



## Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 13 DECEMBER 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 Extraordinary and Ordinary meetings held on 18 October 2011.	1 - 8
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 31 October 2011	9 - 14
4 Licensing Committee - 29 November 2011	15 - 20
5 Scrutiny Committee - Community - 8 November 2011	21 - 30
6 Scrutiny Committee - Economy - 10 November 2011	31 - 44
7 Scrutiny Committee - Resources - 23 November 2011	45 - 50
8 Executive - 6 December 2011	51 - 60

9 Notice of Motion by Councillors Bull and Dawson under Standing Order No. 6.

“That this Council calls on the Government to reverse its cruel cuts to the tariff which will harm a lot of residents in Exeter.

They are planning to cut the tariff for solar PV installations with a capacity of 4Kw or less by more than 50% from 43p/KwH to 21p/kWh. For multiple installations the rate falls to 16.8p/kWh.

Their rushed cuts to the Feed-in Tariff for solar PV goes too far, too fast, hits families trying to protect themselves from soaring energy bills, put thousands of jobs and businesses in the solar industry in jeopardy, and give lie to the Government’s promise to be the “greenest Government ever””

Date: 6 December 2011

Philip Bostock  
Chief Executive

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



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# Agenda Item 1

## THE EXTRAORDINARY MEETING OF EXETER CITY COUNCIL

Guildhall  
Tuesday 18 October 2011

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

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### HONORARY ALDERMEN

The Lord Mayor conveyed the congratulations and gratitude of the Council to the nominated former Councillors for their service to the Council.

**RESOLVED** that, in pursuance of its powers under Section 249(1) of the Local Government Act 1972, the Council do confer on the following the title of Honorary Alderman, in recognition of their eminent services to Exeter City Council during the period they were Members of the Council:-

Jeffrey Howard Coates  
Margaret Eleanor Danks  
Hilda Ross Sterry

(The foregoing resolution was passed unanimously)

(The meeting commenced at 6.00 pm and closed at 6.05 pm)

Chair

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## **THE MEETING OF EXETER CITY COUNCIL**

Guildhall  
Tuesday 18 October 2011

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

### 36 **MINUTES**

The minutes of the Ordinary Meeting of Council held on 19 July 2011 were taken as read and signed as correct.

### 37 **OFFICIAL COMMUNICATIONS**

On behalf of the Council, the Lord Mayor congratulated Councillor Catherine Dawson and her husband on the birth of their son, Isaac.

The Lord Mayor also congratulated Councillor James Taghdissian and his wife on their recent marriage.

### 38 **PLANNING COMMITTEE - 25 JULY 2011**

The minutes of the meeting of the Planning Committee of 25 July 2011 were taken as read.

Members declared the following personal (\*prejudicial) interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Baldwin	74 (member of Conservative Party)
Bialyk	75 and 76 (member of St Thomas Social Club)
Bull	77* (member of ECQT)
Crow	72 (relative lives opposite site) and 74* (member of Conservative Party)
Dawson	77* (member of ECQT)
Denham	77* (member of ECQT)
Mrs Henson	74 (member of Conservative Party)
Mottram	74* (member of Conservative Party)
Newby	74* (member of Conservative Party)
Newcombe	77* (member of ECQT)
Ruffle	77* (member of ECQT)
Shiel	74* (member of Conservative Party)
Taghdissian	74* (member of Conservative Party and former/potential member of the Club)
Thompson	74 (member of Conservative Party)
Winterbottom	74* (member of Conservative Party), 77* (member of ECQT)

**RESOLVED** that the minutes of the meeting of the Planning Committee held on 25 July 2011 be received.

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**PLANNING COMMITTEE - 5 SEPTEMBER 2011**

The minutes of the meeting of the Planning Committee of 5 September 2011 were taken as read.

**RESOLVED** that the minutes of the meeting of the Planning Committee held on 5 September 2011 be received.

40

**PLANNING COMMITTEE - 3 OCTOBER 2011**

The minutes of the meeting of the Planning Committee of 3 October 2011 were taken as read.

Members declared the following personal interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Denham	96 (objector is a former colleague)
Mitchell	96 (employee of Royal Devon & Exeter NHS Trust)
Taghdissian	98 (governor of Exeter School)

**RESOLVED** that the minutes of the meeting of the Planning Committee held on 3 October 2011 be received.

41

**LICENSING COMMITTEE - 26 JULY 2011**

The minutes of the meeting of the Licensing Committee of 26 July 2011 were taken as read.

Members declared the following personal (\*prejudicial) interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Choules	47* (applicant known to him)
Robson	47* (applicant known to her)

**RESOLVED** that the minutes of the meeting of the Licensing Committee held on 26 July 2011 be received and, where appropriate, adopted.

42

**LICENSING COMMITTEE - 28 JULY 2011**

The minutes of the meeting of the Licensing Committee of 28 July 2011 were taken as read.

**RESOLVED** that the minutes of the meeting of the Licensing Committee held on 28 July 2011 be received.

43

**LICENSING COMMITTEE - 27 SEPTEMBER 2011**

The minutes of the meeting of the Licensing Committee of 27 September 2011 were taken as read.

Members declared the following personal (\*prejudicial) interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Choules	*65 (applicant known to him) and *68 (applicant known to him)
Robson	*65 (applicant known to her) and *68 (applicant known to her)

**RESOLVED** that the minutes of the meeting of the Licensing Committee held on 27 September 2011 be received and, where appropriate, adopted.

44 **SCRUTINY COMMITTEE - COMMUNITY - 6 SEPTEMBER 2011**

The minutes of the meeting of the Scrutiny Committee - Community of 6 September 2011 were taken as read.

In response to a question on Minute 58 (Back Alley Waste Collection), the Chair undertook to confirm progress in relation to a review.

**RESOLVED** that the minutes of the meeting of the Scrutiny Committee - Community of 6 September 2011 be received.

45 **SCRUTINY COMMITTEE - ECONOMY - 8 SEPTEMBER 2011**

The minutes of the meeting of the Scrutiny Committee - Economy of 8 September 2011 were taken as read.

A member declared the following personal interest:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Mitchell	40 (partner is manager of a business within the proposed BID area)

In response to a question, the Portfolio Holder clarified that a second ballot on the Business Improvement District (BID) was being considered because of the close result of the first ballot, in view of the great importance of the BID to the City. The Chair undertook to update members on progress at the next meeting of the Committee.

**RESOLVED** that the minutes of the meeting of the Scrutiny Committee - Economy of 8 September 2011 be received.

46 **SCRUTINY COMMITTEE - RESOURCES - 21 SEPTEMBER 2011**

The minutes of the meeting of the Scrutiny Committee - Resources of 21 September 2011 were taken as read.

Members declared the following personal interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Crow	52 (when employed by ECC, involved in the original concept of the Green Accord)
Mitchell	54 (member of the RAMM Development Trust)

**RESOLVED** that the minutes of the meeting of the Scrutiny Committee - Resources of 21 September 2011 be received.

47 **FINAL ACCOUNTS COMMITTEE - 22 SEPTEMBER 2011**

The minutes of the meeting of the Final Accounts Committee of 22 September 2011 were taken as read.

**RESOLVED** that the minutes of the meeting of the Final Accounts Committee of 22 September 2011 be received.

48

#### **EXECUTIVE - 20 SEPTEMBER 2011**

The minutes of the meeting of the Executive of 20 September 2011 were taken as read.

In relation to Minute 87 (Appointment of Representatives to Outside Bodies), the following outstanding appointments were agreed:-

- Exeter Dispensary and Aid in Sickness Fund – Cllr Crow
- Exeter Fairtrade Steering Group – Cllr Taghdissian

In relation to Minute 86 (Central Heating – Rennes House – Decision Taken under Delegated Authority), the Chair undertook to request the Director Community and Environment to review the operation of inefficient heating systems in other sheltered housing accommodation in the City.

**RESOLVED** that the minutes of the meeting of the Executive of 20 September 2011 be received and, where appropriate, adopted.

49

#### **EXECUTIVE - 4 OCTOBER 2011**

The minutes of the meeting of the Executive of 4 October 2011 were taken as read.

Council agreed to the proposal to exclude the press and public from the meeting for consideration of Minute 105 (Senior Management Restructuring) in view of the exempt nature of the business.

**RESOLVED** that Minutes 90 to 104 of the meeting of the Executive of 4 October 2011 be received and, where appropriate, adopted.

50

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

**RESOLVED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act. The three Directors, Assistant Chief Executive and Head of Treasury Services also left the meeting at this point.

51

#### **EXECUTIVE - 4 OCTOBER 2011 - MINUTE 105**

Minute 105 of Executive held on 4 October 2011 was taken as read.

Councillor Taghdissian moved an amendment to the recommendation, proposing a small reduction in the salary levels of the Strategic Director, Assistant Director and Corporate Manager posts proposed in the new structure and the amalgamation of the posts of Corporate Manager (Democratic/Civic Support) and Corporate Manager (Legal). Whilst welcoming the restructure in principle, he felt that it could achieve even greater savings. He considered that the proposed salary levels for senior management were disproportionately high in the current economic climate and in relation to the salaries of less senior staff.

Some members spoke in support of the proposed amendment stating that it was important to maximise savings from the exercise and preserve jobs.



Other members stated that the reorganisation followed a long period of consultation with staff and unions and reflected the specialist advice received from the Local Government Employers organisation. They felt that it would be wrong therefore to make spontaneous changes at this meeting without detailed consideration and information. They emphasised that it was important to adhere to the Job Evaluation process and to pay benchmark rates in order to attract quality staff. They considered that the proposed salaries reflected the range and complexity of the work undertaken by senior management.

The Chief Executive informed members that this was a wholly new structure, that the new jobs entailed different levels of responsibility and accountability and that there would be a recruitment process in respect of all jobs and no direct assimilation. He advised members that the proposed salaries were at the lower end of the benchmark range.

The amendment proposed by Councillor Taghdissian was put to the vote and lost.

Members welcomed the proposal to involve all group leaders in the determination of the outstanding detailed matters and an amendment was proposed to include the wording "or their nominees" in the resolution. This was put to the vote and agreed. The amended substantive recommendation was then put to the vote and agreed.

**RESOLVED** that Minute 105 of the Executive held on 4 October 2011 be received and adopted subject to the following amendment to Recommendation 3:

"delegated authority be granted to the Chief Executive, in consultation with the Leader of the Council, the Leader of the Conservative Group and the Leader of the Liberal Democrat Group, *or their nominees*, to determine all outstanding detailed matters necessary to achieve the timely and effective implementation of these proposals."

(The meeting commenced at 6.05 pm and closed at 7.55 pm)

Chair

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## PLANNING COMMITTEE

Monday 31 October 2011

### Present:-

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

### Also Present

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

105

### MINUTES

The minutes of the meetings held on 25 July, 5 September and 3 October 2011 were taken as read and signed by the Chair as correct.

106

### DECLARATIONS OF INTEREST

Members declared the following personal interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor P.J.Brock	107 (Member of Devon County Council – Highway Authority)
Councillor Macdonald	107 (Sustrans Volunteer Ranger)
Councillor Prowse	107 (Member of Devon County Council – Highway Authority)

107

### PLANNING APPLICATION NO: 11/1414/03 - MORRISONS SUPERMARKET, PRINCE CHARLES ROAD, EXETER, EX4 7BY

Councillor P.J Brock declared a personal interest as a Member of Devon County Council (Highway Authority).

Councillor Macdonald declared a personal interest as a Sustrans Volunteer Ranger.

Councillor Prowse declared a personal interest as a Member of Devon County Council (Highway Authority).

The Development Manager presented the application for an extension to the store on the north elevation, roundabout and road access, relocation of petrol filling station with car wash and alterations to the car park at Morrisons Supermarket, Prince Charles Road, Exeter.

The Development Manager stated that the proposal comprised three main elements; the replacement of the existing access road into the store from Prince Charles Road with a new four-arm roundabout, one arm of which would lead to a smaller roundabout giving direct access into the store car park, and further access to retained Network Rail land including a replacement vehicular access into the allotments; relocation of the store's petrol filling station from its current position in front of the store to a position at the western end of the site on land that currently forms part of the store car park and former railway sidings, and associated changes to the store's car park layout , increasing the number of spaces from 303 to 399;

and a small extension to the north (front) elevation of the main store building to provide a dry cleaners.

