

EXECUTIVE

Date: Tuesday 12 April 2016

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Sarah Selway, Democratic Services Manager (Committees) on 01392 265275.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

Membership -

Councillors Edwards (Chair), Denham, Hannaford, Leadbetter, Morse, Owen, Pearson and Sutton

Agenda

Part I: Items suggested for discussion with the press and public present

1 Apologies

To receive apologies for absence from Committee members.

2 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

3 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 item 12 on the grounds that it involves the likely disclosure of exempt information as defined

in paragraphs 1,2, 3 and 4 of Part I, Schedule 12A of the Act.

4 Leisure Complex and Bus Station Programme Board Minutes - 17 March 2016

To receive the minutes of the Leisure Complex and Bus Station Programme Board Minutes of 17 March 2016.

(Pages 5 - 8)

5 Overview of Revenue Budget 2015/16

To consider the report of the Assistant Director Finance.

(Pages 9 - 24)

Scrutiny Committee – Resources considered the report at its meeting on 16 March 2016 and its comments will be reported.

6 Capital Monitoring Statement to December 2015

To consider the report of the Assistant Director Finance.

(Pages 25 - 46)

Scrutiny Committee – Resources considered the report at its meeting on 16 March 2016 and its comments will be reported.

7 Advertising within Car Parks & Public Realm

To consider the report of the Corporate Manager Property.

(Pages 47 - 50)

Scrutiny Committee – Resources considered the report at its meeting on 16 March 2016 and its comments will be reported.

8 St Nicholas Priory - Structural Repair and Future Operation

To consider the report of the Museum Manager & Culture Lead.

(Pages 51 - 146)

Scrutiny Committee – Resources considered the report at its meeting on 16 March 2016 and its comments will be reported.

9 Devon Authorities Strategic Waste Committee

To consider the report of Assistant Director Environment.

(Pages 147 - 158)

10 **Amendments to the Scheme of Delegation**

To consider the report of the Corporate Manager Democratic and Civic Support. (Pages 159 - 184)

11 **Compulsory Purchase Order**

To consider the report of the Assistant Director City Development. (Pages 185 - 192)

Part II: Item suggested for discussion with the press and public excluded

No representations have been received in respect of the following item in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

12 **Staffing within Economy and Tourism**

To consider the report of the Economy and Tourism Manager. (Pages 193 - 222)

Date of Next Meeting

The next scheduled meeting of the Executive will be held on **Tuesday 14 June 2016** at 5.30 pm in the Civic Centre.

A statement of the executive decisions taken at this meeting will be produced and published on the Council website as soon as reasonably practicable.

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265115 for further information.

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LEISURE COMPLEX AND BUS STATION PROGRAMME BOARD

Thursday 17 March 2016

Present:-

Councillor Edwards (Chair)
Councillors Bialyk, Denham, Sutton, Prowse and Wardle

Also Present

Chief Executive & Growth Director, Deputy Chief Executive, Housing Development Manager and Democratic Services Officer (Committees) (SLS)

Nic Bryant and Andrew Marques - AFLS + P Architects
Justin Pickford, Penny Wood, Charles Hill and Scott Moore - Arcadis Design and Consultancy
Chris Chambers - Arup Engineering

7

DECLARATIONS OF INTEREST

No declarations of discloseable pecuniary interest were made.

8

PRESENTATION - THE BUS STATION SCHEME

The Design Team were in attendance to present the detail of the Stage C Concept Design work to date on the Bus Station Scheme. Nic Bryant reminded Members of the resolution by Council on 20 January 2016, to grant outline planning approval to proceed with the development of the new Bus Station, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990. He also referred to the meeting of the Programme Board held on 11 February 2016, when the scope of the Bus Station programme was first presented. He outlined the arrangement and massing of the proposed design and confirmed that formal approval would also be sought to proceed to the next stage of detailed design, Stage D.

Nic Bryant presented the detail of the main design attributes, and the aspiration to provide a modern facility that was fit for purpose. He outlined the efforts being made to respond to comments made at the recent consultation event, and also to the original masterplan developed by Crown Estates, both of which had offered a platform to commence their work. He referred to a review of the existing design parameters and set out the build options, including the concourse arrangements and consideration of the intended vehicle movements. The Design Team had also carried out further research as part of a review of the precedent design to ensure that the site levels between Princesshay and Paris Street were addressed. Chris Chambers of Arup, confirmed that they had, in effect, designed out and reduced the incline of the site to an acceptable level of a 1 in 60 gradient.

Nic Bryant outlined a summary of the Stage C Brief and the proposed detail, which would include a single storey build with an enclosed concourse, and canopy extending over the doors of the buses to afford protection for alighting passengers, the brief also included for:-

- 12 Bus bays and 2 lay over bays
- Waiting facilities
- Enquiries office

- Retail kiosk
- Public toilet facilities
- Bus Driver paying-in facilities
- Staff canteen/rest room
- Inspector's office
- Two small administration offices
- Staff toilets

The Design Team also presented their consideration of the main Design Attributes:-

- provision of a positive visitor experience
- adequate capacity to deal with increased numbers
- the concourse to be a public thoroughfare open at all times
- fully accessible
- provision of cycle parking
- good waiting facilities
- to make best use of natural light
- sufficient space for people with luggage
- an extended canopy to allow passengers to remain dry when boarding
- to explore enclosed concourse

A Member enquired if there had been any acknowledgment of the current passenger numbers for Stagecoach and National Express and whether the Bus Station would be able to adequately accommodate future bus and coach movements. The Member also commented on the provision for National Express and other coach operators. Nic Bryant referred to the detail of the public consultation, which would be reviewed by the Council and he welcomed sight of the document referred to by the Member. Chris Chambers provided reassurance that the feasibility study inherited from the Crown Estate design included the necessary due diligence to ensure there was the required capacity on the site. A Member welcomed the emphasis on public safety and the suggested efforts to minimise passenger access onto the concourse. Chris Chambers provide information on the anticipated vehicle tracking on the concourse.

A Member welcomed the response by the public to the consultation event, and that the submissions would be analysed to produce the headline results. A Member requested consideration that future work include a continuation of the dialogue with representative groups and potential bus operators of the new Bus Station. The Member suggested that more convenient and imaginative opportunities for passengers could be explored, possibly alighting in the shopping area and relieving pressure on the Bus Station, allowing coach parking within the site. He also suggested out of town coach pick up points might be pursued, such as from the Park and Ride or motorway services to avoid lengthy time delays coming into the city centre. The Deputy Chief Executive confirmed that a number of meetings had been held with Stagecoach, and contact had also been made with National Express to discuss some options, as the desire to see coaches in the Bus Station was recognised. It was important to establish the current use, and to that end, consideration had already been made to carry out a survey of coach passengers' journey details, which would provide useful data for the next stage of the process.

RESOLVED that:-

- (1) the Project Team progress with Stage D, Detailed Design, through the Project Control Point, and in accordance with the Programme Board's governance arrangements;
- (2) a further consultation event be held on 18 May 2016 at the Guildhall; and

- (3) further discussion be held with National Express and other potential Bus Operators to determine the optimum operational arrangements.

9 **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 Paragraph 3 of Part I, Schedule 12A of the Act.

10 **PROGRAMME /DEVELOPMENT MANAGEMENT**

The Deputy Chief Executive presented a verbal report and asked Members for approval of a Programme and Development Fund Monitor Role for the Leisure Complex and Bus Station project. The development of the leisure centre and the bus station site had evolved into a complex programme of projects for the Council. The role would ensure that the Council met all of its contractual obligations through an effective programme wide structure, which would align the critical links and dependencies of both projects. He outlined the detail and benefits of this role to the project, which would also provide an additional independent strand and report to Members as part of the existing governance arrangements. It was envisaged that the tender process to recruit for the role would commence on 6 April.

The Deputy Chief Executive responded to a Member's comment on the need for the role. The Housing Development Manager & Client Lead (Build) also referred to the level of independent audit it would offer.

RESOLVED that the following be approved:-

- (1) a Programme Manager and Fund Control Monitor role be created due to the complexities associated with developments;
- (2) the Deputy Chief Executive of the City Council commence procurement of a suitable candidate in line with the council's procurement rules; and
- (3) the costs of this role to be met from the Project's Contingency Fund.

11 **DATE OF NEXT MEETING**

The next Programme Board meeting would be timed to coincide with the next programme gateway, and the date of this would be determined in due course.

(The meeting commenced at 6.00 pm and closed at 7.10 pm)

Chair

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REPORT TO RESOURCES SCRUTINY COMMITTEE

Date of Meeting: 16 March 2016

REPORT TO EXECUTIVE

Date of Meeting: 12 April 2016

REPORT TO COUNCIL

Date of Meeting: 19 April 2016

Report of: Assistant Director Finance

Title: OVERVIEW OF REVENUE BUDGET 2015/16

Is this a Key Decision?

No

* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 To advise Members of the overall projected financial position of the HRA & General Fund Revenue Budgets for the 2015/16 financial year after nine months.

2. Recommendations:

It is recommended that Scrutiny Resources Committee and the Executive note the report and Council notes and approves (where applicable):

2.1 The General Fund forecast financial position for the 2015/16 financial year;

2.2 The HRA forecast financial position for 2015/16 financial year;

2.3 The outstanding Sundry Debt position as at December 2015;

2.4 The creditors' payments performance;

3. Reasons for the recommendation:

3.1 To formally note the Council's projected financial position for the financial year.

4. What are the resource implications including non financial resources.

4.1 The impact on the General Fund working balance, HRA working Balance and Council Own Build working balance are set out in sections 8.3.6, 8.2.1 and 8.2.3 respectively.

5. Section 151 Officer comments:

5.1 The report represents the projected financial position to 31 March 2016. In respect of the year end projections, the overall position in respect of the General Fund is positive, with a reduction in the estimated to the working balance. The significant variance is down to 3 key factors, the proposed change to the Council's MRP policy, the substantial increase in income generated by Housing Benefit overpayments and additional income generated / savings made within other services.

6. What are the legal aspects?

6.1 There are no legal aspects to the report.

7. Monitoring Officer's comments:

7.1 This report raises no issues of concern for the Monitoring Officer

8. Report details:

8.1 Financial Summary

FUND	Planned Transfer (to) / from Working Balance	Budget Variance Over / (under)	Outturn Transfer 2015/16
	£	£	£
General Fund	1,335,160	(2,380,789)	(1,045,629)
HRA	2,959,182	(1,678,116)	1,281,066
Council own Build Houses	(37,800)	0	(37,800)

8.2 Housing Revenue Account (Appendix A)

8.2.1 The third quarter projection shows an improvement against the estimated budget reduction in the working balance. The projected reduction is £1,281,066 to leave the working balance at £6,455,466.

