction with the Exeter Canal & Quay Trust.

### **AFU**

As members will know Council has agreed to reluctantly close the Archaeological field units. Most of the staff will be made redundant at the end of June with a core team being retained until the end of March of 2012 to close down outstanding projects and to honour contractual obligations. This will be a difficult time for staff and we will wish to achieve this closure in a orderly, and responsible manner with minimal risk to the Council's reputation

**Councillor Rosie Denham**  
**Portfolio Holder Economy and Tourism**



## SCRUTINY COMMITTEE - RESOURCES

22 June 2011

### Present:

Councillor M A Baldwin (Chair)

Councillors Branston, Bull, Henson D.J., Morris, Mottram, Spackman and Tippins

Chief Executive, Director Corporate Services, Assistant Chief Executive, Head of Treasury Services, Head of Contracts and Direct Services, Head of Human Resources and Member Services Officer (SJS)

### Also present:

Councillor Edwards – Leader, Portfolio Holder for Budget and Strategic Vision

Councillor Martin – Portfolio Holder for Business Transformation and Human Resources

Mr B Morris - Representative from Grant Thornton, the Council's External Auditor

Mr P Sethi – Representative from Grant Thornton, the Council's External Auditor

### 30 **Minutes**

The minutes of the meeting held on 23 March 2011 were taken as read and signed by the Chair as correct.

### 31 **Declarations of Interest**

Members made no declarations of interest.

### 32 **Interim Audit Report**

Mr Morris and Mr Sethi from Grant Thornton, the Council's External Auditors, presented the Interim Audit report to Members.

Mr Morris updated Members on the audit approach including the agreed timetable and the review of the process and position for the Council's transition to the International Financial Reporting Standard (IFRS). He outlined the issues identified on the accounts audit risk assessment and the work completed and planned to address the issues.

Mr Sethi advised of the results of the interim audit work including the review of the internal audit function, close down procedures, financial reporting controls, key financial systems and review of information technology controls. Members were informed that no significant issues had been identified throughout the interim audit work.

In response to Members' questions, Mr Morris clarified the governance position with regards to reporting errors over £21,000 to Members with non-material errors below £21,000 being reported to management. The Council had adequate measures for network intrusion detection and prevention.

The Director Corporate Services stated that the Council's IT systems were CoCo compliant and the Council was working with other authorities to look at cost effective options for improving IT protection.

The Chair thanked Mr Morris and Mr Sethi for their presentation.

Members noted the report.

(Report circulated)

**33 Leader and Portfolio Holder to present the priorities for the forthcoming year**

The Leader presented the priorities for the budget and providing value for money across the Council's services. The report is attached to these minutes.

Councillor Martin presented the priorities within the Portfolio Holder for Business Transformation and Human Resources. The report is attached to these minutes.

The following responses were given to Members' questions:-

- Group Leaders had each nominated a Member from their Group on this Committee to oversee the proposed review of the Council's services and processes
- With its own entrance it was possible that, in the future Phase 3 of the Civic Centre could be let out as separate accommodation
- No guidance had been received from Central Government as to how changes to council tax benefits should be implemented, every Council having to design its own scheme for delivering this element of the benefit system
- No guidance was available as to how the new Universal Benefit would be delivered.

**PERFORMANCE MANAGEMENT**

**34 AIM Property Maintenance Outturn Report 2010/11**

The joint report of the Head of Contracts and Direct Services, Acting Head of Housing Services, Head of Treasury Services and Acting Head of Estates was submitted, detailing the financial position of the £7.6m programme of reactive and planned property maintenance and refurbishment at the end of the financial year 2010/11 but before final closure of accounts.

Members were circulated with a response to notified questions from a Member.

The Scrutiny Committee – Resources noted the outturn financial position of the £7.6m programme of reactive and planned property maintenance and refurbishment for 2010/11.

(Report circulated)

**35 Annual Results of Performance Monitoring 2010/11**

The report of the Director Corporate Services was submitted, reporting the annual figures for those statutory and local performance indicators that relate to services provided by the Corporate Services Directorate and certain Council-wide indicators.

Members were circulated with a response to notified questions from a Member.

The Director Corporate Services clarified that the time taken to process housing and council tax benefit had increased as a result of an increase in case load for staff . This would be closely monitored by Management.

In response to a question regarding the number of employees with a disability, the Head of Human Resources clarified that the Council was below target possibly because staff with a disability may not wish to declare this. The overall percentage figure was likely to remain static in the foreseeable future due to the continued low level of external recruitment.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

## **MATTERS FOR CONSIDERATION BY THE EXECUTIVE**

### **36 Capital Monitoring 2010/11 and Revised Capital Programme for 2011/12 and future years**

The Head of Treasury Services presented the report advising Members of the overall financial performance of the Council for the 2010/11 financial year, in respect of the annual capital programme, and seeking approval of the 2011/12 revised capital programme, including commitments carried forward from 2010/11.

Members were informed that the capital expenditure in the year amounted to £22,335,187, a reduction of £5,666,803 on the planned figure of £28,001,990 and the actual expenditure during 2010/11 represented 79.8% of the total approved for the revised Capital Programme. This was in comparison to 2009/10 when the capital expenditure was equivalent to 64.8%.

The Head of Treasury Services advised of the main achievements and variances.

The Scrutiny Committee – Resources noted the report and recommended that Council approves the:

- (1) overall financial position for the 2010/11 annual capital programme; and
- (2) amendments to the Council's annual capital programme for 2011/12.

(Report circulated)

### **37 Overview of Revenue Budget 2010/11**

The Head of Treasury Services presented the report advising Members of the overall final financial performance of the HRA & General Fund Revenue Budget for the 2010/11 financial year ended 31 March 2011.

He advised that there was an underspend in the Housing Revenue Account of £1,714,508 and an underspend in the General Fund of £1,083,199. Members were updated on the variances in the Service Committees including the new contract for the management of the sports facilities and the budget variance in the Benefits paid and Subsidy received.

The Head of Treasury Services stated that at 31 March 2010 the General Fund working balance was £3,844,811 with a surplus of £348,086 as at 31 March 2011, leaving the current balance at £4,192,897. Group Leaders and Portfolio Holders had discussed the benefits of subjecting the Council's new organisational structure to a systemic review of procedures and practices and it was proposed to recommend to Executive that it earmark a sum of £175,000 for this purpose.

In answer to Member's questions, the Head of Treasury Services stated that the new contract for the management of the sport facilities represented a genuine saving and the medium term financial plan forecast was that the General Fund Working balance was anticipated to be £2 million by 2014/15.

The Scrutiny Committee – Resources noted the report and requested that Council note the overview of the Resources Budget for 2010/11 and approve the following:-

- (1) the net transfer of £409,949 from Earmarked Reserves, as detailed in paragraph 3.14 of the circulated report;
- (2) the supplementary budgets totalling £147,170, as detailed in paragraph 3.10 of the circulated report;
- (3) the Earmarked Reserves at 31 March 2011;
- (4) the Council Tax account and collection rate;
- (5) the outstanding sundry debt and aged debt analysis;
- (6) the creditor payments performance;
- (7) having regard to the General Fund working balance at 31 March 2011 of £4,192,897, the overall financial position of the Council as set out in paragraph 3.9 of the circulated report; and
- (8) the Housing Revenue Account working balance at 31 March 2011 of £3,917,868.