Members were advised that the main objections to the proposal had been from the allotment holders regarding the impact of changing their pedestrian and vehicular access arrangements. A revised plan had been submitted for a vehicle and pedestrian access which would be a fully surfaced five metre wide access. Condition 15 also required an additional pedestrian access to the allotments from Prince Charles Road.

Members were circulated with an update sheet referring to the revised plan for the replacement vehicular access; details of a further letter of objection on behalf of Prince Charles Road Allotment Association; a further report from the applicant's ecologist regarding badger activity; comments from the Head of Environment Health Services and revised wording for condition 16.

The Development Manager advised that two further letters of objection had been received.

The recommendation was to approve the application subject to the conditions as set out in the report and the revised wording for condition 16 as per the update sheet.

In response to Members' questions, the Development Manager stated that it was anticipated that the piece of land to the east of the allotments would be commercial development.

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

- having an allotment was now popular and the Council had a waiting list of residents requiring an allotment
- the proposed changes to the access would affect the allotment holders
- welcomed condition 15 regarding the pedestrian access but that it should be strengthened with the wording 'as close as possible to the eastern edge' after 'provision of a new access'.

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

- had concerns regarding the pedestrian access to the allotments
- supported how officers had dealt with the issue and Councillor Hobden's proposed amendment to condition 15.

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

- representing Prince Charles Road Allotment Association
- had secured an improved vehicular access
- requested that there should be 1.2 metre access path along the eastern edge of the allotments on the land owned by Network Rail, so that the path would join the allotment site at the same point as the existing entrance and there would be no impact on the current layout of the allotments
- concern regarding obstruction during construction
- should have a separate pedestrian access to the allotments.

In response to Members' questions, Ms Atyeo clarified that the allotments holders became aware of the proposal via the site notice; could the Council as landlord of the allotment land not resist the access?; instead of the proposed access off Prince Charles Road would like a 1.2 metre pedestrian access along the eastern edge of the site on Network Rail land as this would be the most convenient way to access

the allotments; there was also a vehicular and pedestrian access to the allotments at the western end.

During discussion, Members raised the following points:-

- supported the principle of the changes to the road layout and moving of the petrol station
- the issue of a access path of 1.2 metres for the allotments was outside the application site and a land ownership matter and it would be difficult to approve a condition affecting land not in the applicant's ownership
- supported the amendment to condition 15 suggested by Councillor Hobden
- concern regarding the control of adverts along the entrance to Morrisons.

The Development Manager clarified that enforcement action could be taken on any unauthorised advertising and that rights of way would be a matter for the Council's Estates Department.

**RESOLVED** that the application for an extension to store on north elevation, roundabout and road access, relocation of petrol filling station with car wash and alterations to car park be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C12 - Drainage Details
- 4) C35 - Landscape Scheme
- 5) C38 - Trees - Temporary Fencing
- 6) The proposed roads, footways, footpaths, cycle routes, 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 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.
- 7) No part of the development hereby approved shall be brought into its intended use until the visibility splays, on-site parking (including cycle parking), turning, loading and unloading facilities have been provided in accordance with the requirements of this permission. Thereafter the said parking facilities shall be retained for those purposes at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 8) C70 - Contaminated Land
- 9) Prior to the commencement of the development hereby approved a mitigation scheme incorporating the recommendations set out in the submitted Air Quality Assessment dated June 2011 shall be submitted to and approved in writing by Local Planning Authority. Thereafter the development shall be carried out in accordance the approved mitigation scheme.

**Reason:** To ensure that the potential impact of the development on air quality in the locality is minimised in the interests of residential amenity.

- 10) Unless otherwise agreed in writing by the Local Planning Authority construction 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.
- 11) Prior to the commencement of any phase of the development hereby approved details of the location and specifications of any proposed site compound, including any constituent buildings, shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.  
**Reason:** To ensure that the location and design of any site compound are acceptable in terms of visual and amenity impact.
- 12) Prior to the commencement of the development hereby approved, and notwithstanding the provisions of condition 4 of this approval, details of the proposed boundary treatment between the new roads and the retained Network Rail land (including the timeframe for its erection) shall be submitted to, and be approved in writing by, the Local Planning Authority.  
**Reason:** To ensure that the Local Planning Authority maintain control over the means of enclosure of this prominent piece of land in the interests of the visual amenity of the locality.
- 13) Prior to the new allotment access shown on drawing no. 09/154/TR/025 Rev A being completed and made available for use no development or works shall take place on the site that shall block or otherwise impede pedestrian and vehicular access across the site between the allotments and the public highway.  
**Reason:** To ensure that unimpeded access is maintained at all times in the interests of the users of the allotments.
- 14) The development hereby approved shall only be carried out in accordance with the recommendations contained in the submitted Ecology Survey dated July 2011. Prior to the commencement of the development a written report specifying how the identified mitigation measures have been implemented shall be submitted to, and be approved in writing by, the Local Planning Authority.  
**Reason:** To ensure appropriate measures are implemented to minimise the ecological impact of the development.
- 15) The development hereby approved shall not commence until such time as a detailed scheme for the provision of a new pedestrian access (as close as possible to the eastern edge of the allotments) into the adjoining allotment site directly from Prince Charles Road, including the timeframe for its delivery, has been submitted to and approved in writing by, the Local Planning Authority. Thereafter, no development or works shall take place on the site that shall block or otherwise impede pedestrian and vehicular access across the site between the allotments and the public highway until such time as the alternative access has been created and made available for use, in accordance with the approved scheme.  
**Reason:** To ensure that an appropriate pedestrian access to the allotments is provided to replace the current access that is being closed as a result of the proposed development.

- 16) Prior to the commencement of the development a scheme containing details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location on the site boundary, shall be submitted to and be approved in writing by the LPA. The predicted noise levels shall be demonstrated by measurement or calculation prior to occupation of the development and thereafter the use of the site shall comply with the approved details at all times.

**Reason:** In the interests of the residential amenity of the occupants of surrounding properties.

(Report circulated)

108 **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)

109 **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 item on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 7 of Part I, Schedule 12A of the Act.

110 **ENFORCEMENT PROGRESS REPORT**

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

The Head of Legal Services updated Members on the position with regards to 19 New North Road.

**RESOLVED** that the report be noted.

(Report circulated)

111 **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)

112 **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 22 November 2011 at 9.30 a.m. The Councillors attending will be P. J. Brock, Mrs Henson and Macdonald.

(The meeting commenced at 5.30 pm and closed at 6.42 pm)

Chair

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## LICENSING COMMITTEE

29 November 2011

### Present:

Councillor Moira Macdonald (Chair)

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

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

### 70 **Minutes**

The minutes of the meetings held on 26 and 28 July and 27 September 2011 were taken as read and signed by the Chair as correct records.

### 71 **Sergeant R. Crosby**

The Chair welcomed Sergeant Richard Crosby of the Devon and Cornwall Constabulary to the meeting who was attending as an observer. He briefly explained his role as the new Licensing Sergeant for Devon, excluding Plymouth.

### 72 **Declarations of Interest**

The following Members declared personal interests as indicated:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Choules	75 (known to the applicant)
Councillor Robson	75 (known to the applicant)

### 73 **Draft Policy on Relevance of Convictions of Hackney Carriage and Private Hire Vehicle Drivers**

Councillor Branston arrived during the consideration of this matter.

The Head of Environmental Health Services presented the report setting out a draft policy to assist in procedures relating to holders of, and applicants for, hackney carriage and private hire drivers licences.

In response to a Member, the Principal Licensing Officer outlined the history of the guidance which had been drawn up over the years with regard to Home Office advice and best practice in other local authorities with new offences incorporated over time. It was confirmed that the Police and the Taxi Drivers' Forum were yet to be consulted on the policy.

In response to a Member who queried whether the policy was too prescriptive, it was confirmed that the Committee would have absolute discretion in determining an application for a taxi licence. A right of appeal existed in relation to an applicant. In response to a Member who expressed concern that the policy might not cover all offences, it was noted that the policy was not meant to be prescriptive. It included a statement to enable the policy to incorporate any changes including adding offences

as they arise as well as any offences found by the Committee to be similar in nature to any of those listed. The document offered greater transparency to applicants.

With regard to applications from non-UK residents, the Principal Licensing Officer advised that a five year record of any addresses was required to be provided. These could be checked in respect of EU and EEA residences but not world wide.

The Police, as well as the applicant, were under a duty to advise the Licensing Authority of any convictions. It was an offence for an applicant to fail to advise the authority of an offence after having been granted a licence.

**RESOLVED** that the draft policy be forwarded to the Police and Taxi Driver Forum for comment for report back to this Committee.

(Report circulated)

74 **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 I, Schedule 12A of the Act.

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

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

Councillors Choules and Robson declared personal interests as the applicant was known to them and left the meeting whilst the application was considered.

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, in his opinion, there was an unmet demand and referred specifically to two nightclubs on the Quay - Havana and The Cellar Door - asserting that both had opened after both the survey into unmet demand and the top up survey had been carried out. He also stated that there was an unmet demand because of the increased number of students in the City, the opening of new hotels, including a new hotel at Exeter International Airport and new shops. He added that there was not the required 50% of the fleet of wheelchair accessible taxis. He referred to the latent demand as Christmas was coming and the weather was changing and getting colder so more people would require taxis. Furthermore, there had been attacks on taxi drivers which had made him feel vulnerable as he did not feel able to defend himself and would therefore be safer in a London type cab. He referred to a recent assault on a taxi driver and asserted that there were health and safety reasons for getting a licence as a London style taxi would afford him greater protection. He referred to some instances of taxi drivers refusing to carry passengers who were disabled and with wheelchairs even though they possessed wheelchair accessible vehicles. He also referred to increased demand as a result of the new development at Cranbrook and to latent demand arising from increased activity over the Christmas/New Year period. He confirmed that he proposed to put on the circuit a yellow London type cab (TX4), a photo of which he showed the Committee.

In response to Members' questions, he stated that he believed work had commenced on the development at Cranbrook and that even though the Airport was in the East Devon District Council administrative area it was still Exeter's airport. He confirmed that the taxi would be for his own use but that were he to rent it out the rate would be much lower than those charged by other owners.

With regard to the new nightclubs, he stated that Havana, which had not closed, was to open for longer hours and that Cellar Door was a new operation. He maintained that the survey into unmet demand had not covered this part of the City and that the demand from patrons of these clubs was not being met. It was confirmed that the Cellar Door had not been open during the survey period. Members noted that surveys would not cover the entire road system of a City and that changed circumstances such as increases or decreases in venue numbers and changes in demand such as peak periods were taken into account in the terms of reference of surveys.

In the presence of Mr KJ, the Licensing Solicitor confirmed her advice to the Committee during deliberations. The Committee needed to be satisfied that there was no significant unmet demand for the services of hackney carriages as a result of the assertion that further premises had opened on the Quay. The Principal Licensing Officer had indicated that the Quay area had not been specifically included in the survey and the Licensing Committee would need to be satisfied on Mr KJ's evidence that there was significant demand that was not being met.

The Licensing Committee retired to discuss the matter.

**RESOLVED** that Mr KJ's application be refused. The Committee found no evidence of unmet demand or evidence to support a finding of exceptional circumstances. Mr KJ was advised that full reasons for the refusal would be set out in the notice of refusal.

(Report circulated to Members)

76 **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. He had indicated that, if successful, he would put a London type cab (TX4 Elegance) on the circuit.

Mr SH attended the meeting and spoke in support of his application. He stated that, in his opinion, there was unmet demand in the City and referred to letters of evidence from potential user's of his service which, he asserted, supported his stance that an unmet demand existed. He also referred to incidences where taxi drivers with wheelchair accessible vehicles were unwilling to provide lifts for individuals with wheelchairs. Such cases had occurred at both St David's Station and a City Centre pub.