Movement	2015/16
Opening HRA Balance, as at 01/04/15	£7,736,532
Deficit	(£1,281,066)
Projected balance, as at 31/3/16	£6,455,466

8.2.2 The key variances are as follows:

Management Unit	Over / (Underspend)	Detail
Budget variances reported in June	(£625,391)	
Budget variances reported in September	(£549,855)	
Management Costs	(£86,310)	<ul style="list-style-type: none"> • The introduction of mobile working in housing services is progressing with the acquisition of handheld devices, however further spend is pending a wider review of the housing management IT system. It is therefore estimated that a further £20,000 of the budget will need to be deferred until 2016-17 in addition to the £50,000 reported in Quarter 1. • The delay in full implementation of mobile working has also reduced the amount of training costs which has resulted in a forecast underspend. • The hosting of a tenant and leaseholder conference is now planned during 2016-17 and the expected costs have been factored into next year's budgets. The 2015-16 budget is therefore reported as a saving.

Repairs and Maintenance Programme	(£393,000)	<ul style="list-style-type: none"> • (£150k) Planned re-pointing works have not been undertaken during 2015-16 as contractors have concentrated on delivering the damp ingress contract which has placed a constraint on resources. Such works will now be deferred until both contractors and up-to-date stock condition data is available in order to support a future programme of re-pointing works. • (£150k) A saving in general reactive repairs is expected to be achieved, in part due to a nil inflationary rise agreed with the main contractor and also a minor reduction in the average repair cost compared to 2014-15. • (£100k) A saving in the cost of repairs to void properties is expected to be achieved, in part due to a nil inflationary rise agreed with the main contractor. • Other minor budget variances are expected in respect of service and maintenance contract costs and asbestos removal costs.
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8.2.3 The Council's new properties at Rowan House and Knights Place form part of the overall Housing Revenue Account, but separate income and expenditure budgets are maintained in order to ensure that they are self-financing. There is no variance to the projected surplus at the end of the third quarter.

Movement	2015/16
Opening Council Own Build, as at 01/04/15	£127,995
Surplus	37,800
Projected balance, as at 31/3/16	£165,795

8.3 General Fund (Appendix B)

8.3.1 The Service Committees show projected underspends of £1,368,724 against a revised budget of £13,492,220. The main variances are:

8.3.2 Scrutiny Committee Community – (An overspend in total of £61,990)

Management Unit	Over / (Underspend)	Detail
Public Safety	(£53,130)	<ul style="list-style-type: none"> • Contribution from the Housing Revenue Account towards the cost of continuing the Home Call Alarm service to residents in the Council's older persons accommodation • Expenditure on overtime and other pay budgets is expected to be less than the annual budget.
Public Realm Assets - Community	(£68,880)	<ul style="list-style-type: none"> • Utilities budget expected to overspend. • Cemeteries maintenance budgets anticipated to underspend. • Underspend anticipated on Asset Improvement and Maintenance budget.
Advisory Services	(£60,470)	<ul style="list-style-type: none"> • Savings on pay budgets due to vacancies • Payments to temporary accommodation providers lower than budgeted • Corresponding reduction in income due to reduced usage of temporary accommodation
Private Sector Housing	£47,530	<ul style="list-style-type: none"> • Lower than budgeted level of licence fee income in respect of the new Houses of Multiple Occupation licensing scheme, despite door to door visits, advertising and targeted mail drops to encourage owners to apply.

Management Unit	Over / (Underspend)	Detail
Domestic Refuse Collection	£100,000	<ul style="list-style-type: none"> Agency costs are expected to exceed the estimates mainly as a result of significantly higher levels of absences (sickness, suspension and phased return) than assumed when calculating the budget. Fleet repair costs are expected to exceed the budget Income from fees for domestic bins is expected to exceed the budget, and this, together with reduced costs of purchasing domestic bins, will partially offset the additional costs noted above
Street Cleaning	(£29,710)	<ul style="list-style-type: none"> Underspend on budget for purchase of bins Fleet costs anticipated to be less than budget.
Cleansing Chargeable Services	£90,000	<ul style="list-style-type: none"> Income from Trade Refuse expected to be less than the estimates, offset by reduced waste disposal costs. The contractor dealing with the processing of garden waste has gone into liquidation. While an alternative contractor has been engaged, the price has significantly increased Income from Trade Recycling expected to be less than estimated partially offset by some small cost savings. Additional fleet costs have been incurred in the Trade Recycling service
Recycling	£50,000	<ul style="list-style-type: none"> Prices achieved for reclaimed materials are below those estimated, partially offset by savings on haulage costs

8.3.3 Scrutiny Committee Economy – (An underspend in total of £944,484)

Management Unit	Over / (Underspend)	Detail
Car Parking	(£206,710)	<ul style="list-style-type: none"> Income from Off Street parking fees expected to exceed budget. Underspend anticipated on pay and transport budgets. Additional expenditure anticipated in respect of equipment tools and materials, pay by phone and credit card transaction fees.
Economic Development	£118,740	<ul style="list-style-type: none"> Following the secondment of the Assistant Director Economy on 1 July 2015, his pay costs will be charged entirely to this unit. This will result in salary savings in the services which previously bore his costs, partially offset by honoraria paid to the acting managers. The unit has an apprentice for which there is no budget; however there are savings elsewhere in the Council where apprentices are no longer employed. These additional costs are partially offset by a net saving following the deletion of the City Centre Management service. The net expenditure on the Rugby World Cup is expected to exceed the budget by £75,000. A report to Scrutiny Committee – Economy on 22 January 2016 gave members an update on this event.
Building Control	(£70,070)	<ul style="list-style-type: none"> Income from Local Land Charges expected to exceed the budget.
Major Projects	£45,000	<ul style="list-style-type: none"> The budget funds the legal team and property consultants engaged to deliver the property transactions required to bring forward the Bus & Coach Station redevelopment. This work has ramped up this year and the initial budget was inadequate to meet these demands.

Management Unit	Over / (Underspend)	Detail
Contracted Sports Facilities	(£317,720)	<ul style="list-style-type: none"> As a result of the sports facilities contractor acquiring charitable status, the income receivable under the contract will increase. The impact of reduced energy costs for the current and previous years has now been agreed with the contractor, leading to a refund of amounts previously paid and a reduction in the ongoing charges.
Corporate Property Maintenance	(£308,900)	<ul style="list-style-type: none"> The Property Maintenance Fund budget is expected to underspend. A request to carry forward the budget underspend will be made at year end. Pay budgets are anticipated to underspend due to vacancies.

8.3.4 Scrutiny Committee Resources – (An underspend in total of £486,230)

Management Unit	Over / (Underspend)	Detail
Revenue Collection/Benefits	(£556,830)	<ul style="list-style-type: none"> Recovery of overpayments higher than budgeted Underspend on pay budgets
Grants/Cent Supp/Consultation	£69,350	<ul style="list-style-type: none"> Pay and grants budgets are expected to overspend New Homes Bonus funding an element of the grants overspend.
Human Resources	(£50,000)	<ul style="list-style-type: none"> Underspend on pay budgets
Corporate Support	(£94,620)	<ul style="list-style-type: none"> Underspend on utilities and pay budgets The asset improvement and maintenance budget is expected to underspend Additional rental income anticipated in respect of Civic Centre

8.3.5 Other Financial Variations

Other items	Over / (Underspend)	Detail
Repayment of debt (Minimum Revenue Provision)	(752,615)	<ul style="list-style-type: none"> The Council has more accurately assigned debt against an assets useful life as per the policy.

8.3.6 General Fund Balance

In 2015/16 it is projected that there will be an overall net contribution to the General Fund Balance of £1,045,629. The minimum requirement for the General Fund working balance was approved by Council in February 2015 at £2million. There will be a significant request for supplementary budgets in 2016/17 to utilise some of the underspend.

Movement	2015/16
Opening Balance, as at 01/04/15	£3,974,518
Surplus	£1,045,629
Balance, as at 31/3/16	£5,020,147

8.3.7 Supplementary Budgets

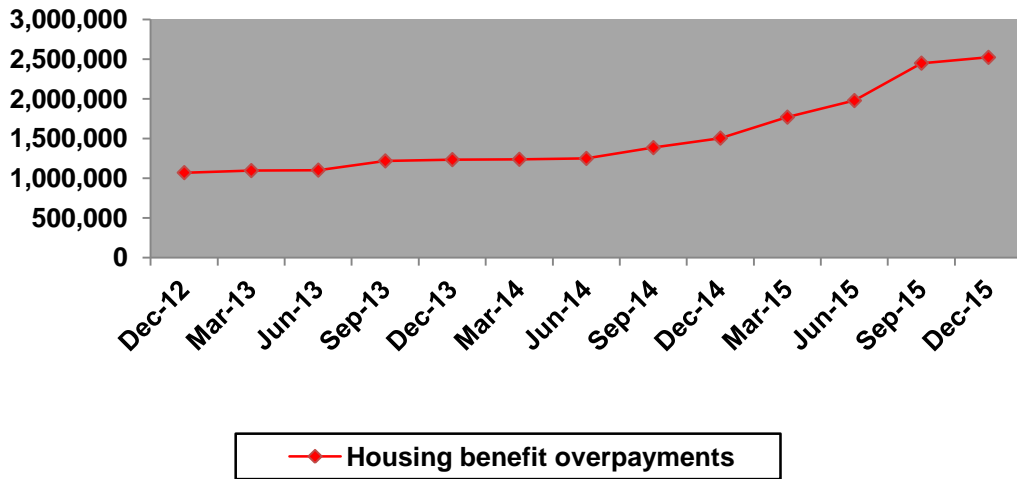
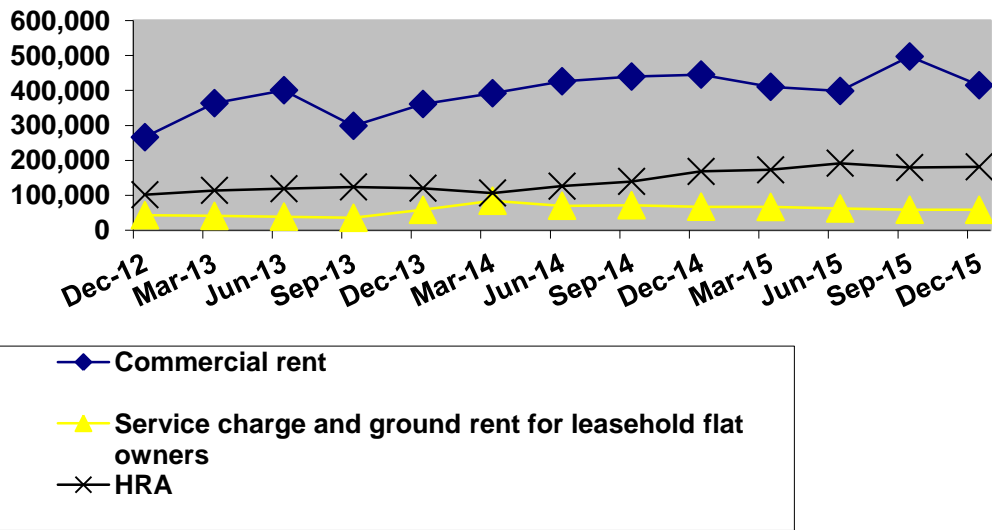
There are no supplementary budgets requests this quarter.