(Report circulated)

### **38 Treasury Management 2010/11**

The Head of Treasury Services presented the report detailing the overall performance for the 2010/11 financial year and the position regarding investments and borrowings at 31 March 2011.

Members were advised of the final net interest position including variations, the investment interest and the current situation with regards to the monies in Glitnir and Landsbanki.

In response to a Member, the Head of Treasury Services stated that the Council had been paying a fixed fee to its Investment Fund Managers. The Fund was now closed and any surplus funds were now placed in short terms account for immediate access.

The Scrutiny Committee – Resources noted the Treasury Management report for 2010/11 and recommended approval by Council.

(Report circulated)

## 39 **Annual Governance Statement**

The Head of Treasury Services presented the report setting out the proposed Annual Governance Statement that would accompany the Council's Annual Statement of Accounts for 2010/11. This Statement also incorporated the Council's Code of Corporate Governance which was published on the Council's website.

He brought Members' attention to the significant governance issues that had been undertaken during the year to further improve the Council's Governance arrangements.

The Director Corporate Services clarified that all the Council's payments over £500 were accessible on the Council's website.

The Scrutiny Committee – Resources

- (1) supported the Annual Governance Statement; and
- (2) recommended that Council note and approve the Annual Governance Statement to be included within the Council's Annual Statement of Accounts for 2010/11.

(Report circulated)

## **MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - RESOURCES**

### 40 **Revenue Final Accounts 2010/11**

The Head of Treasury Services presented the report advising Members of the overall financial performance of Resources Committee Revenue Accounts for the financial year ended 31 March 2011.

He updated Members that during 2010/11, benefits of £44.5m had been paid and a subsidy of £42.8m received. This resulted in an overall budget variance of £532k which represented 1.19% of the gross benefit expenditure. However, homelessness payments above the rental subsidy cap had accounted for some £160k of this deficit.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

### 41 **Workforce Profile and Learning and Development Report 2010/11**

The Head of Human Resources presented the report which provided a comprehensive profile and overview of key workforce and learning development activities for the Council between April 2010 and March 2011.

Members were advised there had been a reduction in the overall sickness from 10.16 days to 8.63 days and that the percentage of sickness that was due to stress had fallen from 18% to 6%.

The Scrutiny Committee – Resources noted the contents of the report and supported the proposed actions outlined.

(Report circulated)

42 **Members' Allowances 2010/11**

The Assistant Chief Executive presented the report detailing the allowances paid to Elected Members and Co-opted Members in 2010/11.

A Member requested information on the cost of the Council's Members Allowance Scheme compared to other similar councils.

The Scrutiny Committee – Resources noted the allowances paid to Members in 2010/11.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 6.50 pm

Chair

**Leader's Half-Year report to Resources Scrutiny**

**22 June 2011**

Exeter City Council faces unprecedented cuts in its financial support from this Conservative-led government. Our experience since September is the front-loading of cuts has meant that some services to the public have been reduced, though we took a political decision to protect grants to community organisations, where services are coming under increasing pressure from the most vulnerable residents in Exeter. Local government has been under sustained political attack from Conservative ministers, assisted by the tabloid press. What I set out below is the impact of Tory cuts on our budgets and an outline of the restructure of the council.

**The Council's Current Financial Standing**

The Local Government Finance Settlement for Exeter this has meant a cut in formula grant of almost 23% between 2010/11 and 2012/13 with expectations of further cuts in grant beyond that. In cash terms formula grant has reduced from £10.7 million in 2010/11 to £8.3 million in 2012/13.

The Council's budget proposals for 2011/12 included a package of measures to save some £2.4 million which has resulted in an overall reduction of the revenue budget requirement from £16.8 million in 2010/11 to £14.1 million for the current year. The Council's Medium Term Financial Plan also indicated that in addition to these savings the Council will need to reduce its revenue budget by a further £711,000 in 2012/13, £537,000 in 2013/14 and by a further £1,041,000 in 2014/15.

This amounts to a cumulative reduction of £4,710,000 over the next four years.

In the last year, although the shortfall in funding of the Concessionary Fares Scheme had been substantially mitigated by additional grant, additional pressures from a poor grant settlement and the continuing downturn of the economy meant that a substantial reduction in the General Fund balance was forecast in the budget. However, a successful vacancy management policy, the re-letting of the Leisure Contract and the ability to capitalise redundancy payments combined with other savings has enabled the Council to add back money to its General Fund balance during the year.

We do, of course, have other sources of income, of which council tax (at about £4.7 million per year) is the most significant, but this has been frozen for the current year and thereafter will prove difficult to significantly increase. Additionally, in comparison with most other district councils Exeter has a very low council tax; it currently has the 5<sup>th</sup> lowest district band D council tax. This means therefore that the council is also less able to generate additional revenue from council tax payers in comparison with most other councils. Whilst other sources of revenue, such as car parking income and property income, are relatively substantial in Exeter, they are both largely dependent on the health of the economy and cannot be expected to significantly increase from current levels in the short term.

With regard to the Council's revenue reserves significant use has already been made of them in recent years as part of the overall budget strategy. The Council's revenue reserves at the end of 2007/08 were some £10.1 million, comprised of £7.5 million of unallocated General Fund balances and £2.6 million of earmarked reserves. By contrast, the Council's reserves position as at 31 March 2011 shows total revenue reserves of only £5.4 million, of which £4.3 million are in respect of the unallocated General Fund balance. The Council has already planned to use its reserves so that the General Fund Balance reduces to the prudential minimum level of £2 million by the end of 2014/15.

All of this leads to the inescapable conclusion that Exeter City Council will have to continue to reduce its cost base in the medium term if it is to meet its legal duty to have a balanced budget whilst providing a wide range of mandatory services to the public. In recent years the Council has been able to save very significant sums from budgets through greater efficiency, service reductions and reduced staffing. This is why the Council has already been adopting a policy of tightly restricting recruitment for the last two years in order to minimise potential impacts on existing staff and the costs of terminating contracts. However, the current financial situation is a step up in gear and we therefore need to take a closer look at the fabric of the council itself.

### **Management Restructure and Review of Services**

The council is undertaking a wide-ranging programme of structural change and service rationalisation.

This has started with a restructure of senior management. The aim is to ensure that by April next year, we have a cost effective and efficient structure to address the council's priorities. Affected staff will of course be engaged in this process as will their trade unions. There will of course be concern among the staff and there will be measures in place to support those who are directly affected by the restructure. Whilst it is still too early to accurately predict the eventual number of actual job losses and any consequential redundancy costs; the costs of the review are likely to be significant. The council is therefore currently seeking to capitalise these costs so that they can be spread over a longer period.