Mr SH had been a joint proprietor with the holder of a licence in respect of hackney carriage bearing plate number 34. To ensure that he would not be the owner of two plates, he had removed his name from that licence. He explained that his name had been included on the licence for practical reasons. Mr SH confirmed that, during the period when his name had been on the licence, he had driven the taxi commercially. The legal advisor confirmed that there was an appeal in place against the decision of this Committee at the September meeting not to grant a licence but that the matter had no bearing on the application before them.

Councillor Ruffle asked whether Mr SH carried out work with a hackney carriage for those organisations named in the letters of reference. Mr SH confirmed that he did not. Mr SH asserted that he felt that he was being victimised and discriminated against but offered no evidence to support the assertion.

The Licensing Committee retired to make its decision.

**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 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 or the policy not to grant a licence to a person who holds a hackney carriage licence.

(Report circulated to Members)

Councillor Fullam left the meeting at this point.

#### 77 **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 attended the meeting with his wife and spoke in support of his application. He reported that, following an assault whilst driving a hackney carriage on 10 November 2011 at St David's Station by four members of the public, he had been injured and hospitalised and unable to drive. As a result of this incident, the owner of the hackney carriage driven by Mr SA, had rented the vehicle to another driver and Mr SA was currently unemployed.

He had been living in this country for 12 years and had been licensed as a driver for a number of years. Mr SA wished to work to pay his taxes and to continue to support his wife and children. As a result of the attack, Mr SA was no longer confident in driving a saloon car and wished to purchase a London style cab which would provide him protection from assault because of the glass partition between the driver and passengers. Mr SA submitted a number of medical documents, police correspondence and letters in support of his application and confirmed that he had purchased a London style cab. Mr SA added that his wife was so concerned about his safety that she was very unwilling to allow him to drive a saloon car again.

In response to Members' questions, he provided further details of the assault and explained the circumstances of his unemployment. He had provided medical evidence relating to the attack and stated that the London style taxi would provide a bulkhead to offer him protection from assault.

**RESOLVED** that a Hackney Carriage Licence be issued to Mr SA, as there were exceptional circumstances identified.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 8.15 pm

Chair

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## SCRUTINY COMMITTEE - COMMUNITY

8 November 2011

### Present:

Councillor Kevin Mitchell (Chair)

Councillors Thompson, Branston, Choules, Clark, A Hannaford, Hobden, Morris, Mottram, Newcombe, Tippins and Wardle

Director Community and Environment, Head of Contracts and Direct Services, Head of Environmental Health Services, Acting Head of Housing Services, Community Inclusion and Engagement Officer 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

### 61 **Minutes**

The minutes of the meeting held on 6 September 2011 were taken as read and signed by the Chair as correct.

### 62 **Declaration of Interests**

Members declared the following personal (\*prejudicial) interests:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Choules	65 (employee of the University of Exeter)
Councillor Newcombe	69 (Member of Devon County Council and Chair of the County Council's People's Scrutiny Committee)
Councillor Morris	72 (husband holds Leisure Centre Membership with Parkwood Leisure)
Councillor Mottram	*72 (his company undertakes work for Parkwood Leisure)

### 63 **Performance Housing Digest - Quarter I**

The Acting Head of Housing Services responded as follows to Members' queries on performance information relating to:-

- 2.5% of new affordable homes were to wheelchair accessible standard, against a target of 5%;
- seven extra-let private sector properties had been taken on with 27 in the pipe line, against a target of 35;

- the average turn around for empty properties was 24 days, against a target of 21. It was noted that new ways of operating had been taken on board by a new contractor and that large contractors were encouraged to make use of local businesses;
- the previous figure of 80 vacant garages had been reduced to 65, following an article in the Express and Echo. A full review of garages would be undertaken in 2012 including an examination of health and safety issues with view to lifting the restriction on usage of garages for cars only;
- 68% of empty properties had been visited within six weeks of vacancy, the draft figure for the end of Quarter II currently being 95%;
- emergency repairs being conducted on the same day was 96.7%, against a target of 99.5%; and
- although the legal obligation for conducting gas safety inspections was within 12 months, the rolling programme worked on a 10 month schedule of visits to factor in time to ensure that visits still occurred where access could be delayed.

#### 64 **Minutes of Community Safety Strategy Group**

The minutes of Community Safety Strategy Group meetings are circulated after each meeting to Members of this Scrutiny Committee to enable them to raise any issues of concern or interest at these meetings and, if necessary, request referrals back to the Crime and Disorder Reduction Partnership (CDRP) for a response. Members can request individual agencies represented at the CDRP to attend a meeting of this Committee to answer any questions or address any concerns.

Members had no queries on the latest minutes circulated of the meetings held on 11 July and 12 September 2011.

#### 65 **Reports of Portfolio Holders**

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

Councillors R.M. Hannaford and Sheldon presented progress reports on priorities within the Housing and Community Involvement Portfolio and the Environment and Leisure Portfolio respectively. The priorities are set out below, together with responses (in italics) given to Members' queries:

##### Housing and Community Involvement

- to provide a supply of high quality, social rented housing within the City in light of new Government policy;
- to provide at least 150 new units of affordable housing;
- publish an annual report to tenants which includes the agreed targets within the Local Offers and the Council's performance against these Offers as per the Tenancy Services Authority (TSA) regulatory requirements;
- to review the Neighbourhood Management Policy;
- to work with Devon County Council on how older persons' housing support services are provided in Exeter to tenants in the future;
- to encourage good quality privately rented accommodation whilst recognising the need for managing the impact of HMO's upon established communities; and
- to work pro-actively with all agencies to prevent homelessness and work to support those that are.



- *it was anticipated that the release of private sector accommodation not required for student accommodation would be greater than originally thought;*
- *the kitchen and bathroom replacement programme was now being run by the Contracts Unit and there would be a move towards greater emphasis on giving work to local, smaller companies including individual builders engaged to work on individual void properties; and*
- *the risk of further subsidence affecting properties neighbouring the recently demolished flats at Chestnut Avenue was being monitored by a surveying company. It was hoped to progress replacement build on the site as soon as possible.*

#### Environment and Leisure

- to open the Royal Albert Memorial Museum in December 2011;
- to enhance the City's parks and play areas;
- to keep the City clean and pleasant for everyone; and
- to minimise waste and build on re-cycling rates.

The fourth sentence in the first bullet point was amended to read "All City Councillors will be invited to an event on 13 December to which two residents from each ward will also be invited."

- *proposed improvement works to the paths in Belmont Park would be funded by either revenue or capital funds depending on the scale of the works, but not from unrelated Section 106 monies;*
- *progress was being made to improve back lane bin collections. For example, residents had been offered choices in respect of domestic waste collection including wheelie bins for a front of house collection or bins provided for storing bags in back yards with seagull resistant bags as an option;*
- *a reduction in newspaper purchase by the general public would be reflected in the recycling figures, however as Devon County Council recycling facilities in Marsh Barton and Pinhoe were not included in City Council figures, the true picture for Exeter would be higher than 37%;*
- *residents of Sylvan Heights would be consulted on proposals for a new play area;*
- *as the Waste Disposal Authority, the County Council had proceeded with an energy from waste plant as the option for Exeter, therefore, a separate collection of food waste would not be a viable proposition now; and*
- *there was no intention of considering the re-introduction of a weekly bin collection currently. A report would be submitted to the next meeting of this Committee on refuse collection issues including incentivisation schemes for waste minimisation.*

The Portfolio Holder had looked in detail at the scheme operating in Windsor and Maidenhead and he outlined why it would not be feasible in Exeter. He confirmed that he was satisfied that plans were in place to minimise disruption to the waste collection service in the event of extreme weather but emphasised that problems could still be anticipated if the weather was similar to that experienced over the 2010 Christmas period. He referred to Devon County Council's plan to grit and clear fewer roads over the winter months and that would be a key issue with regard to safe road access.

Scrutiny Committee – Community noted the reports.

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

### **66 Community Grants 2011/12**

The Community Involvement and Inclusion Officer presented the report updating Members on the dispersal of Local Area Community Grants 2011/12. A sum of £27,000, or £1,500 for each ward, has been made available in 2011/12 via Ward Councillors to support groups to deliver community initiatives or towards small capital expenditure projects. There had been a disparity between wards with some areas having received more applications than could be funded and other wards where there had been few applications. £12,785 remained in the overall budget.

It was proposed to send targeted publicity to groups in areas where grant funding was still available and to set a deadline for spending based on remaining ward budgets of 31 December. After this deadline, all unspent money would be put into a single, central pot and promoted again to all groups across the City to be allocated on the basis of first come - first served, regardless of which ward the application comes from. The decision making process would remain the same, that is, Councillors, in the areas where the project would be delivered, would be asked to decide if the project should receive funding. This would effectively redistribute the available funds to areas where there was most need and ensure that the grant funding was fully utilised by the end of this financial year.

Some Members suggested that the deadlines should be extended to 31 January 2012 to provide local groups with more time to apply for remaining funds. Consideration was given to options for distributing remaining funds. A Member suggested that funds could be utilised for projects celebrating the Queen's Jubilee even though these would take place in the next financial year. It was also suggested that the pooled sum remaining could be utilised for a City wide project of public indemnity insurance for events. Parkwatch, who possessed experience in this field, could be requested to administer the remaining funds for this purpose which would be of City wide benefit rather than ward specific.

Scrutiny Committee – Community:-

- (1) noted the report;
- (2) asked that the deadline for the submission of bids from wards for remaining funds be put back from 31 December 2011 to 31 January 2012; and
- (3) requested the submission of an update report to the January meeting of this Committee for further consideration to be given on how to allocate the outstanding funds.

(Report circulated)

### **67 Repairs Policy for Council Housing**

The Acting Head of Housing Services presented the report seeking agreement to implement the amended repairs policy for Council housing setting out how the repairs service would be provided.

Scrutiny Committee - Community supported the adoption of the amended policy document - Repairs Policy for Council Housing.

(Report circulated)

**68 Housing Rechargeable Repairs Policies for Tenanted and Void Properties**

The Acting Head of Housing Services presented the report seeking agreement to implement amended policies for rechargeable repairs for both tenanted and void Council properties. There were two distinct policies dealing with rechargeable repairs in tenanted and void properties and, as they were closely connected, the report dealt with them together.

Scrutiny Committee - Community supported the adoption of the amended policy document - Rechargeable Repairs to Tenanted Properties and Rechargeable Repairs to void properties.

(Report circulated)

**69 Impact of Supporting People Funding Cuts by Devon County Council**

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

The Acting Head of Housing Services presented the report advising Members of the impact of the cuts made to homelessness services by Devon County Council.

Councillor Newcombe, Chair of the County Council's People's Scrutiny Committee, advised that a County Council Scrutiny task group was to meet to investigate the support of vulnerable people in communities together with the proposed changes to the Supporting People Service and representatives from District Councils and other agencies would be invited to give evidence. She confirmed that both Councillors and officers from District Councils would be invited to attend.

Members expressed grave concern at the potential impact of any further reductions in former Supporting People funding and the possible impact of any new arrangements for how targeted support services are allocated and provided.

Councillor Clark moved and Councillors Branston and Morris seconded the following motion which was passed unanimously:-

Exeter City Council's Scrutiny Committee - Community is extremely concerned about the overall effects for homeless and vulnerable people in Exeter with the loss of 204 supported bed spaces across the City as a result of cuts made by Devon County Council in last year's budget.

The Committee notes that:

1. Housing Associations and charities which provide the accommodation have not been able to sustain their projects without this vital additional funding for support services for people with complex needs. An example is the closure of the Bridge Project, run by Bournemouth Churches Housing Association, which provided 14 units of dispersed accommodation for rough sleepers who were living on the streets.
2. For people presenting as homeless to the City Council, the additional Supporting People budget provided good quality support services, in addition to housing units, which enabled these tenancies to be maintained. This was a vital factor in preventing failure and subsequent repeat homelessness. The

support given to each tenant also enabled them to gain life skills and move onto medium support accommodation.

3. From April 2011, the Supporting People budget has been absorbed into Adult Community Services.
4. Homelessness services in Exeter are now purchased on a spot contract basis with a budget of £112,000.
5. We are concerned that the proposed move to a 'trusted assessor' service to manage the assessment and referral process to providers will create an additional organisation to carry out this function with no additional money, therefore, using money from reduced existing budgets for homelessness.