8.4 OUTSTANDING SUNDRY DEBT

8.4.1 An aged debt analysis of the Council's sundry debts is shown in the table below.

Age of Debt	December 2014	September 2015	December 2015
Up to 29 days (current)	£1,031,168	£1,137,814	£1,174,110
30 days – 1 Year	£1,246,380	£1,822,595	£1,698,373
1 – 2 years	£576,037	£530,245	£595,263
2 –3 years	£306,597	£417,854	£451,063
3 – 4 years	£178,742	£214,477	£228,481
4 – 5 years	£84,798	£109,995	£141,680
5 + years	£209,782	£225,477	£221,229
Total	£3,633,505	£4,458,457	£4,510,199

8.4.2 Of the outstanding debt, the graph overleaf sets out the main services and debt trends for debt over 30 days old: Of the £3,336,089 outstanding debt over 30 days old, £2,523,015 relates to Housing Benefit overpayments which are now shown on a separate graph.



8.5 DEBT WRITE-OFFS

8.5.1 The following amounts have been written-off during 2015/16:

	2014/15 total	2015/16 (Qtr 3)
• Council Tax	£193,034	£102,075
• Business Rates	£0	£0
• Sundry Debt	£85,554	£79,435
• Housing Rents	£41,609	£58,090

8.6 CREDITOR PAYMENTS PERFORMANCE

8.6.1 Creditors' payments continue to be monitored in spite of the withdrawal of statutory performance indicator BVPI8. The percentage paid within 30 days was 93.09% for the first three quarters of 2015/16 compared with 95.60% for 2014/15.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 This is a statement of the projected financial position to the end of the 2015/16.

10. What risks are there and how can they be reduced?

10.1 The risks relate to overspending the Council budget and are mitigated by regular reporting to the Strategic Management Team and Members.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

11.1 Not applicable

12. Are there any other options?

12.1 Not applicable

Assistant Director Finance

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275

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HOUSING REVENUE ACCOUNT
2015/16 REVENUE ESTIMATES - SUMMARY
as at 31 December 2015

HOUSING REVENUE ACCOUNT

ACTUAL TO DATE			YEAR END FORECAST				
PROFILED BUDGET	ACTUAL TO DATE	VARIANCE TO DATE	Code	APPROVED BUDGET	Qrt 2 FORECAST VARIANCE	Qrt 3 FORECAST VARIANCE	CURRENT OUTTURN FORECAST
£	£	£		£	£	£	£
486,206	330,742	(155,464)	85A1	1,267,390	(124,700)	(211,010)	1,056,380
797,109	800,716	3,607	85A2	1,239,920	11,200	29,750	1,269,670
76,698	73,063	(3,635)	85A3	274,230	(5,000)	2,000	276,230
6,690,448	4,966,368	(1,724,080)	85A4	8,680,512	(1,039,612)	(1,432,612)	7,247,900
0	0	0	85A5	5,771,930	0	0	5,771,930
2,484,370	2,550,566	66,196	85A6	2,484,370	66,196	66,196	2,550,566
788,647	711,763	(76,884)	85A7	1,222,550	(63,330)	(92,440)	1,130,110
(15,768,638)	(15,835,247)	(66,608)	85A8	(19,918,280)	0	0	(19,918,280)
989,780	989,780	0	85B2	1,936,560	(20,000)	(40,000)	1,896,560
			85B4	(2,959,182)	1,175,246	1,678,116	(1,281,066)
			Net Expenditure	0	0	0	0
			Working Balance 1 April 2015	7,736,532	31 March 2016		6,455,466

COUNCIL OWN BUILD SITES

PROFILED BUDGET	ACTUAL TO DATE	VARIANCE TO DATE	Code	APPROVED BUDGET	Qrt 2 FORECAST VARIANCE	Qrt 3 FORECAST VARIANCE	CURRENT OUTTURN FORECAST
£	£	£		£	£	£	£
(7,390)	(8,874)	(1,484)	H006	(8,020)	0	0	(8,020)
(45,165)	(46,168)	(1,003)	H007	(47,870)	(301)	(301)	(48,171)
0	0	0	H008	6,890	0	0	6,890
11,200	11,501	301	H009	11,200	301	301	11,501
			H010	37,800	0	0	37,800
			Net Expenditure	0	0	0	0
			Working Balance 1 April 2015	127,995	31 March 2016		165,795

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GENERAL FUND
2015/16 REVENUE ESTIMATES - SUMMARY
as at 31 December 2015

	Annual Budget £	Supplementary Budgets £	Revised Annual Budget £	Year End Forecast £	Variance to Budget £
SCRUTINY - COMMUNITY	9,063,180	143,940	9,207,120	9,269,110	61,990
SCRUTINY - ECONOMY	149,250	837,460	986,710	42,226	(944,484)
SCRUTINY - RESOURCES	6,074,060	(15,890)	6,058,170	5,571,940	(486,230)
less Notional capital charges	(2,759,780)		(2,759,780)	(2,759,780)	0
<u>Service Committee Net Expenditure</u>	12,526,710	965,510	13,492,220	12,123,496	(1,368,724)
Net Interest	150,000		150,000	86,000	(64,000)
New Homes Bonus	(3,528,980)		(3,528,980)	(3,528,980)	0
Revenue Contribution to Capital	0		0	4,850	4,850
Minimum Revenue Provision	1,570,730		1,570,730	818,115	(752,615)
<u>General Fund Expenditure</u>	10,718,460	965,510	11,683,970	9,503,481	(2,180,489)
Transfer To/(From) Working Balance	(369,650)	(965,510)	(1,335,160)	1,045,629	2,380,789
Transfer To/(From) Earmarked Reserves	1,607,980		1,607,980	1,407,680	(200,300)
<u>General Fund Net Expenditure</u>	11,956,790	0	11,956,790	11,956,790	0
Formula Grant	(6,635,000)		(6,635,000)	(6,635,000)	0
Business Rates Growth / Pooling Gain	(561,000)		(561,000)	(561,000)	0
<u>Council Tax Net Expenditure</u>	4,760,790	0	4,760,790	4,760,790	0
Working Balance	March 2015	£ 3,974,518		£ 5,020,147	March 2016

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REPORT TO SCRUTINY COMMITTEE RESOURCES, EXECUTIVE AND COUNCIL

Date of Meeting: Scrutiny Committee Resources – 16 March 2016
Executive – 12 April 2016
Council – 19 April 2016

Report of: Assistant Director Finance

Title: Capital Monitoring Statement to 31 December 2015

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

To report the current position in respect of the Council's revised annual capital programme and to advise Members of the anticipated level of deferred expenditure into future years.

The report seeks Member approval to amend the annual capital programme in order to reflect the reported variations.

2. Recommendations:

It is recommended that Scrutiny Committee – Resources notes and Council approves:

(i) **The revisions to the capital programme detailed in section 8.1**

(ii) **The revision of the annual capital programme to reflect the reported variations detailed in 8.4 and 8.5**

3. Reasons for the recommendation:

Local authorities are required to estimate the total of capital expenditure that it plans to incur during the financial year when it sets the prudential indicators for capital expenditure. This shows that its asset management and capital investment strategies are affordable, prudent and sustainable.

Capital expenditure is a significant source of risk and uncertainty since cost variations, delays and changing specifications are often features of large and complex capital projects.

In order to manage the risks associated with capital programming the annual capital programme is updated every three months to reflect any cost variations, slippage or acceleration of projects.

4. What are the resource implications including non-financial resources

The financial resources required are set out in the body of this report.

5. Section 151 Officer comments:

This report has been prepared on behalf of the Section 151 Officer to set out the financial position of the Capital Programme as at 31 December 2015.

6. What are the legal aspects?

The capital expenditure system is framed by the Local Government and Housing Act 1989.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer.

8. Report Details:

CAPITAL MONITORING STATEMENT TO 31 DECEMBER 2015

8.1 REVISIONS TO THE CAPITAL PROGRAMME

The 2015/16 Capital Programme, including commitments brought forward from 2014/15, was last reported to Scrutiny Committee – Resources on 18 November 2015. Since that meeting the following changes have been made to the programme:

Description	£	Approval/Funding
Capital Programme, as reported to Scrutiny Committee – Resources, 18 November 2015	20,477,070	
Budget Deferred to 2016/17 & Beyond at Quarter 2	(1,441,600)	Approved by Council on 15 December 2015
Overspends/(Underspends) reported at Quarter 2	(78,990)	
Acquisition of Social Housing (HRA)	90,000	Approved by Cllr Hannaford (3 December 2015), Delegated Authority for Acquisition of Social Property (Executive 20 March 2012).
Grant towards the redevelopment of Wat Tyler House into a Health & Well Being Hub	30,000	Approved by Cllr Morris (19 November 2015). Funded from the 22 St David's Hill Capital receipt, ring fenced for temporary housing projects (Executive 1 July 2013).
Childrens Play Areas	38,390	S106 funding for Salmon Pool Play Area
Idox	60,000	Approved by Council 15 December 2015
Revised Capital Programme 2015/16	19,174,870	

8.2 PERFORMANCE

The revised capital programme for the current financial year is £19.175 million. During the first nine months of the year the Council spent £10.271 million on the programme, which equates to 53.6% of the revised programme. This compares with £11.098 million (47.9%) being spent in the first nine months of 2014/15.

The current programme is detailed in Appendix 1. The Appendix shows a total forecast spend for 2015/16 of £17.170 million with £2.186 million of the programme potentially being deferred to 2016/17.

Appendix 2 shows the approved budgets for 2016/17 with the proposed amount of 2015/16 budget to be carried forward this quarter for Council to consider for approval.

Appendix 3 shows the overall position for those schemes which span more than one financial year.

8.3 AVAILABLE CAPITAL RESOURCES

The available capital resources for the General Fund for 2015/16 are £3.477 million. An estimated spend of £8.689 million is required of which £5.212 million will have to be funded from borrowing. The available capital resources for the HRA for 2015/16 are £16.901 million. An estimated spend of £8.481 million is required leaving £8.420 million to be carried forward into 2016/17. Appendix 4 sets out the forecast use of the resources available for the General Fund and the HRA and the likely amounts of borrowing that will be necessary to fund the capital programme over the next two years.