We know that we have a sound record as a successful council providing the public with good value for money. However, our structure is more than a decade old and cuts in budgets have left some areas unbalanced in delivering the best service to the public.

I have already had agreement from the other group leaders to undertake a systemic review of the council's services. We will start with two to three services so that we understand how the process works and what it can deliver for us. The success of this work will rely on all input from the managers and staff of the services as well as councillors being involved and so I hope I can count on your support for this.

The work over this year will allow us to be clear about our priorities and what type of council we need to be to continue to deliver high quality and cost effective services for our residents and continued growth for Exeter as a whole.

It will be challenging time, but we have a history of success as Exeter City Council under Labour control and I am confident that this will continue into the future.



## **Portfolio Holder Business Transformation and HR Work Priorities for 2011/12**

- **Business Transformation**

Local government is under attack by Tory Ministers, who for ideological reasons want to dismantle local government. I believe city council services for Exeter should normally be provided by Exeter city council officers, not by the private sector or workers from other councils. However, our present structure is more than a decade old and is not fit for delivering those services in the 21<sup>st</sup> Century.

Following the restructuring of the senior management of the council and the development of a new organisational structure it is essential that we ensure that the new organisation adopts and operates efficient, cost effective and customer-led processes. This means a transformation of the way we currently operate. Proposals will be brought forward for a fundamental review of the way services operate. As Portfolio Holder for Business Transformation I will take the lead in this process. It is important that all my councillor colleagues are involved in this process, though I hope members of this committee will take a particular interest.

- **Customer Access**

To provide convenient, easy access to services there is a programme of providing 24 hour access via our website and our telephone payments service. However, there still remains a demand for customers to visit our Customer Service Centre outside of normal office hours. I have asked officers to look at options for opening the Centre on Saturday mornings. Already there have been early discussions with staff and a review is underway of current opening arrangements and costs to explore this further.

- **Housing/Council Tax Benefit**

There continues to be a growing demand for this vital service and our first priority is to continue to ensure that we provide a timely and effective service to current and future claimants. Caseload continues to grow at about 5% a year and staffing resources have not been increased yet our processing times have continued to fall.

Already there have been cuts to Housing Benefit. However, major changes have been indicated. The government's proposals for Universal Credit mean that from the autumn of 2013, only

claimants already receiving housing benefit will continue to receive this service from the Council. All new claimants will have the housing element of their benefits paid for in Universal Credit, with housing benefit being phased out over a number of years. Council Tax benefit will cease on 1 April 2013 and every council has to design it's own scheme for delivering this element of the benefit system while achieving a 10% reduction in the gross cost of the current scheme.

These are huge changes to come to terms with in a very short period of time and the proposals for council tax benefits raises significant issues of having to design a local scheme and avoid a potential huge financial risk for the council. At the present time, government has not provided the information needed to plan for these massive challenges. I will be working with officers to prepare for these changes and to bring proposals back to Members so we can start to understand the issues and challenges we face.

- **Information Technology**

No modern organisation can operate effectively without an efficient use of IT to provide service support and delivery and we have been fortunate that in previous years we have had the resources to invest in the robust systems we currently have. Things will be much more difficult in the future, yet the need for systems development will be even greater as we look to modernise and automate processes. I want to make sure that the review of the council's processes considers fully the opportunities modern communications technology offer, but that investment requires a sound business case to ensure that payback is achieved. One example of this is electronic forms which automatically process data into our back office systems.

- **Civic Centre Accommodation**

In the past two years the Council has seen its staffing reduce by some 20% and this is clear from the utilisation of office space within the Civic Centre. This provides an opportunity to review the allocation of accommodation in light of the forthcoming organisational review and I will be looking to release space which can be let to generate much needed income. Clearly, it will be helpful to have in mind where it would be most beneficial to let any surplus capacity, so I will be considering the options in the near future so that we are ready when the opportunity presents itself and nothing is done in the intervening period which might prejudice our options.

- **Procurement**

I will be spending some time in the coming months familiarising myself with the Council's procurement and Health and Safety arrangements. Procurement is an area under great pressure as resources diminish and I'm keen to review the arrangements we have in place to ensure best value. I have asked for an update on the 'Green Accord' to come to this committee in September. I am attending groups that are consulted in the health and safety process and visiting council departments where there are the greatest risks to see how our policies protect our workers.

Councillor Ian Martin  
Portfolio Holder, Business Transformation and Human Resources  
June 2011

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## EXECUTIVE

Tuesday 21 June 2011

### Present:-

Councillor Edwards (Chair)  
Councillors Denham, Fullam, R M Hannaford, Mrs Henson, Martin, Mrs J Morrish, Sheldon and Sutton

Chief Executive, Director Corporate Services, Director Community and Environment, Director Economy and Development, Assistant Chief Executive, Head of Economy and Tourism and Member Services Manager

51

### MINUTES

The minutes of the meetings of the Executive held on 22 March and 5 April 2011 were taken as read and signed by the Chair as a correct record.

52

### DECLARATIONS OF INTEREST

No declarations of interest were made.

53

### FOOD LAW ENFORCEMENT PLAN 2011/12

The report of the Head of Environmental Health Services was submitted, informing Members of the Council's performance against the previous year's Food Law Enforcement Plan, and seeking approval for the adoption of the Food Law Enforcement Plan 2011/12, which sets out the Council's regulatory function in respect of food safety over the forthcoming year.

Scrutiny Committee – Community considered the report at their meeting of 7 June 2011 and their comments and support were noted.

**RECOMMENDED** that Council:-

- (1) approves the Food Law Enforcement Plan 2011/12, which includes the revised Food Safety Enforcement Policy; and
- (2) authorises the Head of Environmental Health Services to change the Food Law Enforcement Plan in the light of centrally issued guidance and/or to meet operational needs.

(Report circulated)

54

### HEALTH AND SAFETY SERVICE PLAN 2011/12

The report of the Head of Environmental Health Services was submitted, seeking approval of the Health and Safety Service Plan for 2011/12 which sets out the Council's functions for regulating health and safety in businesses for the forthcoming year, and includes a revised health and safety enforcement policy.

Scrutiny Committee – Community considered the report at their meeting of 7 June 2011 and their comments and support were noted.

**RECOMMENDED** that Council:-

- (1) approves the Health and Safety Service Plan 2011/12, which includes the Health and Safety Enforcement Policy; and
- (2) authorises the Head of Environmental Health Services to make changes to the Service Plan in the light of centrally issued guidance and/or to meet organisational needs.

(Report circulated)

55

### **SUPPORT FOR EXETER SCRAPSTORE**

The Director Community and Environment presented the report, seeking approval for the transfer of assets and for some initial financial support to the Exeter Scrapstore, a new charity set up to provide scrapstore services to the City and surrounding areas.

The Director Community and Environment confirmed that the Exeter Scrapstore was a non-profit making charitable trust and that their Business Plan had been scrutinised by accountants in the Council's Treasury Services.

Executive welcomed the initiative and wished the organisation success in its future operation.