The Committee believes that it is imperative that this budget is not further reduced in the 2012/13 budget proposals and, indeed, should be increased if another organisation is created to assess need and make referrals.

The Scrutiny Committee - Community therefore resolves that:-

- (1) Councillor J. Hart, the Leader of Devon County Council and Councillor S. Barker, the County Council's Cabinet Member for Social Care, be invited to the next meeting of this Committee to respond to the above issues; and
- (2) this issue be brought to the attention of the two Members of Parliament for Exeter, Ben Bradshaw MP and Hugo Swire MP to make them aware of the Committee's concern.

(Report circulated)

## 70 **Proposed changes to the Garden Waste Service**

The Head of Environmental Health Service presented the report bringing forward proposals for consideration to improve the efficiency and environmental impact of the garden waste collection service.

A Member suggested that there should be no fixed minimum for garden waste bags and that the public should be permitted to purchase one bag only if they wished. Another Member asked if two people could share the cost of purchasing five bags and present the bags at one registered address. The Head of Environmental Health Services advised that a minimum limit had to be set in order to avoid the need for frequent visits along a road where only one bag had been purchased. He confirmed that many existing customers shared the cost and shared a garden waste bin presented from one address. For those who did not wish to purchase five bags, or could not share, another option would be to compost any green waste in their gardens.

Scrutiny Committee - Community supported the proposed changes to the garden waste service as set out in the report.

(Report circulated)

## PERFORMANCE MONITORING

### 71 **Risk Management**

The Head of Environmental Health Services presented the report advising Members of the risks identified relating to its areas and of the action taken and proposed to mitigate the risks concerned.

Scrutiny Committee - Community:-

- (1) noted the risks relating to its areas; and
- (2) supported ongoing monitoring to ensure that the risk register remains current and risk assessments are valid and that the proposed mitigating action is taken by the agreed target dates.

(Report circulated)

### 72 **Report on Year One of the new Leisure Management Contract with Parkwood Leisure**

Councillor Mottram declared a personal and prejudicial interest and left the meeting during consideration of this matter as his company undertook work for Parkwood Leisure.

Councillor Morris declared a personal interest as her husband holds Leisure Centre membership with Parkwood Leisure.

The Head of Contracts and Direct Services presented the report on the first year of performance of the new Leisure Management Contract with Parkwood Leisure.

A Member referred to a number of complaints in respect of the Riverside Leisure Centre which indicated that the level of service was not up to standard. She requested that customer comments on the Leisure Centres be made available as part of further reports to this Committee. Another Member suggested that a working group be set up to scrutinise the operation of the contract and to make unannounced visits to the Centres. The Head of Contracts and Direct Services advised that an unannounced inspection had taken place during the recent school half term. Cleanliness standards had been found to be acceptable and he commented on steps taken to resolve problems associated with parking at Wonford Sports Centre. Steps had been taken to prevent hospital staff using the car park and the Chestnut Children's Centre had been consulted on a new parking system. It was noted that the County Council were proposing a traffic management scheme to improve traffic flow in and out of the car parking areas around the Riverside Leisure Centre and the new Marks and Spencer's Store.

Members noted that any in-depth scrutiny of the operation of the Centres would require a full understanding of a large and complex contract including familiarisation with the individual contractual requirements. In response to a Member, who suggested that questionnaires could be circulated to Leisure Centre members to obtain feedback, the Head of Contracts and Direct Services advised that Parkwood already operated a feedback system which had been improved following suggestions from Council officers. He stated that some data was not available in a completed annual format for the first year of operation and that it would not be possible to make

comparisons between this data and information held on the previous contract so trends will only start to become visible in the second year of the contract.

The Chair suggested that regular reports should be made to this Committee in the same way as the reports on the Housing Digest with a Member Briefing as another possible option. The Head of Contracts and Direct Services advised that, should the Committee wish to invite a representative of Parkwood to discuss issues, a representative at operational level rather than a regional director would be more appropriate.

Scrutiny Committee – Community:-

- (1) noted the report;
- (2) requested that appropriate representatives be invited to attend a Member Briefing to update Members on progress on the operation of the contract;
- (3) requested the submission of further reports to future meetings of this Committee on the performance of Parkwood, their representatives to be invited to attend the meetings; and
- (4) Members submit any questions on the performance of Parkwood prior to the meeting in order for advance notice to be provided.

(Report circulated)

### **73 Half Year Results of Performance Monitoring 2011/12**

The Director Community and Environment advised Members of performance in the middle of the year on a range of services across the Directorate.

Scrutiny Committee - Community noted the report.

(Report circulated)

### **74 Housing Revenue Account Stewardship to September 2011**

The Director Community and Environment advised Members of any major differences by management unit to the outturn forecast for the first six months of the financial year up to 30 September 2011. During this period, the total of the variances indicated that there would be a net surplus of £154,130 which would be transferred to the working balance as at 31 March 2012. This represented a reduction of £345,260 compared to the budgeted reduction to the working balance of £499,390. It was estimated that the working balance would stand at £3,570,681 at 31 March 2012.

Scrutiny Committee - Community noted the report.

(Report circulated)

75 **Community Services Stewardship to September 2011**

The Director Community and Environment advised Members of any major differences by management unit to the revised budget.

The current forecast suggested that net expenditure for this Committee would decrease from the revised budget by a total of £228,550, which represented a variation of 2.1% from the revised budget.

Scrutiny Committee - Community noted the report.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 7.50 pm

Chair

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## SCRUTINY COMMITTEE - ECONOMY

10 November 2011

### Present:

Councillor Cole (Chair)

Councillors Prowse, Bialyk, Bull, Morris, Payne, Robson, Thompson and Wardle

Director Economy and Development, Head of Economy and Tourism, Head of Operational Services & Transport, Parking Services Manager, Archaeology Officer and Member Services Officer (SLS)

### Also present:

Councillor Rosie Denham  
Councillor Rachel Sutton

Portfolio Holder for Economy and Tourism  
Portfolio Holder for Sustainable Development and Transport

Christopher Green  
Martin Weiler

Halcrow, Exeter  
Environment Agency

### 47 **MINUTES**

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

### 48 **DECLARATIONS OF INTEREST**

The following personal interests were declared:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Prowse	49 (known to the questioner)
Councillor Wardle	60 (a Member of the Devon Archaeological Society and the Devonshire Association)

### 49 **QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER STANDING ORDER 19**

Councillor Prowse declared a personal interest as he is known to Mr Harry.

In accordance with Standing Order 19, two members of the public submitted questions on the civil parking enforcement process operating in the city, to which the Portfolio Holder for Sustainable Development and Transport replied. Copies of the questions were circulated to Members and made available at the meeting.

The questions and a summary of the replies (in italics) are set out below.

- (1) In accordance with Standing Order 19, Mr Harry addressed the Scrutiny Committee and asked the following question:-

“I recently received a ticket on street in your City for an alleged parking offence. Can the Chairman of your Committee for which this subject is responsible, assure me that the Council has fully complied with its statutory duty, in notifying me of my rights to make representations against a Penalty Charge Notice”.

Councillor Sutton (Portfolio Holder for Sustainable Development and Transport) responded to the question as follows:-

*The information set out in the Penalty Charge Notice clearly conveys to the reasonable motorist how to make representations. If any motorist believes otherwise, then the avenue of appeal to the Traffic Penalty Tribunal is of course open to them.*

- (2) In accordance with Standing Order 19, Mr Pascoe addressed the Scrutiny Committee and asked the following question:-

Is the Committee able to advise me what expertise was applied to the first and second stage challenges on the penalty tickets issued to drivers parked at what appeared to be a lay-by in Pinn Lane, Pinhoe and also other areas of the City, when tickets have been challenged as to their validity? The reason for my question relates to my disappointment at the level of response I received at both stage one and two of the appeal process employed by the City/County Council. My penalty charge was subsequently overturned following taking it to the third stage (Independent Traffic Penalty Tribunal) however none of my concerns were addressed until this point.

Mr Pascoe made an additional comment stating that he did not feel that he had received a valued response when, in the first instance, he had been sent a standard letter seeking the necessary payment.

Councillor Sutton (Portfolio Holder for Sustainable Development and Transport) responded to the question as follows:-

*Mr Pascoe's Penalty Charge Notice was dealt with by an experienced team who have been dealing with PCN appeals since the start of the civil parking enforcement system in May 2008. All the team have had relevant training and all appeals are dealt with in accordance with set guidance to local authorities by the Department for Transport. This guidance also makes it very clear that Councillors should not, under any circumstances, play a part in deciding the outcome of individual appeals. Councillor Sutton added that the appeal process is an impartial one.*

*Mr Pascoe's appeal was determined on the basis of the facts presented and the views of the highway authority were sought. On this occasion, the Traffic Penalty Tribunal took a different view to that held by City and County Council officers. That does not mean the City Council's team did not fully and fairly consider all the relevant facts or lack expertise; it simply demonstrates the system worked as it should.*

Councillor Mrs Thompson sought further clarification on behalf of the questioner relating to the expertise of the team in terms of the qualifications held by the staff.

*Councillor Sutton replied that she did not know the individual qualifications of the staff. She stated that she understood that all staff had the relevant expertise and training.*

Mr Pascoe asked a supplementary question as he felt that, in relation to the expertise and also with regard to stages one and two of the appeal process, the points he had raised had not been sufficiently addressed. The appeal process is a lengthy process, possibly taking up to four months to see an appeal overturned, and so he sought clarification of the appeal process when at the third stage. He felt members of the public were having their time wasted by having tickets placed on their vehicles, particularly in his circumstance when he felt he had parked lawfully.

*Councillor Sutton reiterated the three stage appeal process. She acknowledged that Mr Pascoe went through stages one, two and three and the process had worked as it should.*

50 **QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER  
20**

In accordance with Standing Order 20, a number of questions were submitted on the civil parking enforcement regime operating in Exeter, to which the Portfolio Holder for Sustainable Development and Transport replied. Copies of each of the questions were circulated to Members and made available at the meeting.

The questions and a summary of the replies (in italics) are set out below.

- (1) In accordance with Standing Order 20, Councillor Mrs Thompson submitted the following question to the Portfolio Holder:-

Recently at a Traffic Penalty Tribunal the Independent Adjudicator decided parking at the layby location in Pinn Lane was lawful, although following this decision it was apparently necessary to await instructions from Devon County Council before refunding the monies to the drivers wrongfully issued penalty tickets at this location.

Is it possible to question how Exeter City Council is able to safeguard its position both in the perception of the public and most importantly within the law when acting for the County Council, if the City Council considers it is at variance with the County Council and is it possible for a review of the Agency Agreement to be carried out if necessary?

Councillor Sutton (Portfolio Holder for Sustainable Development and Transport) responded to the question as follows:-

*She stated that she did not accept that the interests of the City Council were at variance with those of the County Council in relation to Pinn Lane. She was aware that Councillor Mrs Thompson did not agree with the enforcement of restrictions in this location, but others supported enforcement on the grounds of public safety. Councillor Sutton agreed with the latter view. She commented on Councillor Mrs Thompson's interest in this matter as this part of Pinn Lane did not fall immediately in her ward. It would be irresponsible if this Council was to start ignoring the views of the Highway Authority and put the interests of motorists who were parked in contravention of parking restrictions (and have a statutory appeal process open to them) above bigger questions of public safety and highway management. She questioned who would defend the City Council if there was an accident in this location caused by a pedestrian stepping into the road to avoid parked cars, and also if we did not address the situation despite very clear instructions from the County Council to take action.*

*She did not support acting independently from the views of the County Council in matters of on-street enforcement. In this matter the City Council is simply the agent of the County Council. The Agency Agreement can be reviewed, and there is provision for a review every 18 months in any case, but she did not support any review which blurred the respective responsibilities of the City and County Councils.*

Councillor Mrs Thompson stated that her involvement in this matter was due to this issue being raised by a local resident who had contacted her as a Pinhoe councillor. Councillor Mrs Thompson asked a supplementary question:-

In previous correspondence our Head of Legal Services advised:- 'We are obliged to act in accordance with their wishes ('their' being reference to Devon County Council) I note the letter from the Traffic Penalty Tribunal was addressed to Exeter City Council and to our Exeter City Council officer saying 'You must comply with any adjudicator's directions to you'. Following this direction Exeter City Council continued to wait for approval from Devon County Council. A further email dated 19 October 2011, from Devon County Council following rejection of their appeal, stated Exeter City Council act as agents for the County Council – they therefore cannot do whatever they might consider is right'.