The value of actual capital receipts received in the quarter in respect of the General Fund and the HRA are:

	General Fund £	HRA £
Balance as at 31 September 2015	273,308	826,792
New Receipts	554,218	617,150
Less HRA Pooling		(108,889)
Balance as at 31 December 2015	827,526	1,335,053

8.4 EXPENDITURE VARIANCES

The main variances and issues concerning expenditure that have arisen since 30 September are:

Scheme	Estimated Overspend / (Underspend) £	Reason
Vehicle Replacement Programme	(34,350)	The actual cost of vehicles purchased has been less than the budgeted cost.
Programmed Re-roofing	(41,000)	An overspend is expected to occur due to additional health and safety measures at Faraday House including the provision of a guard-rail. Unexpected roof strengthening works have also been necessary in order to support the insulated roof finish. However, a compensating saving will be achieved in the re-roofing programme.
Faraday House Roof Replacement	41,000	
Communal Areas	(29,000)	Uncommitted balance declared a saving, as works identified for 2015/16 including improvements to communal doors and floors will be completed under budget with only a minor element of slippage into

		2016/17 (please see below)
Electrical Re-wiring	(50,000)	A lower than anticipated number of void properties have required electrical rewiring in 2015/16.
St Loyes Extra Care Scheme	322,250	The overall scheme costs reflect the inclusion of three additional units, from 50 to 53 units, with the scheme now submitted for planning permission. The additional costs associated with the extra units will be met from commuted sums.

8.5 SCHEMES TO BE DEFERRED TO 2016/17 AND BEYOND

Schemes which have been identified since 30 September as being wholly or partly deferred to 2016/17 and beyond are:

Scheme	Revised 15/16 Budget £	Budget to be Deferred £	Reason
Vehicle Replacement Programme	630,000	50,000	The 2015/16 budget included sums for vehicles that have not yet been purchased, these plans will be reviewed in 2016/17.
Warm Up Exeter	163,650	163,650	This budget is to support energy efficiency initiatives such as the recently launched central heating fund. The latest Government funded scheme launched in January, therefore it is unlikely that any spend will occur until 2016/17.
Temporary Accommodation Purchase	300,000	300,000	Work is being undertaken to identify the likely need and type of requirement for temporary accommodation.
RAMM Shop	68,000	65,500	The shop is now expected to open in late May due to delays with the procurement process.
City Centre Enhancements – TV Screens	40,000	40,000	Delays have resulted from an in-depth look at the project. Initially, one large screen was planned now it has been agreed that 5 or 6 smaller screens will have more impact.
Newtown Community Centre (1 st Grant)	50,000	50,000	The group are still trying to raise sufficient funding from other sources before the scheme can go ahead.
Newtown Community Centre (2 nd Grant)	49,000	46,750	

Countess Wear Village Hall	75,000	75,000	Work is likely to start on site in April 2016.
Alphington Village Hall	50,000	50,000	The group are still fundraising elsewhere before the project can go ahead.
Energy Saving Projects	2,390,700	200,000	Plans for a further PV project are unlikely to go ahead until 2016/17.
Energy Conservation	50,000	31,000	Further spend of this budget is pending the identification of suitable energy efficiency measures in respect of housing assets.
LAINGS refurbishments	150,010	100,000	The budget for refurbishment of 17 LAINGS properties has been re-profiled in accordance with the latest project programme with works expected to start on site in August '16.
Communal Areas	196,650	9,000	A change in the asbestos removal contractor resulted in a minor delay to the programme of works.
Common Area Footpath/Wall Improvements	420,430	158,000	Retaining walls at Higher Barley Mount are expected to start on site in March 2016 which may result in some slippage into 2016/17. Consultation with leaseholders has also delayed other identified works not starting on site until next financial year.
Lift Replacement at 98 Sidwell Street	56,000	56,000	Contract documents are currently being prepared for the installation of the lift early into 2016/17.
Electrical Re-wiring	1,147,970	100,000	Responsibility for the procurement of electrical repairs to communal areas transferred directly to the HRA following the restructure of Property Services. This has resulted in works being deferred whilst the necessary contract arrangements are put in place.
COB Wave 2 – Rennes Car Park	489,510	446,086	The budget for the development of this site has been re-profiled in accordance with the latest cash-flow projections. Works are now expected to start on site in April '16, as the relocation of telecoms equipment has contributed to delays.
St Loyes Extra Care Scheme	413,980	118,992	The budget for this new build scheme has been re-profiled in accordance with the latest cash-flow projections although the overall completion date remains no later than 31 March 2018 in accordance with the Department of Health grant conditions.

Acquisition of Social Housing	631,580	55,600	The Council has committed to the purchase of three new build properties for use as social housing; two are expected to complete in 2015/16 and the third is on a different phase of the development which is not expected to finish until 2016/17.
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8.6 ACHIEVEMENTS

The following schemes have been completed since 30 September 2015:

- **Flowerpot Skate Park Lighting**

Eight six-meter floodlights have been erected around the skate park. The new lighting is scheduled to come on at 4pm and turn off at 9pm.

9. How does the decision contribute to the Council's Corporate Plan?

The Capital Programme contributes to all of the key purposes, as set out in the Corporate Plan.

10. What risks are there and how can they be reduced?

Areas of budgetary risk are highlighted to committee as part of the quarterly budget monitoring updates.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

No impact

12. Are there any other options?

No

David Hodgson, Assistant Director Finance

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:

None

Contact for enquiries:

Democratic Services (Committees)

Room 2.3

(01392) 265275

CAPITAL MONITORING TO 31 DECEMBER 2015

	2015/16 Capital Programme	2015/16 Spend to 31 December	2015/16 Forecast Spend	2015/16 Budget to be Carried Forward to 2016/17 and Beyond	2015/16 Programme Variances (Under)/Over
	£	£	£	£	£
COMMUNITY					
KEEP PLACE LOOKING GOOD					
Play Area Refurbishments	105,380		105,380		
Flowerpot Skate Park Lighting	26,500	28,052	28,052		1,552
Refurbishment and Upgrade of Paddling Pools	750	754	750		
Parks Improvements	9,430	2,754	9,430		
Neighbourhood Parks & Local Open Spaces	8,020		8,020		
Belmont Pleasure Ground - New Path	30,000	1,430	30,000		
Rougemont Gardens - Path & Railings	50,000		50,000		
KEEP ME/MY ENVIRONMENT SAFE & HEALTHY					
Vehicle Replacement Programme	630,000	545,649	545,650	50,000	(34,350)
Exton Road Lighting	31,310	4,658	31,310		
Mincinglake Reed Beds and Storage Ponds	28,350		28,350		
HELP ME FIND SOMEWHERE TO LIVE					
Disabled Facility Grants	380,670	255,812	380,670		
Warm Up Exeter/PLEA Scheme	163,650			163,650	
Wessex Loan Scheme	140,830	28,453	140,830		
WHIL Empty Properties	194,000		194,000		
The Haven	7,200	1,860	7,200		
Wat Tyler House Grant to CVS	30,000	30,000	30,000		
Temporary Accommodation Purchase	300,000			300,000	
COMMUNITY TOTAL	2,136,090	899,422	1,589,642	513,650	(32,798)

CAPITAL MONITORING TO 31 DECEMBER 2015

	2015/16 Capital Programme	2015/16 Spend to 31 December	2015/16 Forecast Spend	2015/16 Budget to be Carried Forward to 2016/17 and Beyond	2015/16 Programme Variances (Under)/Over
	£	£	£	£	£
ECONOMY					
KEEP PLACE LOOKING GOOD					
Exhibition Way Bridge Maintenance	39,980	400	39,980		
Canal Bank Repairs & Strengthening	1,060		1,060		
National Cycle Network	4,500	4,500	4,500		
Repair to Turf Lock Gates	145,320	1,080	145,320		
Repair Canal Bank at M5	60,000	15,451	60,000		
Cathedral Yard - Replace Street Lighting	20,000	5,601	20,000		
Replace Car Park Ticket Machines	200,000		200,000		
Phoenix - Replace Air Conditioning Units	30,000		30,000		
PROVIDE GREAT THINGS FOR ME TO SEE & DO					
Replace Running Track at Exeter Arena	205,720	159,879	205,720		
Sports Facilities Refurbishment	67,000	29,164	67,000		
RAMM Development	382,380		382,380		
Passenger Lift at RAMM	45,000		45,000		
RAMM Shop	68,000	2,500	2,500	65,500	
Storage of Archives	11,020	5,002	5,002		(6,018)
Livestock Market Electrical Distribution Boards	12,650	5,933	5,933		(6,717)
Livestock Centre Roof Replacement	1,250,000	1,014,803	1,250,000		
City Centre Enhancements - TV Screens	40,000			40,000	

CAPITAL MONITORING TO 31 DECEMBER 2015

	2015/16 Capital Programme	2015/16 Spend to 31 December	2015/16 Forecast Spend	2015/16 Budget to be Carried Forward to 2016/17 and Beyond	2015/16 Programme Variances (Under)/Over
	£	£	£	£	£
DELIVER GOOD DEVELOPMENT					
Newcourt Community Hall (S106)	10,000	765	765	9,235	
Newcourt Community Hall (Grant)	36,240			36,240	
Newtown Community Centre (1st Grant)	50,000			50,000	
Newtown Community Centre (2nd Grant)	49,000	2,250	2,250	46,750	
Countess Wear - Village Hall	75,000			75,000	
Beacon Heath Martial Arts & Boxing Club - New Roof	21,810	1,000	21,810		
Devonshire Place (Landscaping)	13,690	10,634	10,690	3,000	
Alphington Village Hall (Repairs & Extension)	50,000			50,000	
St Sidwells Community Centre	40,000	17,627	17,627	22,373	
Exeter Gymnastics Club	40,000	40,000	40,000		
City Centre Enhancements	8,260	177	8,260		
Paris Street Roundabout Landscaping & Sculptural Swift Tower	24,840	14,521	24,840		
Ibstock Environmental Improvements	3,240	1,845	3,240		
Local Energy Network	67,050	67,050	67,050		
Leisure Complex - Build Project	1,600,000	846,705	1,600,000		
ECONOMY TOTAL	4,671,760	2,246,887	4,260,927	398,098	(12,735)

CAPITAL MONITORING TO 31 DECEMBER 2015

	2015/16 Capital Programme	2015/16 Spend to 31 December	2015/16 Forecast Spend	2015/16 Budget to be Carried Forward to 2016/17 and Beyond	2015/16 Programme Variances (Under)/Over
	£	£	£	£	£
RESOURCES					
WELL RUN COUNCIL					
STRATA Implementation	30,650	30,651	30,650		
Annual Contribution to Strata	53,900	53,904	53,900		
Idox	60,000		60,000		
eTendering System	15,000		15,000		
Invest to Save Opportunities	100,000		100,000		
Energy Saving Projects	2,390,700	1,794,876	2,190,700	200,000	
Customer Contact Platform	145,000		145,000		
Voice Activated Directory	44,800	36,210	44,800		
Civic Centre Access Doors	20,000	23,558	23,558		3,558
Capitalised Staff Costs	175,000		175,000		
RESOURCES TOTAL	3,035,050	1,939,199	2,838,608	200,000	3,558