**RESOLVED** that:-

- (1) rent support grant to the Exeter Scrapstore of £6,675 be approved and that this sum is added to the Grants Committee budget;
- (2) the ownership of the Ford Transit van registration WJ06 HYX is transferred to Exeter Scrapstore;
- (3) the contents of Hut 2 and the other buildings rented by the Exeter Scrapstore including shop stock, together with some play equipment be transferred to the ownership of Exeter Scrapstore; and
- (4) the balance of membership fees received during the current financial year are transferred to Exeter Scrapstore at the end of July 2011.

(Report circulated)

56

### **THE EXETER AND HEART OF DEVON GROWTH BOARD, THE LOCAL DELIVERY BOARD FOR THE FUNCTIONAL ECONOMIC AREA**

The report of the Director Economy and Development was submitted, informing members of the decision of the Exeter and East Devon New Growth Point Steering Board to formally reconstitute itself from 26 July 2011 as the Exeter and Heart of Devon Growth Board with extended terms of reference to specifically include economic development, and to inform the appropriate stakeholders that the Exeter and Heart of Devon Economic Partnership will cease to operate forthwith.

Executive welcomed the initiative to establish a local delivery board for the Exeter economic area that builds on the track record of good partnership working and effective delivery with the private sector.

Scrutiny Committee – Economy considered the report at their meeting of 9 June 2011 and their comments and support were noted. Executive endorsed the view of the Scrutiny Committee that it was appropriate for Exeter Airport to be a permanent, rather than temporary, member of the Growth Board in recognition of their contribution to the local economy.

Members recorded their appreciation to the Director Economy and Development for the significant and constructive contribution he had made to the Economic Partnership and Steering Board and their confidence in his continuing commitment to the work of the new Growth Board.

**RESOLVED** that:-

- (1) the resolution of the Exeter and East Devon New Growth Point Steering Board to change its name to the Exeter and Heart of Devon Growth Board, with extended terms of reference to include economic development, be noted and supported;
- (2) the delivery board be recognised as the local delivery structure for the Exeter economy in the context of the proposed governance arrangements for the Heart of the South West Local Enterprise Partnership;
- (3) the Leader of the Council be confirmed as the City Council's representative on the new Growth Board;
- (4) the proposal that Exeter Airport should be a permanent, rather than temporary, member of the new Growth Board be conveyed to the Board;
- (5) the decision to close down the Exeter and Heart of Devon Economic Partnership be supported; and
- (6) minutes of the new Exeter and Heart of Devon Growth Board be reported to Scrutiny Committee – Economy and Executive.

(Report circulated)

57

### **A CITY CENTRE VISION FOR A GREEN CAPITAL**

The report of the Director Economy and Development was submitted, seeking approval to adopt the document 'A City Centre Vision for a Green Capital' for engagement with key stakeholders. The Director introduced the document, identifying the key principles of the Vision, the challenges and the major development projects required to deliver change over the coming years in order to achieve the ambitions of a prosperous and growing city.

Scrutiny Committee – Economy considered their report at their meeting of 9 June 2011 and their comments and support were noted. Executive welcomed the comprehensive debate and proposals put forward by members of the Committee, specifically in relation to the importance of the transport infrastructure, pedestrianisation and the consultation process itself.

Executive welcomed the aspirational vision which built on the geography and historical context of the City, offering exciting opportunities for the regeneration of areas and communities and the further development of the city as a cultural and economic hub. Although the document had not yet been subject to a formal consultation process, members were pleased to note the positive publicity given to it so far.

Whilst acknowledging the benefits of a predominantly pedestrianised central zone, Members emphasised that the needs of those with mobility problems, who relied on public transport for access to and within the city centre, must be taken into account. Executive agreed that the consultation exercise should specifically seek the input of a range of groups with specific needs.

**RESOLVED** that:-

- (1) the contents of the City Centre Vision document be approved for the purpose of a public engagement exercise with key stakeholders and, subject to the engagement, the use of the document be endorsed to inform decision-making by the City Council, specifically in relation to future City Centre Action Plans; and
- (2) the document is commended to Exeter Vision Partnership.

(Report circulated)

58

### **CITY CENTRE BUSINESS IMPROVEMENT DISTRICT**

The report of the Head of Economy and Tourism was submitted updating Members on progress towards establishing the proposed Business Improvement District (BID), and seeking Executive's confirmation of a "yes" vote in the ballot to support the setting up of the BID.

Executive strongly supported the development of the BID for the City Centre and looked forward to the range of initiatives and improvements which the BID would deliver. Members commented on the impressive promotion of the BID proposal and noted its aims, proposed activities and priorities within the first year.

**RESOLVED** that:-

- (1) the proposed City Centre Business Improvement District and the priorities and projects as set out in the formal prospectus be supported;
- (2) the Portfolio Holder for Economy and Tourism be authorised to cast the City Council's votes in favour of establishing the BID;
- (3) the continuation of the City Council's contribution of £50,000 towards the costs of the City Centre Management function in collaboration with the BID Company, be confirmed in principle, subject to agreement on the final arrangements.
- (4) the Head of Treasury Services arrange for provision for funding the BID levies from existing budgets associated with each property liable for the levy.

(Report circulated)



## PLANNING FOR TRAVELLER SITES

The report of the Head of Planning and Building Control was submitted which briefed Members on a proposed draft Government replacement policy on traveller sites and sought to agree a proposed response to the consultation. The report informed members of the position regarding provision in Exeter, the application of the Mobile Homes Act to local authority traveller sites and the position with regard to Government Funding.

The Director Economy and Development informed members that the Core Strategy would be examined in public by an independent Inspector in the summer and that the Executive would consider the matter again in the autumn when the results of the public inquiry were known. In the meantime a response to the consultation paper was required by 6 July 2011.

Members were particularly concerned at the proposal requiring local authorities to demonstrate a five-year supply of deliverable traveller pitches/plots and endorsed the proposed response to the consultation question on this issue. Following the previous adoption of masterplans, Executive had resolved to enter meaningful discussions with relevant landowners to explore all options for site delivery but it was reported that these had not so far provided any useful outcome.

In response to a comment regarding the shortage of suitable sites within the City boundaries, the Director informed members that whilst the Council was prepared to work jointly with neighbouring authorities, no formal joint development plans would be produced on a sub-regional basis. In addition to the quality of life benefits for site residents, Members endorsed the preference for planned pitches in contrast to the extensive problems and expense caused by illegal settlements. Whilst supporting the principle of the allocation of land for the purpose, members acknowledged the extreme difficulty of identifying sites which were acceptable to all parties.

**RESOLVED** that:-

- (1) the new draft guidance 'Planning for Traveller Sites' be noted;
- (2) the proposed response to the consultation at Annex B of the report be agreed;
- (3) it be noted that Executive will consider the matter of the sites in Exeter again in the Autumn;
- (4) the position with regard to bids to the HCA for funding be noted.

(In accordance with Standing Order 43 Councillor Mrs Henson requested that her name be recorded as having abstained from the vote on the resolution)

(Report circulated)

## APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES

The schedule of representatives on outside bodies was circulated.