On what basis does Exeter City Council consider it feels 'obliged' to delay acting within the instructions which have been given, addressed and sent to our Exeter City Council Authority until approval is received from Devon County Council?

*Councillor Sutton reemphasised that the City Council acts as the agent on behalf of Devon County Council and the matter should be addressed to the County Council. The Enforcement Officers have acted entirely properly and will refer matters of on-street enforcement to Devon County Council and act on their instructions.*

- (2) In accordance with Standing Order 20, Councillor Prowse submitted the following questions to the Portfolio Holder:-

1. Penalty Tickets

On Friday 21 October 2011, I alerted this Council to a potential legal issue regarding the penalty tickets that we issue on behalf of DCC for alleged parking offences.

- a) What positive action has this Council taken to confirm the legality of the ticket?

*The City Council's legal team is currently looking into the matter. Their preliminary view is that the Penalty Charge Notices are enforceable. We have also sought the views of the County Council, in their capacity as highway authority. I understand they have taken advice from their lawyers and consider that the PCN's comply with the relevant regulations. As such, the County does not consider it appropriate to suspend on-street enforcement.*

- b) If it is the case then was a suspension notice issued?  
c) If not why not?

*No suspension notices have been issued because the City Council has to date not received any legal advice that would support such action.*

- d) If no suspension notice was issued, then how many tickets were issued in this City for alleged offences from the time of my revelations (approximately 15.00hrs) using tickets that were legally flawed, and until 18.00hrs of the 9 November?

*1,170 Penalty Charge Notices have been issued in the time specified by Councillor Prowse.*

- e) What is this Council doing (if not already done) to re-order a re-print to include the statutory notice and secondly to omit those words and phrases which are not correct.

*No Penalty Charge Notices are being reprinted at this stage.*

## 2. Residents Parking in Newtown

Ten of the eleven car parks in this area are owned by the Council. Prior to 5 May 2008 they were covered by the City of Exeter (Residents Parking Places) Order 1995; this order was revoked but ceased to be legally enforceable on 5 May 2008. Residents using these car parks have however paid an annual permit of £20 assuming after administration costs, any residue has been passed to Devon County Council.

- a) Under what authority are we taking their money?
- b) Currently as it stands, anyone can park in these car parks and not be liable to a charge or penalty ticket. This situation is untenable. Who took this outrageous decision?

*In respect of Residents' Parking in Newtown, the City Council is not taking anyone's money. Residents' parking in Newtown operates entirely under a Devon County Council scheme. Residents pay the County Council and are issued a County Council Zone C permit. The authority therefore resides with the County Council. Residents are also entitled to use the off-street parking areas referred to by Councillor Prowse, and that entitlement still exists. We don't currently enforce the use of off-street parking places by non-permit holders because those areas are not in our 2008 Off Street Order. The City Council's legal team is currently working on a new Order that will rectify this.*

In accordance with Standing Order 20, Councillor Prowse asked a supplementary question: -

He referred to the number of people who habitually park in Newtown and under what authority did the City Council collect the revenue on behalf of Devon County Council and how was that revenue used. He would be satisfied with a written reply.

*This question should be directed to the County Council.*

3. Sandy Park - Residents Parking Zone

For two years I have raised the issue regarding the thousands of pounds of penalty tickets and permits that were issued in this zone from the 5 May 2008. I stressed that all this money had been taken with not one ounce of legal authority from motorists who had committed no offences and were not even legally required to buy a permit. At long last notices went up around this zone issued by this Council announcing that the penalty money could be returned. Who took this decision?

- a) How many tickets and permits were issued during the period 5 May 2008 and 26 August 2010?

*In respect of Sandy Park residents' zone – all decisions on this have been made by the County Council, so Councillor Prowse should direct his questions to them. 144 Penalty Charges Notices were issued in the period specified by Councillor Prowse.*

Councillor Prowse said he had a copy of the agency agreement and was aware of its contents. He also referred to a Queen's Counsel report which clearly states which authority is responsible for issuing tickets. In accordance with Standing Order 20, Councillor Prowse asked a supplementary question:–

He sought an explanation as to why seven of the eight District Authorities in the County, do not have the statutory paragraph on the back of their Penalty Charge Notices, apart from North Devon District Council. He asked for an explanation from the Portfolio Holder as to why those District Authorities had that omission.

*The response can only relate to this Authority's actions. Exeter City Council's Penalty Charge Notices are considered lawful and compliant with the relevant regulations.*

4. Residents' Parking Zones Duryard, Regents' Park and Pennsylvania

Between 5 May 2008 and 2 February, this Council issued permits and penalty tickets to the value of just under £21,000. In these zones in this period, 296 penalty tickets were issued.

As a result of my representations the County Council eventually admitted that there was no Traffic Order for these three zones. To date this Council has only refunded four (I repeat four) tickets. This woefully falls short of any evidence of a proactive attempt to return money that does not belong to this or the County Council.

- a) Was the District Auditor made aware of this unlawfully derived revenue?  
b) Was the Section 151 Officer of this Council made aware of this situation?  
c) Would the Portfolio Holder agree with me that more effort should be made to communicate with these motorists and alert them to their refunds?

In accordance with Standing Order 20, Councillor Prowse asked a supplementary question and said that he would accept a written reply.

He was concerned that the District Authority introducing the agency agreement was also the Authority taking the revenue from those residents in the three zones. He felt the revenue had been unlawfully derived from the residents and Exeter City Council had no power to administer that revenue and send to Devon County Council. He asked under what authority was the revenue taken and directed to Devon County Council?

*All decisions on this have been made by the County Council, so Councillor Prowse should direct his questions to them.*

5. Residents' Parking Zone – Sandy Park (S1)

Is the Portfolio Holder fully briefed on the full legal implications of the public notice recently attached to a lamppost in the Sandy Park zone?

- a) Was the District Auditor made aware of this unlawfully derived revenue?
- b) Was the Section 151 Officer of this Council made aware of this situation?
- c) Would the Portfolio Holder agree with me that more effort should be made to communicate with these motorists and alert them to their refunds?

*The questions relating to residents' parking are all matters for the County Council, not the City Council. This Council simply acts as the County's agent in matters of on-street enforcement and Councillor Prowse should direct his questions to the County Council.*

In accordance with Standing Order 20, Councillor Prowse asked a supplementary question – he noted the reply in relation to Duryard, Regents Park and Pennsylvania, but did not feel this addressed the Sandy Park element. Exeter City Council is the agency that deals with the enforcement and he had been aware that there is no authority for enforcement?

*These matters were for Devon County Council – the City Council acts as the County agent in this matter and the question should be directed to the County Council.*

The Chair acknowledged that it would be beneficial to receive a report covering a number of issues concerning civil parking enforcement as soon as is practicable. Councillor Prowse asked that a report be considered at the next meeting and that appropriate officers including those from Devon County Council be present at the meeting. The Chair agreed to consult with the Portfolio Holder for Sustainable Development and Transport to discuss the matter, including the attendance of appropriate officers. The Director Economy and Development welcomed an opportunity for a thorough explanation on a number of points of detail and assured Members that every effort would be made to ensure that a report was considered at the earliest opportunity, but the process should not be rushed. He thought it was unlikely that a report would be ready for the January cycle, given the complexity of some of the issues that have been raised and the deadline for producing reports. The Chair agreed to a request from Councillor Mrs Thompson that matters surrounding the agency agreement and also the questions submitted

to the Portfolio Holder for this meeting would be included and addressed in the report.

Scrutiny Committee – Economy supported that a report on all aspects of civil parking enforcement in Exeter be considered at the earliest practicable opportunity to scrutinise the matter and ensure all of the necessary information and relevant advice was available to Members.

## **MATTER FOR CONSIDERATION BY SCRUTINY COMMITTEE - ECONOMY**

### **51 ENVIRONMENT AGENCY PRESENTATION**

The Head of Operational Services and Transport introduced Christopher Green, Design Manager and Head Consultant from Halcrow, Exeter and Martin Weiler, Devon and Cornwall Area Manager from the Environment Agency who attended the meeting and presented details of the River Exe Flood Risk Management Scheme. They outlined the Environment Agency's current proposals.

Martin Weiler referred to Exeter's susceptibility to flooding and the urgent need for an upgrade of the scheme was now required. The way in which flood defences are funded is due to change from 1 April 2012 and, from that date, major schemes will require an element of local funding. This significant change in funding needs to be addressed with the cooperation of good partnership working with local stakeholders.

Chris Green showed a map of the city and the areas that would be most affected by a serious flooding incident, such as a one in a hundred years event. The extent of the flooding would be over the top of the city's current defences with the Exe Bridges area being the most vulnerable. Exeter is recognised as an important urban area and the flood plan is worthy of particular attention as flooding in this area would have a dramatic effect on the economy of the whole of the south west. He outlined a number of design options with the preferred design raising the flood defences at Bonhay Road and Okehampton Street which might include an innovative pop up defence. The Environment Agency is expected to team up with other public bodies to explore partnership schemes. Mr Green outlined what this would mean for Exeter. He suggested that a scheme for Exeter would cost in the region of £25 million, with a local contribution of £13 million being required.

The Chair clarified that this presentation provided an opportunity to receive information and debate the issues and there was no expectation from the City Council at this time. The Director Economy and Development confirmed that a report would be made to the January meeting of this Scrutiny Committee setting out the issues.

The Chair thanked Martin Weiler and Christopher Green for their presentation.

### **52 PORTFOLIO HOLDERS HALF YEAR REPORT**

Councillor Denham presented the following priorities within the Economy and Tourism Portfolio for the forthcoming year, and covered the following topics of Economic Development, Estates and Exeter Archaeology.

A copy of the briefing note, together with a brief explanation on each priority and the progress made was attached as an appendix to these minutes.

Councillor Denham gave the following response to Members' questions on the Bus and Coach Station site, stating that every effort was being made to produce a re-



development scheme for the Bus and Coach Station site, but it was important to find the right scheme and ensure that the most appropriate and viable solution was found. The Director advised that a report on the future of the site will be made to a forthcoming Executive.

Councillor Sutton presented the following priorities within the Transport and Sustainable Development Portfolio for the forthcoming year, and covered the following topics: the Core Strategy, Community Infrastructure Levy (CIL) and the Localism Bill, Affordable Housing, Climate Change, City Centre and Bus and Coach Station Site, City Centre Enhancements, Parking, Waterways and Flood Prevention.

A copy of the briefing note, together with a brief explanation on each priority and the progress made was attached as an appendix to these minutes.

A Member referred to the use of the city's 4,604 off-street car parking spaces including those in Newtown and was concerned that the Council did not benefit from any revenue from the Newtown car parks.

Councillor Sutton gave the following response to a Member's question stating that details of the ever-changing housing landscape were still emerging from the Localism Bill, and that the Council's Housing Service was working hard to address the 'affordable rent' changes.

Scrutiny Committee – Economy noted the priorities presented for the Economy and Tourism and Sustainable Development and Transport Portfolios for the forthcoming year.

## **53 CAR PARKING TASK AND FINISH GROUP**

The Head of Operational Services and Transport presented a verbal report on the formulation of a Task and Finish Group to look at the city's car parks which had been discussed at the Scrutiny Committee – Economy meeting held on 8 September. Nominations were sought from each of the Groups represented on the Scrutiny Committee and Councillors Crow, Morris and Ruffle were duly nominated from their Groups. The Group also included the Scrutiny Chair, Councillor Cole and Councillor Sutton, as Portfolio Holder for Sustainable Development and Transport. The Group met on 25 October and completed an initial scoping exercise and identified the remit and terms of reference. The general consensus was that whilst the tariff policy remained in the domain of the Executive, the Task Group would focus on looking at additional ways of developing the income stream derived from car parking. Following a request from Councillor Prowse, the Chair agreed to address the issues of potentially raising revenue from Newtown car parks as part of the Task and Finish Group's discussions.