CAPITAL MONITORING TO 31 DECEMBER 2015

	2015/16 Capital Programme	2015/16 Spend to 31 December	2015/16 Forecast Spend	2015/16 Budget to be Carried Forward to 2016/17 and Beyond	2015/16 Programme Variances (Under)/Over
	£	£	£	£	£
HRA					
MAINTAIN OUR PROPERTY ASSETS					
Adaptations	595,940	427,234	595,940		
Rendering of Council Dwellings	308,650	181,737	308,650		
MRA Fees	13,380		13,380		
Communal Door Entry System	10,000	4,037	10,000		
Environmental Improvements - General	52,080	33,974	52,080		
Programmed Re-roofing	111,000	57,022	70,000		(41,000)
Energy Conservation	50,000		19,000	31,000	
Smoke Detector Replacements	118,040	110,925	113,040		(5,000)
LAINGS Refurbishments	150,010	18,367	50,010	100,000	
Kitchen Replacement Programme	1,418,880	903,866	1,418,880		
Bathroom Replacement Programme	1,253,770	879,945	1,253,770		
Other Works	43,620	27,554	43,620		
Fire Precautionary Works to Flats	291,400	276,687	291,400		
Communal Areas	196,650	62,638	158,650	9,000	(29,000)
Structural Repairs	212,940	90,186	212,940		
Rennes House Structural Works	35,840	5,738	35,840		
Common Area Footpaths/Wall Improvements	420,430	127,367	262,430	158,000	
Lift Replacement - 98 Sidwell Street	56,000			56,000	
Replacement of Lead Water Mains	20,000	12,811	15,000		(5,000)
Soil Vent Pipe Replacement	26,620	11,615	21,620		(5,000)
Electrical Central Heating	21,630	14,375	16,630		(5,000)
Faraday House Roof Replacement	134,000	27,126	175,000		41,000
Electrical Re-wiring	1,147,970	603,635	997,970	100,000	(50,000)
Central Heating Programme	73,000	56,304	73,000		
Boiler Replacement Programme	124,230	72,724	124,230		

CAPITAL MONITORING TO 31 DECEMBER 2015

	2015/16 Capital Programme	2015/16 Spend to 31 December	2015/16 Forecast Spend	2015/16 Budget to be Carried Forward to 2016/17 and Beyond	2015/16 Programme Variances (Under)/Over
	£	£	£	£	£
HELP ME FIND SOMEWHERE TO LIVE					
COB Wave 2 - Rennes Car Park	489,510	22,719	43,424	446,086	
COB Wave 2 - Newport Road (Reed Walk)	622,140	466,255	622,140		
COB Wave 2 - Brookway (Silverberry Close)	130,400	76,840	130,400		
COB Wave 2 - Bennett Square (Barberry Close)	158,280	119,179	158,280		
St Loyes Extracare Scheme	413,980	257,943	617,238	118,992	322,250
Acquisition of Social Housing	631,580	236,990	575,980	55,600	
HRA TOTAL	9,331,970	5,185,793	8,480,542	1,074,678	223,250
TOTAL CAPITAL BUDGET	19,174,870	10,271,301	17,169,719	2,186,426	181,275

CAPITAL MONITORING TO 31 DECEMBER 2015

	2016/17 Budget as per Budget Book	Proposed 2015/16 Budget to be Carried Forward to 2016/17 and Beyond at Qtr 3	Total 2016/17 Capital Programme	2017/18 Budget as per Budget Book
	£	£	£	£
COMMUNITY				
KEEP PLACE LOOKING GOOD				
Topsham Recreation Ground	3,530		3,530	
KEEP ME/MY ENVIRONMENT SAFE & HEALTHY				
Heavitree Church Retaining Wall	55,000		55,000	
Northernhay Driveway	60,000		60,000	
Vehicle Replacement Programme	550,000	50,000	600,000	400,000
HELP ME FIND SOMEWHERE TO LIVE				
Disabled Facility Grants	379,000		379,000	379,000
Warm Up Exeter/PLEA Scheme		163,650	163,650	
Temporary Accommodation Purchase		300,000	300,000	
COMMUNITY TOTAL	1,047,530	513,650	1,561,180	779,000
ECONOMY				
KEEP PLACE LOOKING GOOD				
Northbrook Flood Alleviation Scheme	498,130		498,130	
PROVIDE GREAT THINGS FOR ME TO SEE & DO				
Sports Facilities Refurbishment	56,430		56,430	56,430
RAMM Shop		65,500	65,500	
City Centre Enhancements - TV Screens		40,000	40,000	
MAINTAIN THE ASSETS OF OUR CITY				
RAMM Roof	68,500		68,500	
DELIVER GOOD DEVELOPMENT				
Newcourt Community Hall (S106)		9,235	9,235	

CAPITAL MONITORING TO 31 DECEMBER 2015

	2016/17 Budget as per Budget Book	Proposed 2015/16 Budget to be Carried Forward to 2016/17 and Beyond at Qtr 3	Total 2016/17 Capital Programme	2017/18 Budget as per Budget Book
	£	£	£	£
Newcourt Community Hall (Grant)		36,240	36,240	
Newtown Community Centre (1st Grant)		50,000	50,000	
Newtown Community Centre (2nd Grant)		46,750	46,750	
Countess Wear - Village Hall		75,000	75,000	
Devonshire Place (Landscaping)		3,000	3,000	
Alphington Village Hall (Repairs & Extension)		50,000	50,000	
St Sidwells Community Centre		22,373	22,373	
Heavitree Environmental Improvements	22,880		22,880	
Leisure Complex - Build Project	1,400,000		1,400,000	8,000,000
KEEP ME/MY ENVIRONMENT SAFE & HEALTHY				
Guildhall, John Lewis & Mary Arches MSCP Fire Alarms	90,000		90,000	
Car Park Surfacing - Haven Road	30,000		30,000	
Replace Lifts at Mary Arches MSCP	100,000		100,000	
Budlake Road Resurfacing	50,000		50,000	
Farmers Market Electricity Supply	20,000		20,000	
ECONOMY TOTAL	2,335,940	398,098	2,734,038	8,056,430

CAPITAL MONITORING TO 31 DECEMBER 2015

	2016/17 Budget as per Budget Book	Proposed 2015/16 Budget to be Carried Forward to 2016/17 and Beyond at Qtr 3	Total 2016/17 Capital Programme	2017/18 Budget as per Budget Book
	£	£	£	£
RESOURCES				
WELL RUN COUNCIL				
Annual Contribution to Strata	53,900		53,900	53,900
Idox System for Planning	18,700		18,700	18,700
HR System	67,130		67,130	
Convergence Projects	142,960		142,960	
eFinancials - Version 5	50,000		50,000	
Guildhall Wi-Fi	17,000		17,000	
Customer Contact Platform	60,000		60,000	45,000
Invest to Save Opportunities	100,000		100,000	
Civic Centre Replacement Doors	15,000		15,000	
Energy Saving Projects	1,264,000	200,000	1,464,000	
Capitalised Staff Costs	100,000		100,000	100,000
RESOURCES TOTAL	1,888,690	200,000	2,088,690	217,600

CAPITAL MONITORING TO 31 DECEMBER 2015

	2016/17 Budget as per Budget Book	Proposed 2015/16 Budget to be Carried Forward to 2016/17 and Beyond at Qtr 3	Total 2016/17 Capital Programme	2017/18 Budget as per Budget Book
	£	£	£	£
HRA				
INVESTMENT IN EXISTING STOCK				
Adaptations	450,000		450,000	450,000
Communal Door Entry System				
Environmental Improvements - General	30,000		30,000	40,000
Energy Conservation		31,000	31,000	
LAINGS Refurbishments	1,112,010	100,000	1,212,010	1,602,437
Kitchen Replacement Programme	331,200		331,200	452,200
Bathroom Replacement Programme	284,400		284,400	363,400
Other Works				50,000
Fire Precautionary Works to Flats	250,000		250,000	250,000
Communal Areas		9,000	9,000	
Structural Repairs	55,000		55,000	
Rennes House Structural Works	500,000		500,000	1,400,000
Common Area Footpaths/Wall Improvements	1,980,000	158,000	2,138,000	500,000
Lift Replacement - 98 Sidwell Street		56,000	56,000	
Electrical Re-wiring	1,522,775	100,000	1,622,775	888,000
Central Heating Programme	50,000		50,000	167,535
Boiler Replacement Programme	126,000		126,000	357,000
Communal Area Improvements - New Flooring				110,160
Communal Door and Screen Replacements				301,869
Electrical Central Heating	18,750		18,750	19,125
Fire Alarm Replacement - Russet House	30,000		30,000	
Fire Risk Assessment Works	60,000		60,000	409,000
Loft and Cavity Insulation	75,000		75,000	25,000
New Water Mains at Whipton Barton House	50,000		50,000	
Reroofing - Flats	106,500		106,500	410,000
Reroofing - Houses	30,000		30,000	780,300
Re-roofing Replacement Works - Shilhay	660,000		660,000	
Soil Vent Pipe Replacement	25,000		25,000	25,500
Window Replacements				746,002

CAPITAL MONITORING TO 31 DECEMBER 2015

	2016/17 Budget as per Budget Book	Proposed 2015/16 Budget to be Carried Forward to 2016/17 and Beyond at Qtr 3	Total 2016/17 Capital Programme	2017/18 Budget as per Budget Book
	£	£	£	£
INFORMATION TECHNOLOGY				
Replacement Housing Management System	125,000		125,000	125,000
PROVISION OF NEW COUNCIL HOMES				
Social Housing Acquisitions - Section 106	250,000	55,600	305,600	690,000
Social Housing Acquisitions - Open Market	1,000,000		1,000,000	
COB Wave 2 - Rennes Car Park	2,594,061	446,086	2,851,427	378,960
St Loyes Extracare Scheme	4,401,906	118,992	4,278,128	5,764,999
HRA TOTAL	16,117,602	1,074,678	16,760,790	16,306,487
TOTAL CAPITAL BUDGET	21,389,762	2,186,426	23,144,698	25,359,517