**RESOLVED** that:-

- (1) no appointments be made to the following bodies and the groups be disbanded:-

- Exeter and Heart of Devon Economic Partnership (superseded by the Exeter and Heart of Devon Growth Board)
  - Exeter Archaeological Advisory Committee
  - Exeter Summer Festival Advisory Group
  - Lord Mayor of Exeter's Appeal Fund
- (2) appointments to outstanding vacancies, identified in bold on the attached schedule, be considered by Group Leaders and agreed by Council; and
- (3) all other appointments be agreed as set out on the attached schedule.

(Schedule circulated)

61 **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 for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

62 **RESTRUCTURE OF THE HOUSING ENABLING AND EMPTY HOMES TEAM**

The report of the Acting Head of Housing Services was submitted, seeking approval for the restructure of the Housing Services Unit's Enabling and Empty Homes Teams to create a new Housing Development Team. This team will provide a comprehensive service delivering affordable housing in Exeter.

Scrutiny Committee – Community considered the report at their meeting on 7 June 2011 and their comments and support were noted.

**RESOLVED** that:-

- (1) the posts of Empty Homes Partnership Manager and Empty Homes Partnership Officer [CE06118 and CE06182] be deleted from the establishment of the Council, and the employment of the holders of those posts be terminated on the grounds of redundancy on 30 September 2011 with compensation being paid to the holder(s) of the post(s) in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006;
- (2) the new structure as outlined in Appendix II of the report be approved and implemented in accordance with the Council's Organisational Change Policy, and for any displaced employees to be confirmed as redundant; and
- (3) where, despite all efforts, notice of redundancy is confirmed and suitable alternative employment not found, those employees with two or more years' service be paid a compensation payment upon employment termination in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006

(Report circulated to Members)

**CHANGES TO THE COMMUNITY PATROL SERVICE AND CONTROL CENTRE**

The report of the Head of Environmental Health Services was submitted, seeking approval for a restructuring of the Community Patrol service following a review of the activities and resources of the Patrol.

Scrutiny Committee – Community considered the report at their meeting of 7 June 2011 and their comments and support were noted. Executive noted the concern of the Committee regarding the increase in complaints at the beginning of October and their request for further consideration to be given to the proposed shift pattern during that month. They supported Scrutiny Committee's proposal that the operational hours for the Community Patrol in the month of October should match those for March to September, and change to 13:00 hours – 24:00 hours for each day of the week in order to better respond to student-related noise within October.

**RESOLVED** that:-

- (1) the operational hours for the Community Patrol in the month of October be amended to match those for March to September, and changed to 13:00 hours - 24:00 hours for each day of the week in order to better respond to student-related noise within October;
- (2) subject to (1) above, the proposed re-structure as outlined in Appendix III to the report be implemented in accordance with the Council's Organisational Change Policy, and for any displaced employees to be confirmed as redundant; and
- (3) where, despite all efforts, notice of redundancy is confirmed and suitable alternative employment not found, those employees with two or more years' service be paid a compensation payment upon employment termination in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006.

(Report circulated to Members)

**EXETER COMMUNITY SAFETY PARTNERSHIP CO-ORDINATOR POST**

The report of the Assistant Chief Executive was submitted, seeking approval for redundancy for the Exeter Community Safety Partnership Co-ordinator.

Members recorded their appreciation for the excellent work undertaken by the postholder, Michael Miller, during his employment in the post.

**RESOLVED** that:-

- (1) the new reduced working hours be approved and implemented in accordance with the Council's Organisational Change Policy, and any displaced employees be confirmed as redundant;
- (2) where, despite all efforts, notice of redundancy is confirmed and suitable alternative employment not found, those employees with two or more years' service be paid a compensation payment upon employment termination in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006; and

- (3) the redundancy of the Community Safety Partnership Co-ordinator be approved.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 7.00 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 19 July 2011.**

## EXETER CITY COUNCIL

EXECUTIVE  
21 JUNE 2011

## APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES

Table shows current representatives with outstanding vacancies identified in **bold**.

<u>BODY AND TERM OF OFFICE</u>	<u>CURRENT REPRESENTATIVES AND EXPIRY OF APPOINTMENTS</u>	<u>NUMBER OF MEETINGS PER ANNUM</u>	<u>TERMS OF REFERENCE</u>
City Centre Management Partnership  1	Portfolio Holder Economy and Tourism (Cllr Denham) Cllr Mrs Henson <b>Former Cllr Wadham</b>  19.06.2012	4	Improves the quality of the City Centre for residents, businesses and visitors by developing strategies and opportunities to maximise the Centre's vitality and viability. Supports the development of the City of Exeter as the Regional Capital of the South West, to encourage new investment and to provide an economic "engine" for the City and the County of Devon.

<p>Councillor Development Steering Group</p> <p>1</p>	<p>Portfolio Holder for Business Transformation and Human Resources (Cllr Martin)</p> <p>Cllr Mrs Morrish Cllr Baldwin Cllr A.J. Hannaford Cllr Hobden Cllr Prowse Cllr Sheldon</p> <p><b>Former Cllrs Mrs Danks and Newton</b></p> <p>19.06.2012</p>	<p>4</p>	<p>To advise on the implementation of the Training and Development Strategy for Councillors and promote training and development opportunity.</p>
<p>Community Safety Partnership</p> <p>1</p> <p>Safer Devon Partnership</p> <p>1</p>	<p>Leader (Cllr Edwards) Deputy Leader (Cllr Sutton) (Substitute)</p> <p>19.06.2012</p> <p>Leader (Cllr Edwards) Deputy Leader (Cllr Sutton) (Substitute)</p> <p>19.06.2012</p>	<p>11</p> <p>6</p>	<p>The Partnership established following the Crime and Disorder Act 1998 which placed a joint responsibility on local authorities and the Police to reduce Crime and Disorder in local areas.</p> <p>Mechanism to deliver on behalf of the Devon Strategic Partnership the safer communities theme of the Devon LAA</p>
<p>Devon Authorities Waste Reduction and Re-cycling Committee</p> <p>1</p>	<p>Portfolio Holder for Environment and Leisure (Cllr Sheldon)</p> <p>19.06.2012</p>	<p>3</p>	<p>Co-ordinates the establishment of waste minimisation and recycling schemes whether provided by the County Council, the District Councils or Devon Unitary Authorities, or jointly with each other, with commercial concerns or with community/voluntary groups.</p>

Devon Conservation Forum - Executive 1	Chair of Planning Committee (Cllr Bialyk) 19.06.2012	6	Aims to promote the wise sustainable use and enjoyment of Devon's resources. Monitors environmental issues affecting Devon bringing together under one umbrella all who manage the natural and built landscape.
Devon Historic Buildings Trust 1	Portfolio Holder for Sustainable Development and Transport (Cllr Sutton) 19.06.2012	1	Consultative body on Historic Buildings
Devon Playing Fields Association 1	Portfolio Holder for Environment and Leisure (Cllr Sheldon) <b>Sub : Former Councillor Mrs Danks</b> 19.06.2012	4	Independent charitable body offering information, advice, support and small grants to its Members. Helps provide playing fields for all sections of the community and properly equipped playgrounds for children. Encourages the full use of all recreational activities.
Exeter Area Rail Project Working Party 1	Portfolio Holder for Sustainable Development and Transport (Cllr Sutton) Cllr Crow Cllr Wardle 19.06.2012	3	Promotes the use of local rail services in the Exeter area and hinterland. Makes recommendations to operators of local train services and lobby them for improvements Develops infrastructure projects at stations, to improve access and waiting facilities for all passengers
Exeter Arts Council 1	Portfolio Holder for Economy and Tourism (Cllr Denham) <b>Former Cllr Coates</b> 19.06.2012	6	Independent group funded by the City Council with membership drawn from the major arts and cultural organisations in the City. It encourages creative activities in Exeter, both individuals and groups by providing financial support.