The Group anticipated having a number of meetings when they would receive more detailed information on the individual car parks as well as consider 'guest speakers' to provide additional information before a final report is presented to the March meeting of the Scrutiny Committee.

The Group were next due to meet on the 5 December.

## **PERFORMANCE MONITORING**

### **54 CAPITAL PROGRAMME MONITORING**

The Director Economy and Development presented a report which advised the current position with regard to the 2011/12 capital programme for the Economy and Development Directorate. The report also contained a summary of the position at the end of September 2011, together with an appendix which contained a list of capital projects.

The Director highlighted a number of schemes including the refurbishment of the King William Car Park and he confirmed that the contract for works was currently out to tender. Work was due to commence on site in the middle of March and was scheduled to be completed by the end of summer 2012. The refurbishment of the Old Electricity Building was substantially completed, and a new lease would be granted shortly along with consideration of an alternative delivery of the scheme.

Scrutiny Committee – Economy noted the report.

(Report circulated)

### **55 SCRUTINY COMMITTEE - ECONOMY FINANCIAL STEWARDSHIP TO SEPTEMBER 2011**

The Director Economy and Development presented a report which detailed the forecast variations of the budget, based on the first six months of the financial year 2011/12. The report highlighted any differences by management unit to the outturn forecast for the first six months of the financial year up to 30 September 2011 compared with the annual approved budget. During this period the total of the variances for overall net expenditure for this Committee would increase by £445,500 and included supplementary budgets of £125,170.

The Director highlighted a number of areas including the income derived from off street car park fees and season tickets which were 4.9% below the budgeted income figure and it was hoped that the busy Christmas period would bring some recovery. There also remained a number of uncertainties regarding the closure of the Archaeological Field Unit which were being closely monitored.

Scrutiny Committee – Economy noted the report.

(Report circulated)

### **56 HALF YEAR RESULTS OF PERFORMANCE MONITORING 2011/12**

The Director Economy and Development presented a report which set out the half year figures for those statutory and local performance indicators that relate to services provided by the Economy and Development Directorate. The national and local indicators were attached as an appendix to the report and included details of any variance from targets and remedial action taken.

The Director stated that the performance for the Exeter Visitor Information and Tickets Centre remained solid, but the increasing volume of traffic on the website may have an impact on future years. He responded to a Member's question on meeting the target for processing minor planning applications in the eight week period and whether there were enough staff, and confirmed that the target for this

period had been met, but the performance was slightly down overall at this half yearly stage. The position has been noted.

Scrutiny Committee – Economy noted the report.

(Report circulated)

## 57 **RISK MANAGEMENT**

The Director Economy and Development presented a report which identified the risks relating to the areas within the remit of the Economy and Development Directorate and this Scrutiny Committee, and of the actions proposed and taken to mitigate the risks concerned. The following significant new risks were identified in the latest review - Environmental (Flooding); Financial (Planning Appeals) and Partnership/Contractual (Archaeological Field Unit).

A Member referred to the availability of free car parking in Newton Abbot in the run up to Christmas and whether this was something that the BID project could promote. The Director suggested that whilst free car parking could be considered, there was an expectation that Exeter offered a quality retail experience including events, performances and activities that helped increase footfall and the income derived from car parking maintained the public realm which attracted shoppers and visitors to Exeter. He referred to the presentation on the Rive Exe Management Scheme made earlier in the meeting, which reinforced an increased risk of flooding in the city. The technical and funding challenges from a change in the policy landscape and an expectation that future contributions for flood prevention would be made by local stakeholders would have to be fully debated.

Scrutiny Committee – Economy:-

- (1) noted the report and risks relating to its areas, and
- (2) supported ongoing monitoring of its own areas to ensure that the risk register remains current and risk assessments are valid, that proposed mitigating action are taken by the agreed target dates.

(Report circulated)

## 58 **PROPERTY VOIDS AND DEBTS**

The Director Economy and Development presented a report which informed Members of the position regarding void properties as at 30 September 2011 and commercial rent debts for the four quarters ending on the September 2011. The report identified key local indicators including both long and short term vacant property levels against a relatively robust performance of the portfolio against national and regional trends.

Scrutiny Committee – Economy noted the report and the performance of the portfolio.

(Report circulated)

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

### **59 ANNUAL FESTIVALS AND EVENTS REVIEW 2011**

The Head of Economy and Tourism presented a report which reviewed the performance of the festivals and events portfolio, including the Autumn Festival 2010 and in 2011, Animated Exeter, Vibraphonic, Respect and Summer in the City. He summarised the main characteristics of each of the festivals as well as providing a detailed breakdown of the marketing and financial implications.

The Head of Economy and Tourism replied to a Member's comment about developing a more 'grass roots' approach, working with local schools and churches, stating that the proposed approach involving those organisations grant funded by the Council should provide the opportunity to encourage wider participation. He also responded to an enquiry about the timing of the Summer in the City Festival which would take place in September 2012. Members considered that choosing a date following the very busy summer period could make booking more diverse and the engagement of quality acts easier. A Member requested that the efforts of City Council staff who were coordinating the proposed 'Theatre in the City' project be acknowledged in the minutes.

Scrutiny Committee – Economy noted the report and the future development of the arts and events portfolio in 2012/13.

(Report circulated)

### **60 WINDING DOWN OF EXETER ARCHAEOLOGY**

Councillor Wardle declared a personal interest as a Member of the Devon Archaeological Society and the Devonshire Association.

The Director Economy and Development submitted a report which set out the measures taken to close down Exeter Archaeology responsibly and manage their archive in the run up to, and following, the closure of the service in March 2012. The report detailed the progress made to fulfill the Unit's remaining commercial commitments, and the remaining staff were optimistic that the majority of these would have been processed by March.

A Member referred to the historic buildings records, surveys and maps which might be accessed into the County Records Office in Exeter, and queried whether they would have the space given their reorganisation, and suggested that the Devonshire Association be contacted as they may have some storage capacity. The Archaeology Officer advised that he understood that the Records Office were happy in principle to take the material, but that the Devonshire Association could also be contacted if needs be. In response to another query about digitising the archive and reports, he informed Members that although he had just heard that the bid made by the University of York for money to digitise the Unit's reports had not been successful, the University had offered to take as many of the reports as they could themselves, using their students on placement. He assured Members that no useful report would be destroyed until at the very least an on-line record was made.

In response to a further query as to whether there would be a list of which archives were deposited where, he confirmed that there was already such a list, and that it would be put on the web once the work of the Archives Officer was completed. He noted that whilst the Exeter material was due to be accessed into the RAMM's collection, there was a large amount that has gone and was due to go to other

Museums elsewhere in the region. If there were any remaining issues then discussions would be had with English Heritage, who were being kept updated.

Scrutiny Committee – Economy:-

- (1) noted the considerable progress made by the former and remaining Exeter Archaeology staff in reducing the outstanding commitments and maximising the retrieval of income from their commercial clients;
- (2) supported the contribution to the city's national profile and reputation that will be made by the publication of many of the important discoveries made during the 40 year life of the Archaeological Field Unit and Exeter Archaeology) as evidenced in the media coverage); and
- (3) supported the proposals as set out in section 7 of the circulated report as part of the conclusion of this work.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 8.00 pm

Chair

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## SCRUTINY COMMITTEE - RESOURCES

23 November 2011

### Present:

Councillor Baldwin (Chair)

Councillors Hobden, Branston, Bull, D J Henson, Morris, Mottram, Ruffle, Spackman, Taghdissian, Tippins and Wardle

Chief Executive, Director Corporate Services, Assistant Chief Executive, Head of Contracts and Direct Services, Head of Treasury Services, Head of Corporate Customer Services, Head of Audit 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

### 55 **Minutes**

The minutes of the meeting held on 21 September 2011 were taken as read and signed by the Chair as correct.

### 56 **Declarations of Interest**

A Member declared the following personal interest:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Ruffle	65 (in respect of the Industrial Action risk as a retired and active Member of National Union of Teachers)

### 57 **Annual Audit Letter**

Mr Morris from Grant Thornton, the Council's External Auditor, presented the Annual Audit Letter.

Mr Morris outlined the key areas for Council Action, the Audit of Accounts, Financial Performance and Systems, Annual Governance Statement and Value for Money, including the review of project management arrangements.

Members were advised that a late objection had been received regarding income from parking charges notices. It would have no impact on the 2010/11 accounts but would have to be addressed in the 2011/12 accounts.

In response to Members' questions, Mr Morris clarified that the late objection had been from a resident in Teignbridge who had also sent in objections to East Devon District Council and Teignbridge District Council accounts on the same matter. The notification of the objection had been received a week after the accounts had been signed off at the Final Accounts Committee.

Mr Morris advised that that although Exeter City Council was the collecting agent for Devon County Council for the off- street fines, the Council would have to take account of the objection in the 2011/12 accounts in respect of on-street fines. He clarified the position with regards to the demise of the Audit Commission and any possible affect the way the Government were intending to procure the audit process on fees levied to local authorities.

The Chair thanked Mr Morris for his presentation.

The Scrutiny Committee – Resources received the letter.

(Letter circulated)

## **58 Leader and Portfolio Holder to present their half yearly reports**

The Leader presented the update on his priorities for the budget and providing value for money across the Council's services. He advised Members on the £2.4 million of savings, the cut to the Arts Organisations, the £0.5 million savings that would result from the Management Restructure, the Systems Review of the Council's services and the £4.7 million savings that the Council would need to find over the next four years. The report is attached to these minutes.

The following responses were given to Members' questions:-

- the management restructure could not have been undertaken earlier due to the Council's bid for Unitary status and the planning that had commenced for implementation.
- the position with regards to business rates being retained by local authorities was still unclear and the effect this would have on the Council was uncertain. The Government was expected to provide greater clarity through Technical papers to be issued.
- it was clarified that after 2012/13, the Council would no longer receive monies from Central Government to compensate for not increasing council tax.

Councillor Martin presented the update on his priorities within the Portfolio for Business Transformation and Human Resources. He advised Members on the position within Human Resources and anti-bullying week; Housing and Council Tax Benefit and concerns regarding proposed cuts; Information Technology and the importance of updating the way Members use technology; Health and Safety and protecting lone workers. The report is attached to these minutes.

In response to Members' questions, Councillor Martin stated that the I.T resources for Members were under review including the way laptops were used and investigating the possible use of smart phones. To save on postage Members were encouraged to collect their post from the Civic Centre.

## **PERFORMANCE MANAGEMENT**

### **59 AIM Property Maintenance Progress Report 2011/12**

The joint report of the Head of Contracts and Direct Services, Head of Housing Services, Head of Treasury Services and Acting Head of Estates was submitted.

A Member had submitted a question regarding the overspend of £100,000 in the Housing Reactive Repairs budget against the budget identified for empty properties and the reason for this overspend and whether this is unusual or avoidable.



The Head of Contracts and Direct Services advised that the amount of overspend was dependant on the amount of budget allocated on voids, the amount of works required to the voids for them to meet the agreed standards and the speed of invoices being submitted by contractors. The budget this year was set at £800,000, this compared to the previous year when the budget was £1m. Spend for the first six months of this year was £501,782, for the same period in 2010/11 £374,315 and in 2009/10 £565,254. This year there had been 27 voids with significant works associated with them (value of works in excess of £5000), last year over the same period this number was only seven. Average void costs this year were £3,000 compared to £2,000 last year.

Members were informed that recently £30,000 had to be spent on a property where a family had been evicted to bring it up to the decent homes standard.

The Scrutiny Committee – Resources noted the financial position of the second quarter financial position of the £7.8m programme of reactive and planned property maintenance and refurbishment for 2011/12.

(Report circulated)

**60 Half Year Report of Performance Monitoring 2011/12**

The report of the Director of Corporate Services was submitted.

A Member had submitted a question with regards to the top 5% earners who are women being below target and if the figure was worse due to the restructure and what could be done to address this Performance Indicator.