CAPITAL SCHEMES SPANNING MORE THAN ONE FINANCIAL YEAR

	Total Capital Budget to end of 2015/16	Total Spend Up to 31 December 2015	Total Forecast Spend to End of 2015/16	2015/16 Budget to be Carried Forward to 2016/17	2015/16 Programme Variances Under ()
	£	£	£	£	£
COMMUNITY					
KEEP PLACE LOOKING GOOD					
Refurbishment and Upgrade of Paddling Pools	212,880	212,884	212,880	0	0
Flowerpot Skatepark Lighting	27,850	29,398	29,402	0	1,552
Topsham Recreation Ground	49,670	53,177	49,670	0	0
KEEP ME/MY ENVIRONMENT SAFE & HEALTHY					
Exton Road Lighting	31,500	4,853	31,500	0	0
HELP ME FIND SOMEWHERE TO LIVE					
The Haven	250,000	244,654	250,000	0	0
COMMUNITY TOTAL	571,900	544,966	573,452	0	1,552
ECONOMY					
KEEP PLACE LOOKING GOOD					
Exhibition Way Bridge Maintenance	45,000	5,415	45,000	0	0
Canal Bank Repairs & Strengthening	40,000	38,942	40,000	0	0
Repair to Turf Lock Gates	60,000	5,764	60,000	0	0
PROVIDE GREAT THINGS FOR ME TO SEE & DO					
Replace Running Track at Exeter Arena	790,000	744,156	790,000	0	0
Storage of Archives	39,720	33,704	33,702	0	(6,018)
Livestock Market Electrical Distribution Boards	55,000	48,279	48,283	0	(6,717)
DELIVER GOOD DEVELOPMENT					
Newcourt Community Hall (S106)	61,770	52,544	52,535	9,235	0
Newcourt Community Hall (Grant)	69,750	33,506	33,510	36,240	0
Paris Street Roundabout Landscaping & Sculptural Swift Tower	69,500	59,174	69,500	0	0
Local Energy Network	149,000	149,000	149,000	0	0
ECONOMY TOTAL	1,379,740	1,170,484	1,321,530	45,475	(12,735)

CAPITAL SCHEMES SPANNING MORE THAN ONE FINANCIAL YEAR

	Total Capital Budget to end of 2015/16	Total Spend Up to 31 December 2015	Total Forecast Spend to End of 2015/16	2015/16 Budget to be Carried Forward to 2016/17	2015/16 Programme Variances Under ()
	£	£	£	£	£
HRA					
HELP ME FIND SOMEWHERE TO LIVE					
COB Wave 2 - Rennes Car Park	715,086	248,295	269,000	446,086	0
COB Wave 2 - Newport Road	1,310,758	1,154,875	1,310,758	0	0
COB Wave 2 - Brookway (Whipton Methodist Church)	1,452,414	1,398,857	1,452,414	0	0
COB Wave 2 - Bennett Square	1,237,447	1,198,348	1,237,447	0	0
Phase 2 St Andrews Road	9,574	9,574	9,574	0	0
St Loyes Design Fees	646,824	490,787	850,082	118,992	322,250
HRA TOTAL	5,372,103	4,500,736	5,129,275	565,078	322,250
TOTAL CAPITAL BUDGET	7,323,743	6,216,185	7,024,257	610,553	311,067

GENERAL FUND	2015-16 £	2016-17 £	2017-18 £	Future Years £	TOTAL £
CAPITAL RESOURCES AVAILABLE					
Usable Receipts Brought Forward					0
GF Capital Receipts	1,030,882		2,250,000		3,280,882
Revenue Contributions to Capital Outlay	20,000	40,000			60,000
Disabled Facility Grant	379,076	379,000	379,000	758,000	1,895,076
New Homes Bonus	1,692,377	1,733,383	500,000		3,925,760
Community Infrastructure Levy				500,000	500,000
Other - Grants/External Funding/Reserves/S106	354,852	35,664			390,516
Total Resources Available	3,477,188	2,188,047	3,129,000	1,258,000	10,052,235
GENERAL FUND CAPITAL PROGRAMME					
Capital Programme	9,842,900	5,272,160	9,053,030	7,008,660	31,176,750
Overspends/(Savings)	(41,975)				(41,975)
Slippage	(1,111,748)	1,111,748			0
Total General Fund	8,689,177	6,383,908	9,053,030	7,008,660	31,134,775

UNCOMMITTED CAPITAL RESOURCES:					
Capital Receipts Brought Forward	0	0	0	0	0
Resources in Year	3,477,188	2,188,047	3,129,000	1,258,000	10,052,235
Less Estimated Spend in Year	(8,689,177)	(6,383,908)	(9,053,030)	(7,008,660)	(31,134,775)
Borrowing Requirement	5,211,990	4,195,861	5,924,030	5,750,660	21,082,541
Uncommitted Capital Receipts	0	0	0	0	0

HRA AVAILABLE RESOURCES

HOUSING REVENUE ACCOUNT	2015-16 £	2016-17 £	2017-18 £	2018-19 £	2019-20 £	TOTAL £
CAPITAL RESOURCES AVAILABLE						
Usable Receipts Brought Forward						945,482
Major Repairs Reserve Brought Forward						5,192,878
Other HRA Sales	0	0	0	0	0	0
RTB sales	1,750,000	750,000	500,000	500,000	500,000	4,000,000
Major Repairs Reserve	2,550,566	2,656,950	2,656,950	2,656,950	2,656,950	13,178,366
Revenue Contributions to Capital	5,771,928	4,689,075	6,496,642	4,496,555	2,500,000	23,954,200
External contributions	72,601	0	0	0	0	72,601
HCA funding	0	700,000	700,000	0	0	1,400,000
Commuted sums	617,238	3,578,128	2,364,999	155,003	6,874	6,722,242
Total Resources available	10,762,333	12,374,153	12,718,591	7,808,508	5,663,824	55,465,769
CAPITAL PROGRAMME						
HRA Capital Programme	9,331,961	16,117,602	15,881,897	7,886,187	5,369,095	54,586,742
December - Overspends / (Savings)	223,250					223,250
December - Slippage	(1,074,678)	643,191	424,590	6,897		0
Total Housing Revenue Account	8,480,533	16,760,793	16,306,487	7,893,084	5,369,095	54,809,992
UNCOMMITTED CAPITAL RESOURCES:						
Usable Receipts Brought Forward	945,482	2,105,468	2,355,468	267,884	17,880	945,482
Major Repairs Reserve Brought Forward	5,192,878	6,314,692	1,678,052	177,740	343,168	5,192,878
Resources in Year	10,762,333	12,374,153	12,718,591	7,808,508	5,663,824	49,327,409
Less Estimated Spend	(8,480,533)	(16,760,793)	(16,306,487)	(7,893,084)	(5,369,095)	(54,809,992)
Uncommitted Capital Resources	8,420,160	4,033,520	445,624	361,048	655,777	655,777
WORKING BALANCE RESOURCES:						
Balance Brought Forward	7,736,532	6,455,466	6,341,341	4,537,979	4,257,402	7,736,532
HRA Balance Transfer - Surplus/(Deficit)	(2,959,182)	(44,125)	(1,803,362)	(280,577)	1,178,563	(3,908,683)
June forecast revenue savings	625,391	(70,000)				555,391
September forecast revenue savings	549,855					549,855
December forecast revenue savings	502,870					502,870
Balance Carried Forward	6,455,466	6,341,341	4,537,979	4,257,402	5,435,965	5,435,965
Balance Resolved to be Retained	(4,000,000)	(4,000,000)	(4,000,000)	(3,774,532)	(4,000,000)	(4,000,000)
	2,455,466	2,341,341	537,979	482,870	1,435,965	1,435,965
TOTAL AVAILABLE CAPITAL RESOURCES	10,875,626	6,374,861	983,603	843,918	2,091,742	2,091,742

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REPORT TO SCRUTINY COMMITTEE RESOURCES/EXECUTIVE

Date of Meeting: 16 March 2016/12 April 2016

Report of: Corporate Manager Property

Title: Advertising within Car Parks & Public Realm

Is this a Key Decision? No

Is this an Executive or Council Function? Executive

1. What is the report about?

The report updates Members on the potential for earning advertising income within car parks and some public open space

2. Recommendation:

If Members are happy with the principle of advertising within car parks and some public realm areas it is recommended that the Corporate Manager Property market the identified sites in consultation with the Assistant Director Public Realm.

3. Reasons for the recommendation:

The Income Generation Task and Finish Group requested that the potential for advertising income within car parks be investigated. Corporate Property have discussed potential sites with an expert advisor. As a result the following sites have been identified to have potential to earn advertising income, subject to any necessary advertising consents:

Belmont Road Car Park
Cathedral & Quay MSCP
Guildhall MSCP,
Harlequins MSCP
Heavitree Road, advertising Panel adj. 5
Howell Road
John Lewis MSCP
KGV Playing Fields on Bridge Road
King William Street car park
Livestock Centre,
Ludwell Valley Park as it fronts on to Topsham Road
Magdalen Street car park,
Magdalen Road car park
Mary Arches MSCP
Northbrook Golf Course as it fronts on to Topsham Road
Okehampton Street car park
Parr Street car park
Smythen Street car park and Triangle car park

Please refer to the attached illustrations indicating the nature of the advertising which could be deployed on these sites.

4. What are the resource implications including non-financial resources.

Officer time and press marketing.

5. Section 151 Officer comments:

If approved an income budget will be included from 2017/18.

6. What are the legal aspects?

No legal issues identified

7. Monitoring Officer's comments:

It is recommended that Legal Services are instructed to prepare an Agreement to regulate the nature and content of any advertisement. In addition planning services will need to be consulted for a view as to whether there are any relevant planning considerations in relation to any proposed structure. Otherwise this report, raises no issues for the Monitoring Officer.

8. How does the decision contribute to the Council's Corporate Plan?

Although there are no specific objectives in the Corporate Plan for the development of advertising hoardings/displays within the Council's operational property and Public Open Space, the potential income would contribute towards improving the Council's financial position.

9. What risks are there and how can they be reduced?

At this stage of analysis and assessment there are no significant risks.

10. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

No such impacts have been identified at this stage. We will need to have regard to the need for restrictions on advertising certain types of products and services.

11. Are there any other options?

We could choose to do nothing in this regard, however the income potential would not be realised.

Michael Carson
Corporate Manager Property

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:

Democratic Services (Committees)
Room 2.3
01392 265275



REPORT TO SCRUTINY COMMITTEE RESOURCES & EXECUTIVE

Date of Meeting: Scrutiny Committee Resources 16 March 2016

Executive 12 April 2016

Report of: Museum Manager & Cultural Lead

Title: St Nicholas Priory – Structural Repair and Future Operation

Is this a Key Decision?

No

* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 This report has been produced in response to the structural condition of St Nicholas Priory and to Members' request for a review of its income generating potential. The report considers the present condition of the building and proposes a course of action to address this. It also reviews current and potential future uses and management arrangements and proposes further steps towards identifying a sustainable future for the building.