Exeter Business Centre Board  1	Portfolio Holder for Economy and Tourism (Cllr Denham) Cllr Mrs Brock Cllr Mrs Morrish Cllr Winterbottom  19.06.2012	4	The Board oversees the affairs of the Business Centre.
Exeter Council for Sport and Recreation  1	Portfolio Holder for Environment and Leisure (Cllr Sheldon) Cllr Taghdissian  19.06.2012	6	To encourage and promote increased participation in sport, recreation and play in the Exeter district in co-operation with Exeter City Council, Devon County Council and other interested organisations.
Exeter Canal and Quay Trust Ltd.  1	Portfolio Holder for Economy and Tourism (Cllr Denham) Cllr Branston Cllr PJ Brock Cllr Edwards Cllr Mottram Cllr Newcombe Cllr Ruffle Cllr Winterbottom  19.06.2012	3	The preservation of land, buildings and other features of beauty or historical or architectural interest in or around the Exeter Canal and Quay Basin; The promotion and encouragement of high standards of architecture, building and town planning and the promotion of civic pride in the Area; The promotion and support of musical, artistic, educational and other cultural activities within the Area; and The promotion and support of community participation in any form of healthy recreation involving waterborne sports in the Area.
Exeter Council for Voluntary Service  <b>From 21.06.2011</b>	Mrs CD McNamara Cllr Shiel <b>Former Cllr Mrs Danks</b>	1	Council of Exeter Council for Voluntary Service



Exeter Dispensary and Aid in Sickness Fund 4	Cllr Mrs Brock <b>Former Cllr Mrs Danks</b> <b>31.03.2014</b>	2	Provides assistance to the sick and/or poor of Exeter
Exeter Fairtrade Steering Group 1	Cllr Hobden Cllr Martin Cllr Robson <b>Former Cllr Mrs Danks</b> 19.06.2012	6	Promotes Fairtrade in Exeter and seeks to retain Fairtrade status for the City. Organises regular promotions including Fairtrade Fortnight in late February/early March and produces the Fairtrade Directory to promote shops and catering outlets that sell Fairtrade products in Exeter.
Exeter International Airport Consultative Committee 1	Portfolio Holder for Economy and Tourism (Cllr Denham) 19.06.2012	4	Consultation with respect to any matter concerning the management or administration of the airport which affects the interests of the users, local authorities and organisations as required by the Civil Aviation Act 1982.
Exeter Municipal Charities (General List) 4	The Lord Mayor Cllr Branston - 13.12.2013 Ald N.W.F. Long - 13.12.2013 Mr JF Marshall - 13.12.2013 Mr Guy Richards - 13.12.2013 Ald W.H.J. Rowe - 13.12.2013 Cllr Winterbottom -13.12.2013 <b>Former Cllr Wadham -</b> <b>13.12.2013</b>	12	To provide accommodation for people who feel unable to remain in their own homes by reason of failing health or reduced circumstances.
Exeter Phoenix Arts Centre Board 1	Portfolio Holder for Economy and Tourism (Cllr Denham) 19.06.2012	6	To promote, maintain, improve, encourage and provide public education in the arts including the arts of drama, music, singing, dance, painting, sculpture, literature, cinematography and handicrafts.

Exeter Social, Health and Inclusion Partnership - Member Forum  1	Portfolio Holder for Housing and Community Involvement (Cllr R.M. Hannaford) Cllr Prowse <b>Former Cllr Newton</b>  19.06.2012	4	Oversees the implementation of work associated with health and social inclusion in the City and comprises partners from the public sector, main agencies and voluntary sector working in Exeter.
Exeter Vision Partnership  1	Leader (Cllr Edwards)  19.06.2012	5	Acts as the Local Strategic Partnership for Exeter, a non-statutory partnership that brings together the public, voluntary, community and private sectors to coordinate activity and tackle difficult cross-cutting issues within an area. The Partnership also provides a forum for setting the long-term strategic vision which is expressed through the Sustainable Community Strategy (the Exeter Vision).
J L Thomas Liaison Group  1	Cllr Choules Cllr Newcombe Cllr Prowse  19.06.2012	2	To improve the exchange of information, report upon and monitor instances of nuisance arising from the factory or carriage of waste material and make suggestions for the improvement of the environmental conditions relevant to the operations of the factory.
Joint Pilotage Committee  1	Portfolio Holder for Sustainable Development and Transport (Cllr Sutton)  19.06.2012	1	Responsible for the authorisation of pilots, the licensing of pilot boats, the making of pilotage directions and the issue of Exemption Certificates to certain Ship Masters
Local Government Association General Assembly  1	Leader (Cllr Edwards)  19.06.2012	2	Promotes the interests of local authorities and better Local Government.

Parking and Traffic Regulation Outside London Adjudication Joint Committee  1	Portfolio Holder for Sustainable Development and Transport (Cllr Sutton) Cllr Taghdissian  19.06.2012	At least once a year	Adjudication service for appellants against penalty charge notices including visible independence of adjudicators from the authorities in whose areas they are working.
Royal Albert Memorial Museum Development Trust  <b>From 21.06.2011</b>	Cllr Robson <b>Former Cllr Wadham</b>	6	RAMM Trust Fund
South West Councils  1	Leader (Cllr Edwards)  19.06.2012	4	Regional forum for south west authorities.
South West Provincial Employers  1	Portfolio Holder for Business Transformation and Human Resources (Cllr Martin)  19.06.2012	2	Joint negotiating machinery for the South West comprising the employers' side and the trade union side and provides a forum for discussion, debate and negotiation on human resources.
South West Water Liaison Group  1	Portfolio Holder for Environment and Leisure (Cllr Sheldon) Cllr Newby Cllr Robson  19.06.2012	1	To improve the exchange of information of the Countess Wear Sewage Treatment Works operated by South West Water and the carrying out of works to improve odour control. Reports upon instances of complaints arising from odours from works and makes suggestions for the improvement of the environmental conditions relevant to the operations of the works.