The Director Corporate Services advised that it was not sue to the restructure as those charges would not take effect until April 2012. The Senior Management Restructure had been subject to an Equality Impact Assessment and, in the longer term, the Council would look at developing appropriate programmes for women in the organisation to encourage a potential supply of future female senior managers.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

**61 Resources Scrutiny Stewardship to 30 September 2011**

The report of the Head of Treasury Services was submitted.

In response to a Member' s question, the Head of Corporate Customer Services advised that the Electoral Commission, as a result of problems experienced in the General Election, had issued a directive to increase staff at polling stations and required formal training of all election staff. It was not known if these measures would be on going although it was anticipated that the Electoral Commission would require additional procedures in future years.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

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

### **62 Capital Monitoring Statement to 30 September 2011**

The Head of Treasury Services presented the report setting out the current position in respect of the Council's revised annual Capital Programme.

Members were advised that the capital programme for the current financial year was £23,167,730 and it was projected that £7.3 million of the programme would need to be carried forward into future years. During the first six months of the current financial year the Council spent £5,515,868 of the 2011/12 Capital Programme. This equated to 23.8% of the revised Capital Programme being spent in the first six months of 2011/12, compared to £6.964 million (22.8%) being spent in the first six months of 2010/11.

In response to a Member's question, the Chief Executive advised the once the John Lewis store opened it was anticipated that the use of the King William Street car park would significantly increase, providing additional income for the Council.

The Scrutiny Committee – Resources noted the current position in respect of the revised annual Capital Programme and recommended approval by Council of the revised annual Capital Programme.

(Report circulated)

### **63 Overview of General Fund Revenue Budget 2011/12**

The Head of Treasury Services presented the report advising Members of the overall projected financial position of the General Fund Revenue Budget after six months, for the 2011/12 financial year.

He advised that the Service Committee budgets showed a forecast overspend of £384,220 and advised that the Scrutiny Committee - Community had an underspend of £188,620, Scrutiny Committee - Economy an overspend of £445,500 and Scrutiny Committee - Resources an overspend of £127,340.

Members were updated on the other financial variations including the New Home Bonus, the Housing Revenue Account, progress on savings, outstanding sundry debt and creditor payments performance.

In response to Members' questions, the Head of Treasury Services stated that there had been some increase in the car park income in October and it was anticipated that there would be an increase in income in November and December; the introduction of charging for prime site public conveniences was for the Bus Station toilets; whilst the Legal Services £6,000 savings for the joint procurement of research and precedents had not been fully achieved it was anticipated that some savings would be achieved through joint procurement this financial year; the cost for the closure of the Archaeological Field Unit would not appear in future years; Councils do have the ability to take a charge over a property to secure repayment of council tax although it would be difficult to know when a property was being sold; Housing were working with landlords to bring empty properties back into use and owners of empty properties had to pay 90% of Council tax.

The Scrutiny Committee - Resources supported the report and recommended approval by Council of the:-

- (1) General Fund forecast financial position for the 2011/12 financial year;
- (2) HRA forecast financial position for 2011/12 financial year;
- (3) outstanding Sundry Debt position as at September 2011; and
- (4) the creditors' payments performance.

(Report circulated)

#### 64 **Treasury Management- 2011/12 - Half Year Update**

The Head of Treasury Services presented a report on the current performance for the 2011/12 financial year and the position regarding investments and borrowings as at 30 September 2011.

He updated Members on the net interest position and advised that the reduction in investment interest earned against the estimate was in part due to the recent decision by credit agencies to downgrade the Royal Bank of Scotland and Lloyds Banking Groups which meant that the Council could no longer hold as much cash in its call accounts. The Council was therefore utilising the Government's Debt Management Office account in line with the treasury management strategy. However this paid a much lower interest rate of 0.25%.

Members were advised that the Government intended to introduce a self-financing regime for the Housing Revenue Account (HRA) and the Council would be required to pay the Government an amount of money (currently £57.3 million) to "buy" itself out of the subsidy system. The Council would have to undertake long term borrowing in order to be able to afford to pay this sum to the Government. To facilitate this it was proposed that the Operational Boundary and the Authorised Limit were increased to cover the amount to be paid to the Government.

The Scrutiny Committee - Resources noted the Treasury management report for the first six months of 2011/12 and of the Council's Operational Boundary and Authorised Limit to allow the Council to borrow the funds required for the HRA self-financing regulations and recommended approval by Council.

(Report circulated)

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

#### 65 **Risk Management**

Councillor Ruffle declared a personal interest in respect of the Industrial Action risk as a retired and active Member of National Union of Teachers.

The Head of Audit presented the report advising the Committee of the Council's updated corporate risk register.

The Scrutiny Committee – Resources approved the updated Corporate Risk Register and noted the ongoing monitoring of the risk register and proposed mitigating actions.

(Report circulated)

66 **Internal Audit Work - 1st Half Year 2011/12**

The Head of Audit presented the report advising Members of the work undertaken by the Internal Audit Unit. Internal Audit's objective was to examine the Council's financial and non-financial systems to check that adequate internal controls were in place to prevent loss due to frauds, errors and inefficiency, and that due attention was paid to Corporate Governance and risk management.

Members were advised of the visit of the Shanghai Municipal Audit Bureau to the Council to learn more about auditing in the UK and the Committee congratulated the audit team on achieving this recognition.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

67 **Customer Service Centre- Saturday Opening Trial**

The Head of Corporate Customer Services presented the report updating Members on the trial opening of the Customer Service Centre on Saturday mornings. He stated that a report would go to Executive next February to advise Members of the outcomes of the six-month trial together with details of the costs to enable a decision to be taken on the future of Saturday morning opening.

Members thanked Customer Service Centre staff that had volunteered to work on Saturday mornings and welcomed that the majority of staff had taken time off in lieu which enforced the Council's commitment to work-life balance.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 7.20 pm

Chair

## EXECUTIVE

Tuesday 6 December 2011

### Present:-

Councillors Denham, Fullam, R M Hannaford, Mrs Henson, Martin, Mrs Morrish, Sheldon and Sutton

Chief Executive, Director Corporate Services, Director Economy and Development, Assistant Chief Executive, Head of Treasury Services, Acting Head of Estates Services and Member Services Manager

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### CHAIR OF MEETING

In the absence of the Chair at the Leadership Academy, Councillor Sutton, Deputy Leader took the chair for the meeting.

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### MINUTES

The minutes of the meetings of the Executive held on 20 September and 4 October 2011 were taken as read and signed by the Chair as a correct record.

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### DECLARATIONS OF INTEREST

Members declared the following personal interests:

<b>COUNCILLOR</b>	<b>INTEREST</b>
R Hannaford	112 (Exeter City Council Allotment Holder)
R Denham	117 (member of Exeter Canal and Quay Trust)

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### CAPITAL MONITORING STATEMENT TO 30 SEPTEMBER 2011

The report of the Head of Treasury Services was submitted, setting out the current position in respect of the Council's annual capital programme and advising Members of the anticipated variations. The Prudential Code for Capital Finance in Local Authorities required the monitoring of performance against the prudential indicator for capital expenditure and the highlighting of significant deviations from expectations.

The Head of Treasury Services reported that the capital programme for the current financial year is £23,167,730 and that it was projected that £7.3 million of the programme would need to be carried forward into future years. He identified the main variances and achievements in the programme.

Scrutiny Committee – Resources considered the report at their meeting of 23 November 2011 and their comments were noted.

**RECOMMENDED** that Council:-

- (1) notes the current position in respect of the annual capital programme; and
- (2) approves the amendments to the Council's annual capital programme outlined in Appendix 2 of the report.

(Report circulated)

110

### **OVERVIEW OF GENERAL FUND REVENUE BUDGET 2011/12**

The report of the Head of Treasury Services was submitted, advising Members of the overall projected financial position of the General Fund Revenue Budget after six months, for the 2011/12 financial year.

The Head of Treasury Services outlined the main factors in relation to the underspend in the Scrutiny Committee – Community budget and the overspend in relation to the other two Scrutiny Committee budgets.

Scrutiny Committee – Resources considered the report at their meeting and their comments were noted.

**RESOLVED** to note:-

- (1) the General Fund forecast financial position for the 2011/12 financial year;
- (2) the HRA forecast financial position for the 2011/12 financial year;
- (3) the outstanding Sundry Debt position as at September 2011; and
- (4) the creditors' payments performance.

(Report circulated)

111

### **TREASURY MANAGEMENT 2011/12 - HALF YEAR UPDATE**

The report of the Head of Treasury Services was submitted, reporting on the current performance for the 2011/12 financial year and the position regarding investments and borrowings at 30 September 2011.

The Head of Treasury Services reported on the impact of the global economic position and the implications for the Council in terms of investments and interest rates. He identified the range of factors which had caused the estimated General Fund net reduction against budget.

Members were pleased to note that it was anticipated that most of the funds would be recovered following the winding up of the Icelandic banks although this could be over a period of years. They acknowledged the contribution of the Local Government Association, acting on behalf of authorities, to the achievement of this successful outcome.

Whilst noting the significant sum required to “buy” the Council out of the Housing Revenue Account subsidy system, members welcomed the perceived long term benefit of the new arrangements.

Scrutiny Committee – Resources considered the report at their meeting of 23 November 2011 and their comments were noted.

**RECOMMENDED** that Council:-

- (1) notes the Treasury Management report for the first six months of 2011/12; and
- (2) approves the amendments to the Council’s Operational Boundary and Authorised Limit to allow the Council to borrow the funds required for the HRA financing regulations.

(Report circulated)

112                    **2012-2013 BUDGET STRATEGY AND MEDIUM TERM FINANCIAL PLAN**

Councillor R Hannaford declared a personal interest in this item as an Exeter City Council allotment holder.

The report of the Head of Treasury Services was submitted, providing a strategic overview of the budgetary position for the 2012/13 financial year and beyond, including an indication of the likely level of available resources, the known demand for resources and the proposals to ensure that a balanced budget is achieved. He anticipated that the Local Government settlement was likely to be announced later that week.

Members noted that the additional funding for authorities which froze or reduced their Council Tax bills was being made available for one year only. They noted that this Council’s Council Tax was already one of the lowest in the country and felt that many residents would prefer the maintenance of good quality services to a marginally smaller Council Tax bill.

**RECOMMENDED** that Council notes the contents of the report and approves the proposals to establish a balanced revenue budget and capital programme.

(Report circulated)

113                    **PROPOSED USE OF NEW HOMES BONUS**

The joint report of the Director Economy and Development and the Assistant Chief Executive was submitted, briefing Executive on the New Homes Bonus (NHB) and proposing principles for how it should be used.

The Director reported that the New Homes Bonus, originally introduced in February 2011, was a significant source of funding intended to incentivise house building. He outlined proposals to identify 50% of the Bonus for a major infrastructure fund to provide a significant capital project for the benefit of the whole city, and 30% for localised community infrastructure. He emphasised the need to be cautious in committing funding as there was no guarantee of the continuation or allocation of the fund in the long term.

Members welcomed the opportunity the fund provided for significant capital projects such as a new swimming pool and the affordable housing programme. They also welcomed additional funding for localised community infrastructure projects that would address existing deficiencies in local facilities. Whilst the creation of successful communities was partly attributable to committed individuals, the existence of a physical hub for the community such as a meeting place was also very significant. They emphasised the role of planning in this process and cited past developments which had been created without such a facility. Members were keen to ensure the even spread of funding across the city in order that funds were not concentrated just in those areas with an effective existing community association. They noted the existence of many successful community initiatives in the city and agreed that lessons could be learned from those.

Executive noted the anticipated allocation of New Homes Bonus for 2011/12 and that beyond 2012/13 there was some uncertainty about the long term funding of New Homes Bonus. They considered it prudent, therefore, to limit financial commitments to the short term, providing the opportunity to review proposals for expenditure associated with the NHB when the Government finally publishes policies and guidance for funding local government.