2. Recommendations:

It is recommended that:

- (i) Members approve a capital budget of £115,000 to address urgent structural repair and building conservation issues;
- (ii) Members recommend that Arts Council England are approached about the de-accreditation of the site as a museum;
- (iii) Members approve further discussion with potential partners about community management of St Nicholas Priory; and
- (iv) follow up report is produced for Members decision once partnership negotiations are at a stage when they can be formalised

3. Reasons for the recommendation:

3.1 As one of the city's most important heritage buildings, ownership of the Grade I listed building brings with it a set of responsibilities for its care and preservation. The structural repairs currently under discussion are outlined in this committee report but once complete should stabilise the movement of this 1,000 year old building.

On an annual basis the building requires cyclical maintenance (e.g. fire alarm / electrical installation testing / system maintenance) and general reactive repair, which is budgeted for within the Property Maintenance Fund.

Assessment of future maintenance requirements by way of condition survey has identified a programme of required works to facilitate repair and preventative measures to preserve the building fabric. The identified priority works have been approved as part of a revenue bid to be delivered in the years 2016-18. The identified non-priority works will be subject to a further finance process and include items such as roof replacement and stone window frame repairs.

In addition to these previously ascertained maintenance priorities the newly identified structural issues raise the need for additional and immediate funding if the building is to be reopened.

Summary of Principal Structural Repairs Required:

a) The Reception Vault

A repair has to be carried out to the vault in the reception area as the consulting engineer has determined that the structure of the vault could collapse. It is proposed to reduce the load on the vault, requiring the design of a hanging structure that will keep the load from the partition, roof and second floor off the vault thereby reducing the point load and lifting the thrust lines back within the voussoir stones. The structure would be stainless steel and arched to get close to the arched profile of the arch bracing within the principal trusses.

The idea has received positive feedback from Historic England and their engineer. To move this forward Listed Building Consent will be required, incorporating detailed design by the engineer.

b) The Crypt/ Undercroft Vaulting

Some of the ribs to the crypt are not built tight to the vaults, implying that later modifications are no longer providing structural support in areas. These areas should be grouted to ensure the ribs are engaged and open joints should be pointed in with slate galleting ensuring the arching to the ribs is reliable. The ceiling finishes need to be consolidated, and a pinned solution is being considered with a mesh support either acting locally as a washer or used globally to hold the existing plaster in place with a new application encapsulating the existing. The worst case scenario is to support the entire existing ceiling area using a network of pins, with an encapsulating mesh and new lime plasterwork

3.2 Expenditure allocated to service delivery at St Nicholas Priory is very low and has relied on support and resources from RAMM. With increasing pressure on RAMM (longer opening hours; more events; delivering funder's targets) this is increasingly difficult. Diverting these resources to St Nicholas Priory achieves a lower 'return' in terms of public impacts and risks diminishing RAMM's own performance.

3.3 With this in mind and prior to its current closure, RAMM had undertaken a review of St Nicholas Priory's operation, looking at visitor patterns. It concluded that general opening across standard days/hours could not justify the investment of Visitor Services staff time (cost per 'visitor head'). A schedule of more focussed opening times relating to pre-booked visitors or advertised special events and a narrower band of opening times linked to holiday times and events had been planned instead. The support of volunteers was also easier to arrange around a more focussed schedule and would be critical to supporting visitor access to the site. This approach also created greater diary availability for other bookings such as weddings.

3.4 The structural issues that forced closure of St Nicholas Priory meant that there was limited opportunity to trial this approach. There are however questions around the long term sustainability and success of this approach, given the lack of dedicated marketing and promotion budget for the site. This would be necessary to raise the profile of the site and visitor footfall. The very basic operating budget of less than £5,000 per annum of which £1750 is for advertising, makes this unrealistic at present

(Underground Passages' budget of £19,000 shop, print, stationery provides an appropriate benchmark). Equally there is no dedicated budget for planning and delivering the special events that would be required to drive visitor numbers. Paid ticketed events carry a high level of risk around whether they operate in profit or deficit, particularly when the organisational costs are factored in to the budget. Scope to offer St Nicholas Priory as a wedding venue has been identified and less so for corporate hire but profits may be modest and a proportion will need reinvesting to develop the venue for this purpose.

- 3.5 Selling the building and alternative uses including offices have been discussed but these are limited, due to the difficult access, the practical constraints of the site and the historic building itself; the Grade 1 listed status restricts adaptation for other purposes. St Nicholas Priory also has limited heating, lighting and lack of running water within the historic element. These factors would all affect the market and the price realised for a property of this nature.
- 3.6 Given the City Council's ownership and level of previous investment, maintaining public access to St Nicholas Priory should remain a priority. Whilst it does not align with the objectives of the Corporate Property Maintenance Strategy 'mothballing' the building has been considered as an option. However, mothballing is not envisaged to release any short-term cost savings due to insurance premium increases for empty property as against some cyclical maintenance and minor operational savings. Longer term costs will escalate due to an increased likelihood of vandalism and the propensity for minor repairs, left unchecked, to escalate into significant building defects. As the Council has a duty of care to maintain a listed building substantial repairs would have to be undertaken. It is felt that mothballing would increase long-term resource requirement and restrict public access to one of the city's most historic and interesting buildings.
- 3.7 The building currently houses very few objects from the museum collection. It is primarily an historic property and for this reason this report recommends that RAMM applies to the Arts Council, England for its de-accreditation as a 'museum'. Accreditation is the UK standard for museums and galleries. It defines good practice and identifies agreed standards, thereby encouraging development. Generally it is an eligibility pre-requisite for museums applying for museum funding from government agencies and many private trusts and foundations. Its focus on collections management; users and their experiences means that it does not have the best fit with this site. De-accreditation should not affect any future applications to organisations such as the Heritage Lottery Fund which also funds heritage sites not classed as museums.
- 3.8 If approved, this decision opens up to subsequent possibility of transfer to community management bringing with it a dedicated focus. Whilst this is unlikely to reduce the City Council's identified building maintenance costs in the short term, it might be possible through operations or projects to bring community additionality to the use of the building and in the longer term to share some of the premises cost. Precisely what this might mean in terms of finance would be part of the partnership negotiation and is therefore at this time unknown.
- 3.9 A number of potential partner organisations have been considered. These are listed at '8.29'. From this list Exeter Historic Buildings Trust (EHBT) a registered charity and company Limited by Guarantee would appear to be an appropriate community partner. The charitable purposes of EHBT are 'to preserve for the benefit of the Exeter, buildings in and around the city of particular beauty or of historic or architectural merit'.

3.10 EHBT charitable purposes; special focus; ownership of the related adjacent 21 The Mint, together with their interest in working with other historic city centre sites (including RAMM) means that they would make an appropriate community partner.

3.11 An initial enquiry with EHBT has indicated that they would be open to further exploration of community asset transfer. The initial conversation explored the potential of EHBT running the site including delivering public access. This might include some of the existing activities described in this report but extend to include a broader range of community uses.

4. What are the resource implications including non-financial resources.

4.1 In line with the Corporate Property Maintenance Strategy the previously approved property maintenance budgets for this asset are:

Item	Budget
Annual Cyclical Servicing / Maintenance	1,200
Allocation for estimated reactive repairs	3,050
16-17 and 17-18 condition survey priorities	31,010

The unforeseen costs incurred to date investigating the structural defects to vault / crypt and beyond are:

Item	Value
Following initial propping to the reception vault actions including initial investigations, laser survey modelling, individual structural assessment and consultation with Heritage England.	4,200
Following identification of further structural deviation in crypt actions including CAD survey, investigation, consultation with Heritage England, assessment reporting, detailed conservator invasive investigation and assessment reporting.	7,981.25
Further to the previous identified structural defects it was determined essential to undertake a full structural survey of the entire building.	1,700
Total expenditure to date	13,881.25

Proposed funding required (in addition to condition survey priorities) to rectify structural defects:

Funding Requirement	Value
Laser scan of entire building	£2,250
Reception Vault:	
Detailed design, tender documents and site supervision of stainless steel truss for reception vault.	£5,000
Reception vault works estimate	£30,000

Crypt:	
Impulse Radar or GPR survey of crypt (GBG)	£7,000
Detailed design, tender documentation and site supervision of crypt repairs.	£6,500
Crypt ceiling repairs using conservator in accordance with structural engineer recommendations works estimate	£15,000
Historic building specialist coordinated analysis	£5,000
Structural defects identified from whole building structural survey	£27,000
Total envisaged future expenditure	£97,750

This amounts to a total cost of rectifying the structural defects at the Priory of £111,631.25 (including works carried out to date). Adding a small allowance for inflation gives a suggested capital budget of £115,000.

4.2 Taking forward the other proposals of this report will require the further involvement of the Corporate Property Unit; Legal Services and Museum in negotiating and formalising the partnership and making appropriate transfer arrangements. Any subsequent costs arising from these investigations will be presented in a separate report to Committee.

5. Section 151 Officer comments:

The costs if approved will be added to the 2016/17 budget. Any further resource implications will be considered at the appropriate time.

6. What are the legal aspects?

None identified

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer.

8. Report details:

Background

8.1 St Nicholas Priory has a claim to being the oldest standing building in Devon (except for ruins and fragments) and its earliest portions display early Norman architecture rarely seen in the county. In later centuries this building was extended, remodelled, patched and restored, its rich variety of styles and materials reflecting its changing fortunes. First, it was part of a priory (a small monastery), then (after the Dissolution of the monasteries by King Henry VIII) and demolition of the Priory Church, its guest quarters it became the town house of a rich West Country family. Later it became a series of small tenements and finally, after 1913 was acquired by Exeter Corporation.

8.2 The ground it stands on is a Scheduled Ancient Monument (alongside Exeter Cathedral and Rougemont Castle) and is a Grade I listed building (a group of which

includes The Guildhall, Bishop's Palace, Mols Coffee shop). Recognition of its historical importance means that it is protected by legislation covered in the Planning (Listed Buildings and Conservation Areas) Act 1990. It is one of a group of medieval buildings The Guildhall, Exe Bridge, Tuckers Hall that contribute to the city's architectural character.

8.3 Structural Investigation

The following technical observations are from the Council's Senior Architectural Surveyor:

The brief to the structural engineer asked whether the building is safe for continued public access; in particular we required advice on whether the vaults need repairing and if so, how? What further investigations are needed? What load can be applied to the upper floors?

This led to our requirement for an assessment with proposals for:

- the crack in the reception area arch / vault;
- the crypt/ undercroft.

Reception Vault

The engineer's report states that a repair has to be carried out as the movements in the vault make it unreliable and the engineer could not guarantee its performance. The structure of the vault could snap and collapse; the causes are multiple; the report should be read for further details.

Structurally the partition on the first floor is located in the worst place, causing significant knife edge loading along a four centred arch at its flattest curvature.

To reduce the partition load, it is proposed to fit a hanging structure that will keep the load from the partition, roof and second floor off the vault thereby reducing the point load and lifting the thrust lines back within the voussoir stones. The structure would be stainless steel and arched to get close to the arched profile of the arch bracing within the principal trusses.