St Edmunds and St Mary Major, Exeter  4	Cllr P Brock Cllr Branston Cllr Edwards <b>Former Cllr Coates 09.08.2012</b>	2	To receive either generally or individually persons resident in Exeter who are in conditions of hardship, need or distress with a preference to these persons who are resident in the area of the former Parishes of St Edmunds on the Bridge, St. Mary Major, St. George the Martyr and St. John.
St Loyes College Council  <b>From 21.06.2011</b>	<b>Former Cllrs D Baldwin and Mrs Danks and Former Cllr Wadham as Substitute</b>	1	Council for the St Loyes College Foundation
Young Single Persons Housing Forum  1	Portfolio Holder for Housing and Community Involvement (Cllr R.M. Hannaford)  19.06.2012	4	Provides a forum for all agencies involved in issues related to homelessness amongst young (aged 16-30) single people in Exeter and the surrounding area.

## EXECUTIVE

Tuesday 5 July 2011

### Present:-

Councillor Sutton (Chair for the meeting)  
Councillors Denham, Fullam, R M Hannaford, Mrs Henson, Martin, Mrs J Morrish and Sheldon

Chief Executive, Director Corporate Services, Director Economy and Development, Assistant Chief Executive, Head of Planning and Building Control, Head of Treasury Services and Member Services Manager

65

### DECLARATIONS OF INTEREST

No declarations of interest were made.

66

### A SYSTEMIC REVIEW OF THE COUNCIL'S SERVICES

The report of the Chief Executive was submitted, seeking agreement to undertake a systemic review of the Council's services.

Members welcomed the proposal to review Council systems with a view to achieving further efficiency and value-for-money services for customers. It was proposed to earmark an allocation of £175,000 from reserves to cover the cost of the work and contingencies and this was identified in the Overview of the Revenue Budget report later on the agenda.

#### **RESOLVED** that:-

- (1) a systemic review of the Council's services be undertaken;
- (2) Vanguard be engaged to support the Council in its review; and
- (3) a small cross-party group of senior members be established to oversee the development and introduction of this work to the Council.

(Report circulated)

67

### CAPITAL MONITORING 2010/11 AND REVISED CAPITAL PROGRAMME FOR 2011/12 AND FUTURE YEARS

The report of the Head of Treasury Services was submitted, advising Members of the overall financial performance of the Council for the 2010/11 financial year, in respect of the annual capital programme. The report also sought approval of the 2011/12 revised capital programme, including commitments carried forward from 2010/11.

The Head of Treasury Services identified the main variances and achievements in the programme and undertook to respond to Councillors on a number of queries in relation to specific projects. Members were pleased to note that 79.8% of the total approved expenditure for 2010/11 had been achieved, representing an increase on the 64.8% actual expenditure achieved in 2009/10.

Scrutiny Committee – Resources considered the report at their meeting of 22 June 2011 and their support and comments were noted.

**RECOMMENDED** that Council approves:-

- (1) the overall financial position for the 2010/11 annual capital programme; and
- (2) the amendments to the Council's annual capital programme for 2011/12.

(Report circulated)

68

### **OVERVIEW OF REVENUE BUDGET 2010/11**

The report of the Head of Treasury Services was submitted, advising Members of the overall final financial performance of the HRA & General Fund Revenue Budget for the 2010/11 financial year ended 31 March 2011.

The Head of Treasury Services reported on the overall increase in the HRA working balance and net underspend in operating expenditure. He identified the main Service Committee variations in the General Fund expenditure for the financial year, including the savings attributable to the new sports facilities management contract and the surplus achieved in the recycling budget.

Scrutiny Committee – Resources considered the report at their meeting of 22 June 2011 and their support and comments were noted.

Members noted the 97.5% collection rate for Council Tax achieved in the year and the position in respect of outstanding debt and creditor payment performance. They were pleased to note that savings of over £1 million had been achieved during 2010/11 enabling over £348,000 to be returned to the working balance.

In response to a query regarding the identified pension strain repayments, members were advised that this resulted from staff redundancies but costs would be recovered from savings in the staffing budget. A member queried the position with regard to the proposed Saturday morning opening of the Customer Services Centre. The Director Corporate Services responded that, following negotiations with the staff and trade unions, it was being proposed that this be undertaken on a six month trial basis within existing budgetary provisions. Formal approval would be sought for any permanent extension, if appropriate, in light of the operation of the pilot scheme.

**RECOMMENDED** that the report is noted and that Council approves:-

- (1) the net transfer of £409,949 from Earmarked Reserves as detailed in paragraph 3.14 of the report;
- (2) supplementary budgets totalling £147,170 as detailed in paragraph 3.10 of the report;
- (3) the Earmarked Reserves at 31 March 2011;
- (4) the Council Tax account and collection rate;
- (5) that the outstanding sundry debt and aged debt analysis be noted;
- (6) that the creditor payments performance be noted;

- (7) by taking into account the overall financial position of the Council as set out in paragraph 3.9 of the report, the General Fund working balance as at 31 March 2011, be approved at £4,192,897; and
- (8) that the Housing Revenue Account working balance at 31 March 2011 is approved at £3,917,868.

(Report circulated)

69

### **TREASURY MANAGEMENT 2010/11**

The report of the Head of Treasury Services was submitted, reporting on the overall performance for the 2010/11 financial year and the position regarding investments and borrowings at 31 March 2011.

Scrutiny Committee – Resources considered the report at their meeting on 22 June 2011 and their support and comments were noted.

The Head of Treasury Services reported that a return of only 0.74% on investments had been achieved in comparison with the 3% that had been budgeted for and that the Council had now completely withdrawn the investments managed by the Investment Fund Managers. This had resulted in savings in management fees and had also enabled a reduction in the amount of borrowing and in risk exposure. However short term borrowing for up to 1 year remained very cheap and the Head of Treasury Services recommended that the Council continue to take advantage of the historically low interest rates.

Members were pleased to note that the position in respect of the Icelandic banks appeared to be more optimistic and that it was anticipated that 100% of the investment with Glitnir would be returned in December 2011, subject to priority status being maintained in the Supreme Court.

**RECOMMENDED** that Council notes and approves the Treasury Management report for the 2010/11 financial year.

(Report circulated)

70

### **ANNUAL GOVERNANCE STATEMENT**

The joint report of the Head of Treasury Services and Chief Executive was submitted, setting out the proposed Annual Governance Statement that will accompany the Council's Annual Statement of Accounts for 2010/11. The Statement also incorporates the Council's Code of Corporate Governance which is published on the Council's website.

Scrutiny Committee – Resources considered the report at their meeting on 22 June 2011 and their support and comments were noted.

**RECOMMENDED** that Council notes and approves the Annual Governance Statement to be included within the Council's Annual Statement of Accounts for 2010/11.

(Report circulated)

## **JOHN LEWIS STORE - IMPLICATIONS FOR CITY CENTRE TRANSPORT MANAGEMENT**

The report of the Director Economy and Development was submitted, informing Members of transport implications arising out of the decision by John Lewis to open a store in the former Debenhams building, 1-11 Sidwell Street and seeking Members support for extending the current one-way system in Paris Street into New North Road.