**RESOLVED** that New Homes Bonus be used with regard to the following principles:

- (1) that NHB funding will be used to direct benefits from new development to the Exeter community;
- (2) that, on the basis of the current assumptions about NHB, 50% of the NHB funding received will be ring fenced for major infrastructure works to meet city wide priorities, such as the provision of a new swimming pool and the revenue implications of the Council's affordable housing programme;
- (3) that in the short term 30% of the NHB funding received will be ring fenced for local community infrastructure on the basis that funding commitments can only be made against income received;
- (4) that a NHB panel shall be established to oversee the allocation of the local community infrastructure fund;
- (5) that a further report be considered by Executive on the detailed proposals for the New Homes Bonus Panel and the role of the ward member(s) in bringing forward possible proposals for funding;
- (6) that £100,000 is made available to support the production of neighbourhood plans over the next five years; and
- (7) that Executive recognises the resource implications of supporting this programme and funding will be made available for capacity building and technical studies.

(Report circulated)

The report of the Director Economy and Development was submitted, presenting the consultation and responses of the public engagement exercise with key stakeholders and seeking approval for proposed changes to the document.



The Director reported that the consultation on the Vision document had consisted of a number of events through the summer and early autumn of 2011 targeted at the public and stakeholders. It had been accompanied by a survey designed to gauge support for the broad concept of the Vision document, the 17 Principles and the four Big Moves. The detailed comments raised in relation to the Principles and Big Moves made it difficult to summarise the responses in terms of support or opposition but the consultation had indicated a broad level of support for this aspirational document.

Members welcomed the widespread consultation that had taken place and the opportunity to focus on a long term vision for the City. They recognised the range of difficult tensions which existed particularly in relation to transport issues and specifically in relation to the “conflict” between people and vehicles. They commented on a number of specific issues identified including the importance of accommodating flood defence measures in St Thomas.

**RESOLVED** that Executive notes the results of the consultation, agrees the changes proposed to the City Centre Vision, endorses the use of the document to inform decision-making by the City Council and commends the document to the Exeter Vision Partnership.

(Report circulated)

115

### **EXETER INFRASTRUCTURE DELIVERY PLAN**

The report of the Head of Planning and Building Control was submitted advising Members of the work completed to date in identifying, prioritising and costing strategic infrastructure investments that will be needed to support the development growth that is proposed for Exeter between 2006 and 2026.

Executive noted the Critical, Essential and Desirable categories of Infrastructure need set out in the Appendix, which also indicated those projects for which funding had not been identified. Members particularly welcomed forward planning in relation to the need for additional school places where new family housing developments were planned.

**RESOLVED** that:-

- (1) the Infrastructure Delivery Plan be taken forward as a compendium of evidence that is used for the following purposes:
  - (i) to support the introduction of a Community Infrastructure Levy for Exeter;
  - (ii) to help guide future infrastructure investment decisions; and
- (2) Executive receives a further report on the proposed details of an infrastructure budgeting procedure.

(Report circulated)

**COMMUNITY INFRASTRUCTURE LEVY PRELIMINARY DRAFT CHARGING SCHEDULE**

The report of the Head of Planning and Building Control was submitted, seeking approval for the proposed Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule to be published for public consultation.

The Director reported that the CIL was a new form of charge that allowed local authorities to raise funds from developers undertaking new building projects in their area. It would be applied at a fixed rate to new developments of one or more dwellings or with a floor area of more than 100 square metres. There would be some variation between the levies set by authorities due to differing land values. He emphasised the need to set the levy at an appropriate level which did not discourage potential developers.

In response to members' questions regarding the impact of CIL, the Director stated that income was likely to be similar to that collected through Section 106 Agreements in respect of big developments. The potential gain would arise from the fact that the Levy would relate to each property whereas the Council had in the past lost out where small-scale developments had delivered numbers slightly below the Section 106 threshold. There was no minimum period for the review of the CIL but, in view of practical considerations such as consultation requirements, he would recommend that it was not reviewed sooner than every three years.

Members welcomed the apparent advantages of certainty and simplicity of the CIL in comparison with Section 106 agreements which often involved lengthy and complex negotiations between the Council and developers.

**RESOLVED** that:-

- (1) the Community Infrastructure Levy Preliminary Draft Charging Schedule as set out at Appendix 1 of the report be approved and published for public consultation; and
- (2) the content of the latest CIL regulations consultation be noted.

(Report circulated)

**EXETER CANAL BASIN REGENERATION SCHEME**

Councillor Denham declared a personal interest as a member of Exeter Canal and Quay Trust.

The report of the Acting Head of Estates Services and Director Economy and Development was submitted informing Members of progress in bringing forward the regeneration proposals for the Canal Basin area. The report reviewed the impact of the current economic climate on these proposals, sought agreement to consequent changes to the City Council's objectives and Delivery Strategy and to a revised timetable for delivery.

The Acting Head of Estates Services reported that Executive had originally adopted the Exeter Canal Basin Masterplan in July 2004 and the subsequent Delivery Plan had proposed the phased delivery of the overall scheme for the Canal Basin area, consisting of four stages over the period up to 2012. He reported on those areas which had been completed and the factors which had led to delay in other phases of the scheme including the recession and the slow and uncertain recovery.

He reported that, despite the expiry of their Exclusivity Agreement and the decision of Exeter Canal and Quay Trust not to renew it, Sutton Harbour were still keen to work with the Council and the Trust on parts of the scheme. Both the Trust and the Council were prepared to continue working with them but not in conditions of exclusivity. A joint marketing campaign was to be launched in the new year.

Members were pleased to note the completed aspects of the development and looked forward to progress on the remaining phases of the scheme.

**RESOLVED** that:-

- (1) the progress to date on the delivery of the Exeter Canal Basin Regeneration Strategy be noted;
- (2) the Acting Head of Estates Services, in consultation with the Portfolio Holder Economy and Tourism, be authorised to agree and enter into a new marketing strategy for Sites I and J in partnership with the Exeter Canal & Quay Trust (and Site B if the proposed transaction does not complete);
- (3) the City Council do not extend the Exclusivity Agreement with Sutton Harbour beyond 31 October 2011; and
- (4) the principle of considering sensitive residential uses of the upper floors of the Maclaines Warehouse be supported.

(Report circulated)

118

### **PARKING TARIFFS**

The report of the Head of Operational Services and Transport and the Director Economy and Development was submitted, seeking Members' agreement to the proposals for a targeted increase in car parking tariffs set out in the report and annex.

The Director Economy and Development introduced the report, informing members that the proposed tariff changes for 2012/13 had been targeted at four specific car parks with high occupancy and that no change was proposed to others.

Councillor Baldwin attended the meeting and spoke on this item in accordance with Standing Order 44. She was concerned at the proposed significant increases in tariff at Topsham Quay and Matthews Hall Car Parks and queried why it was proposed to charge City Centre level tariffs at these two car parks which were on the edge of the City Centre. She suggested that Matthews Hall car park was more comparable with Heavitree and Cowick car parks and Topsham Quay with Exeter Cathedral and Quay car park. Half of Topsham Quay car park was used as a boat laying-up area in the winter and it served as an important car park, particularly for tourists, in the remainder of the year. She felt that this proposal was purely an income-raising measure and ignored the wider impact on retail and tourism. She was concerned that the level of the increase would exacerbate the already difficult parking situation in Topsham and considered it unreasonable, unfair and unjustifiable.

The Chair responded that the proposal would encourage greater turnover in the car parks in order to increase trade. Due to Topsham's good transport links, it appeared that the car parks were frequently used for longer term parking by commuters and for trips outside of the town. Unlike in many cities, there was no restriction on the length of stay within any car park in the City and there was a shorter charging period (9am – 5pm) in Topsham than in the City Centre. No increase was proposed in the other Topsham car parks, including Holman Way.

Councillor Mrs Henson stated that she did not feel this represented the view of many of the traders in Topsham and expressed concern that the sharp rise would discourage shoppers. Whilst she was not against a rise, she suggested that it should be introduced incrementally over a number of years.

Another Councillor was concerned about the displacement of the longer term car park users to other areas of the town and considered that the increase should be introduced gradually in order to give more opportunity for transitional arrangements to be put in place.

In response to a question regarding the reason for the 4.5% decline in car park projected income, the Portfolio Holder Economy and Development stated that there was no clear correlation with those car parks where prices had increased. The proposal had been made following analysis of occupation levels and on the basis of which car parks could sustain an increase in charges. The Director reported that the four car parks targeted for an increase displayed a high occupancy rate. He reported that the national economic situation was certainly a factor decreasing the number of shopping visits made.

Other Councillors felt that the comparison with Heavitree car park was inappropriate since car parks users visited these areas for practical purposes whereas Topsham had a significant tourism/leisure appeal. Heavitree had a lower occupancy rate and income had declined in the previous year.

Councillor Mrs Henson, seconded by Councillor Fullam, moved that further consideration was given to the proposed increase in tariffs at Topsham Quay and Matthews Hall, including further consultation with local traders. The motion was put to the vote and lost.

The Chair moved a further recommendation to re-designate Topsham Quay and Matthews Hall as short stay car parks and this was approved.

**RESOLVED** that:-

- (1) notice of intention be given to make a Parking Places Amendment Order to revise the City of Exeter (Civil Enforcement Off Street Parking Places) Order 2008 to enable the changes proposed in this report and Annex A to come into effect on 30 January 2012;
- (2) Matthews Hall, Topsham and Topsham Quay be redesignated as Short Stay Pay and Display Car Parks;
- (3) authority to consider any objections be delegated to the Director Economy and Development in consultation with the Leader of the Council and the Portfolio Holder for Sustainable Development and Transport; and
- (4) subject to consideration of any objections, the order be made and sealed.

(Report circulated)

119      **APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES**

The schedule of representatives on outside bodies was circulated.

**RECOMMENDED** that:-

- (1) an appointment to replace Alderman NWF Long on Exeter Municipal Charities (General List) be made by Council; and
- (2) the appreciation of the Council be conveyed to Alderman Long for the significant and long term contribution he had made as the Council's representative on this body.

(Schedule circulated)

120      **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 items on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 3 and 6 of Part 1 of Schedule 12A of the Act.

121      **REGENERATION OF THE EXETER BUS AND COACH STATION SITE**

The joint report of the Director Economy and Development and the Acting Head of Estates Services was submitted, advising Members of progress on the preparatory work necessary for the regeneration of the Bus and Coach Station Site. The report reviewed the economic situation as it affects city centre property development in Exeter.

The Acting Head of Estates Services introduced the report and outlined a provisional way forward and timetable together with the associated resourcing implications. He reported that the significant work undertaken in securing the John Lewis store for the city had necessitated a delay in working up the Master Plan for the Bus and Coach Station site. An extension to the exclusivity agreement with Land Securities and the Crown Estate was recommended.

Members welcomed progress on the preparatory work for the site and emphasised the confidence in Exeter displayed by the arrival of the John Lewis Partnership stores in the city. They acknowledged the benefits of an incremental approach to the development to ensure that any adverse impact of the national economic situation and retail patterns were reflected in the nature of the development. Members also supported the proposal for a mix of uses, rather than solely retail outlets, for the site.

**RESOLVED** that:-

- (1) the extension of an Exclusivity Agreement with Land Securities/The Crown Estate until the end of May 2013 be agreed;
- (2) officers be authorised to continue to work up the master planning principles for the bus and coach station site with a view to going out to public consultation early in the new year;

- (3) officers be authorised to seek to agree terms with Land Securities/The Crown Estate for a sequential delivery strategy as discussed in this report;
- (4) the Acting Head of Estates Services, in consultation with the Portfolio Holder Economy and Tourism, be authorised to agree terms for an option to acquire an alternative site to facilitate bus depot relocation; and
- (5) a budget of £75,000 on 2012/13 be set up to procure legal and property advice associated with the project.

(Report circulated to Members)

122

### **EXETER AND HEART OF DEVON GROWTH BOARD MINUTES**

The minutes of the Exeter and Heart of Devon Growth Board meeting held on 31 October 2011 were circulated.

The Director Economy and Development reported that it had been agreed that Devon County Council would chair the meeting for the next 12 months, after which the Chair would rotate between East Devon District Council and Exeter City Council.

**RESOLVED** that the minutes of the Exeter and Heart of Devon Growth Board of 31 October 2011 be noted.

(Minutes circulated)

(The meeting commenced at 5.30 pm and closed at 8.00 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 13 December 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)
Spackman (L)	Bialyk (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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