The Director reported that the John Lewis development would have significant implications for the movement of traffic around the City. It was essential to address traffic management issues as soon as possible in order that arrangements were in place prior to the opening of the store, which was now projected to be in the last quarter of 2012. Devon County Council officers had already undertaken significant investigations into the highways issues and decisions would be made by the County Council as Highways Authority in consultation with Exeter Highways and Traffic Orders Committee.

Members strongly endorsed proposals to increase the integration of John Lewis into the main shopping area by minimising the perceived separation of Sidwell Street caused by traffic at the London Inn Square junction. They acknowledged that any changes to traffic management arrangements would have consequences for surrounding junctions which would need to be carefully addressed. They also welcomed proposals for changes to signage and re-branding of existing car parks and other measures to reduce cross-city travel. They emphasised the importance of making suitable alternative arrangements for bus routes, particularly for rural services, in view of their use of Paris Street/ London Inn Square/ Sidwell Street area. There was recognition of the benefits of maintaining central pick up and set down points, particularly for people with special mobility needs.

**RESOLVED** that Executive:-

- (1) supports in principle reducing traffic flow and pedestrian/vehicular conflict outside the new John Lewis store by simplifying traffic movements and increasing the footway area; and
- (2) requests Devon County Council and the Exeter Highways and Traffic Orders Committee to give positive consideration to the proposal to reduce traffic flow and pedestrian/vehicular conflict outside the new John Lewis store and promote the necessary traffic orders including consultation as appropriate.

(Report circulated)

## **FURTHER INVESTMENT IN KING WILLIAM STREET CAR PARK**

The report of the Head of Operational Services and Transport was submitted, seeking a decision from Members regarding further investment in the refurbishment and upgrading of King William Street car park.

The Director Economy and Development reported that the King William Street car park was currently relatively poorly used but that it had the potential to be the car park of choice for those visiting the planned John Lewis store. He outlined a range of measures designed to increase the use and enhance the experience of the King William Street car park, such as improved signage, CCTV and Pay on Exit system.



Members supported the strong business case for undertaking further refurbishment works to the car park and welcomed the proposed improvements.

**RECOMMENDED** to Council that investment of up to £900,000 in King William Street car park be approved and the potential renaming of the car park be agreed.

(Report circulated)

73

### **SUPPLEMENTARY PLANNING DOCUMENT - HOUSES IN MULTIPLE OCCUPATION**

The report of the Head of Planning and Building Control was submitted, considering the results of a public consultation on a draft Houses in Multiple Occupation Supplementary Planning Document (SPD) for adoption.

The Head of Planning and Building Control informed members that the purpose of the SPD was to amplify the application of policy H5 (b) of the Exeter Local Plan relating to imbalance in local communities as a result of over-concentration of certain types of residential accommodation such as shared student houses. He advised members of the significant increase in the number of Council Tax exemptions over the last year and updated members on the revised data in respect of those wards most affected. He also informed members of the extensive consultation exercise which had been undertaken in order to refine the policy.

Councillor Cole attended the meeting and spoke on this item under Standing Order 44. She acknowledged the considerable work undertaken by Planning Officers to try to achieve an acceptable proposal for the various parties involved. She supported the proposed list of circumstances to which the Council would have regard in considering whether to make exceptions to the Policy and requested that further guidance would be made available in due course in respect of the four areas identified.

The Head of Planning and Building Control responded that further interpretation material would be made available although it was likely that guidance would evolve in the light of practice. Some degree of flexibility would be desirable in order to reflect changes in housing market conditions and other factors.

Members welcomed the proposed Supplementary Planning Document which they hoped would help to preserve the balance in local communities and provide clarification on the policy for residents. They thanked the Head of Planning and Building Control and his team for the extensive consultation they had undertaken.

**RESOLVED** that Executive adopts the proposed amended SPD at Appendix C of the report and agrees the accompanying Consultation Statements at Appendix B.

(Report circulated)

74

### **HONORARY ALDERMEN**

Section 249 of the Local Government Act 1972 empowers the Council to confer the title of Honorary Alderman on persons who have, in the opinion of the Council, rendered eminent service to the Council as a past member of the Council. An Honorary Alderman is invited to participate in those Civic ceremonies which the Mayor attends In State, and to which it is usual to invite Past Mayors.

The Council resolved in 1976 to confer the title on past Members who had rendered eminent service as Past Mayors, Past Lord Mayors, Past Leaders or as Members with 12 years' service or more. Former Councillors are eligible to have the title of Honorary Alderman conferred upon them should the Council so decide.

**RECOMMENDED** to Council that:-

- (1) the title of Honorary Alderman be conferred on Jeffrey Coates, Margaret Danks and Hilda Sterry; and
- (2) the Right Worshipful the Lord Mayor be requested to convene an Extraordinary Meeting of the Council to be held prior to the ordinary meeting on 18 October 2011, for the purpose of passing the appropriate resolution under Section 249 of the Local Government Act 1972.

75 **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 involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1, Schedule 12A of the Act.

76 **HUMAN RESOURCES STAFFING**

The report of the Head of Human Resources was submitted, seeking to agree the extension of the post of Temporary Human Resources Adviser (CS03116) for a further period of fifteen months from 1 July 2011.

**RESOLVED** that the post of Temporary Human Resources Adviser (CS03116) be extended for a period of fifteen months from 1 July 2011.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 7.05 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 19 July 2011.**

# Agenda Annex

## SEATING IN THE GUILDHALL

Lord Mayor's Chaplain			Deputy Lord Mayor Councillor Mitchell (LD)	Lord Mayor Councillor Mrs Brock (LD)	Chief Executive	Assistant Chief Executive	
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Member Services Manager	Head of Legal Services	Head of Treasury Services		Director Corporate Services	Director Community and Env.	Director Economy and Development
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Councillors	Councillors	Councillors		Councillors	Councillors
Branston (L)	Tippins (L)	Edwards (L)		Mrs Henson (C)	Prowse (C)
Dawson (L)	Morris (L)	Sutton (L)		Taghdissian (C)	Crow (C)
AJ Hannaford (L)	Bull (L)	Martin (L)		Baldwin (C)	Mottram (C)
Robson (L)	Clark (L)	Sheldon (L)	TABLE	Shiel (C)	Winterbottom (C)
Bialyk (L)	Spackman (L)	RM Hannaford (L)		Newby (C)	D J Henson (C)
Choules (L)	Macdonald (L)	Denham (L)			Mrs Thompson C)
Wardle (L)					

Cllr Mrs Morrish (Lib)	Cllr Ruffle (LD)	Cllr Hobden (LD)	Cllr Cole (LD)	Cllr Fullam (LD)	Cllr Payne (LD)	Cllr Newcombe (LD)	Cllr P J Brock (LD)
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L:	Labour	:	19
C:	Conservative	:	11
LD:	Liberal Democrat	:	9
LIB:	Liberal	:	1

### Portfolio Holders

Edwards:	Leader
Hannaford, R.M.:	Housing and Community Involvement
Martin:	Business Transformation and Human Resources
Sheldon:	Environment and Leisure
Sutton:	Sustainable Development and Transport
Denham:	Economy and Tourism

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