This is an elegant, clear and tangible modern intervention, reversible and visible. Initial ball-park figures are £25- £30k for this option. The idea received positive feedback from Historic England's Frances Kelly and their engineer Toby Murphy.

This design can be seen in appendix one to this report.

Crypt

The engineer requested in March 2015, that plaster should be removed to get a better idea of what is going on between the joints of the vaulting. However Historic England were not keen as 'to remove historic plaster, especially if primary or with historic validity would be a loss and harmful to the historic integrity of the heritage asset.'

They stated they would require listed building consent for the investigation works unless we devised a way forward with an 'Exchange of Letters' based on a full understanding of the significance and impacts, and using appropriate expertise. They favoured a staged approach to all of the investigations.

Therefore, we engaged conservation specialists to assess the significance of the plaster. They reported that 'there are significant cracks in the plaster and it is clear judging by the number of repairs that the ceiling has suffered from structural problems for a number of years', and they suggested after assessing it, that later plaster repairs should be removed by a conservator. This would reveal areas for viewing the structure where previous movement has occurred. We organised removal of the more recent additions, and in some places they used lime grouting to secure edges. Once again, specialists were engaged to examine the structure from above, and this has led to the recommendations by the engineer.

It is clear that some of the ribs are not built tight to the vaults. As they are a major starting point for the construction of the vaults this implies later modifications that are

no longer providing structural support in areas. These areas should be grouted to ensure the ribs are engaged and open joints should be pointed in with slate galleting ensuring the arching to the ribs is reliable.

The ceiling finishes need to be consolidated and a pinned solution should be considered with a mesh support either acting locally as a washer or used globally to hold the existing plaster in place with a new application encapsulating the existing. A conservator should be engaged to look at what techniques would be appropriate. Once the conservation repairs are completed, the engineer is confident that the Priory could be re-opened to the public and be used for events, although a restriction is advised on the use of the upper floors that would limit dynamic loadings; for example dancing or exercise classes.

It should be noted that the fabric is delicate, and Historic England are looking at what we are doing very closely. Historic England need to be persuaded that we are looking at all the possibilities and arriving at the correct answer.

The full report showing whole building structural survey, reception vault survey and crypt survey is included as appendix 2.

- 8.4 St Nicholas Priory is accredited as a museum by Arts Council England. Presentation of St Nicholas Priory is currently as the building might have appeared in 1602, when it is thought to have been home to William Hurst a wealthy merchant. It is furnished with replica furniture and artefacts. This was made possible in 2007 by significant funding (£50,000) from the Heritage Lottery Fund and the Museums, Libraries and Archives Council. A research project informed our knowledge of St Nicholas Priory and Exeter in this period. Costumes to try on and games, toys and other items offer an insight into Tudor life and provide visitors with an immersive 'living history' experience of the building.
- 8.5 The new presentation of St Nicholas Priory was particularly popular and successful with schools, where RAMM was able to offer enriched educational visits. However the shifting focus of the national curriculum and the loss of external funding which previously enabled the museum to offer significant financial subsidy to schools' visits has meant numbers have since declined.
- 8.6 General visitor numbers are also relatively low. School visits gave numbers a boost following the Heritage Lottery Fund project but have since fallen achieving only 3714 in 2012/13. The 'tucked away' location of St Nicholas Priory, at The Mint between Fore Street and Bartholomew St has been a long standing barrier to attracting visitors (residents or tourists). There is no vehicular access and signage from Fore Street is very problematic. The historic nature of the building means lighting and heating is relatively 'background', limiting the use of the building during the winter. The kitchen is the medieval one of the original building and offers no facilities for modern day catering/refreshments (no running water). Internet connection is weak.
- 8.7 The 2015/16 cost centre revenue budget for St Nicholas Priory totals £36,580. Of the non-notional budgets (15,750) the majority of costs relate to the building overheads: alarm, utilities, refuse, phones, rates, etc. Operating costs amount to £2,960. Income targets on this basis of delivery is set at £4,690. Cyclical and estimated reactive maintenance total £4,250. In 2016/17 the advertising expenditure of £1750 has been temporarily removed along with the income targets as St Nicholas priory is expected to be closed for repair for much of the year.

Item	Budget
Overheads	
Central Alarm Service	5430
Electricity	2220
Cleaning Materials	260
Water	160
Water Monitoring And Servicing	10
Trade Refuse	320
Business Rates	530
	8930
Property Maintenance	
Cyclical Maintenance	1200
Reactive Repairs	3050
	4250
Insurance	
Block Policy	2370
	2370
Operating Costs	
Equipment Tools And Materials	250
Advertising	1750
Bank Charges	710
Licences	250
	2960
Recharges	
Financial Services	650
Property Assets Team	1280
	1930
Income	
Fees	-3120
Day Admissions	-520
Casual Lettings	-1050
	-4690
Total recurring costs	15750
Notional Charges	
Depreciation	20830
Overall Recurring Asset Cost (Revenue Budget)	36580

In addition to the ongoing annual revenue allocation, there is an approved budget for programmed maintenance to the asset which totals £31,010 and will be delivered across the 16-17 and 17-18 financial years.

Identified capital works for delivery in approximately five years include the replacement of roof coverings c.£85,000 and the repair of stone window surrounds c.£18,000. These works will be the subject of future report proposals.

In respect of the current structural issues this report has set out a total spend requirement of £115,000.

Service Delivery

- 8.8 St Nicholas Priory has no separate staffing. Public opening draws on RAMM's Visitor Services Team, with considerable support from volunteers who assist with the presentation and visitor interpretation. The demands on the Visitor Services Team who also cover RAMM's weekend and evening openings, makes volunteer involvement, essential to opening and animating the site.
- 8.9 To target use of our resources and drive further staffing efficiencies a revised plan was put in place from October 2014 with St Nicholas Priory largely closed over the winter and opening for advertised pre-booked visits and tours and special themed events the rest of the year. These events would have been actively promoted through RAMM's publicity, Tourist Information, Red Coat Guides and as part of festivals and pre-booked school visits
- 8.10 In the past, special themed events have been successful at St Nicholas Priory. These have included volunteer led guided tours and special public events at St Nicholas Priory for instance 'Exploring the Vertues of Herbes' – the use of herbs in the Tudor kitchen and as natural remedies; medieval music recitals. The building is also opened as part of the 'Heritage Open Days' festival in September/October. Planning, arranging and scheduling these events incur 'hidden' organisational costs (borne by RAMM) over and above the costs of the event itself. The site has also been used with partners, for instance 'Four Swords Theatre Company' performance of Dr Faustus. The cost of opening the building (providing visitor services staff to manage the site) for special events has to be carefully factored into agreements with partners as it can have an inadvertent impact on tight rotas and commitments at RAMM.
- 8.11 This targeted approach of openings has allowed RAMM to focus visits at a particular time rather than spreading visitor numbers across a regular pattern of opening hours which has on occasions generated very low visitor numbers.
- 8.12 There has been little opportunity since the structural problems were identified to develop this approach. Public services and access to the site have been suspended. RAMM was beginning to experiment with offering St Nicholas Priory as a venue for wedding ceremonies and a number of booked weddings have had to be cancelled. These had been secured through 'word of mouth' promotion and Devon County Council web site. A planned marketing campaign around weddings at the venue had not been activated – which would otherwise have exacerbated the cancellation problem.

Income Generation

- 8.13 The Priory is a unique and very special part of the city centre, with potential to play a more significant role in Exeter's destination offer. The building itself; the strong story line and Tudor Home presentation with replica furniture and dressing provides the ingredients of a distinctive experience not offered elsewhere in the city.
- 8.14 With the support of the Heritage Lottery Fund and the former Museums, Libraries & Archives Council the City Council has been able to develop the site and its presentation as an 'immersive' historic experience, but limited operational resources have restricted the ability to develop its services or to strengthen the links with other parts of the city heritage offer.
- 8.15 St Nicholas Priory is currently one of the city's 'hidden gems' but is a place to 'discover' that could make a visit to Exeter particularly memorable for tourists and visitors to the city. A closer association with the Underground Passages (13,880

visitors pa) through joint ticketing would also offer scope to encourage visitors exploration of the city. Stronger links with other parts of the city's tourism offer specifically focussing on heritage, Underground Passages, Customs House, Guildhall, and Red Coat Guides would help strengthen this hidden city corner's contribution to the city's destination offer.

8.16 Although RAMM provides Visitor Services (security) and volunteer support for the building, it has not been possible to divert significant time from other staff to this venue without diminishing delivery of RAMM's own performance and income targets.

8.17 Efforts to make St Nicholas Priory more sustainable in its own right have included explorations of the following areas:

- Weddings
- Corporate hire
- Organised tours
- Programmed activities
- Project funding

- Wedding Ceremonies

8.18 Market Considerations affecting wedding business development include the competitive nature of this field. Although Exeter has many venues licensed for wedding ceremonies, the majority of these are hotels. The feedback, following on from a site visit from an experienced Wedding Consultant, is that the Priory is a very special place which could be in heavy demand within three years if a dedicated promotion plan is put in place for the venue. They advised it could be placed alongside other top historical sites when positioning the venue in the market. St Nicholas Priory offers a very unique setting and atmosphere for a ceremony.

8.19 The building's limitations; lack of running water (apart from lavatory), occupancy numbers (60 maximum in Great Chamber) plus likely restrictions on activity (no dancing) together with no parking and proximity of neighbours, means that the focus has been on ceremonies rather than receptions.

8.20 The Priory would need to be able to deliver its offer at the same professional level as the other top wedding venues in Exeter. Delivering a targeting promotion campaigning and offering a professional on-site service would be important to its success. Once an established venue there would be scope to develop a relationship with a handful of wedding consultants and possibly local hotels, negotiating a commission arrangement.

8.21 This business growth would need be supported by a dedicated part time member of staff to support the 'selling' of the venue to couples, bookings, event organisation and delivery. As business grows so would the demands on this person's time, while some profit would also need to be 'ploughed' back (reinvested) into the developing new business. Given St Nicholas Priory's restrictions there is little opportunity to factor in the 'additionality' (usually the reception) that would in other commercial settings allow for a greater profit margin. Net profits are relatively modest.

8.22 The following figures had formerly been projected for St Nicholas Priory for the three year period 2016/17 to 2018/19. This assumes the Priory re-opens in Spring 2017.

Table 1

	Income		Expenditure		Net profit
Year 1 (2017/18)	15 weddings X £750 each	£11,250	Marketing & Promotion £3,000 Administration £4,500 Service & delivery £1500 Business reinvestment £2,000 Licence £500	£11,000	£,250
Year 2 (2018/19)	20 weddings X £750 each	£15,000	Marketing & Promotion £2,500 Administration £6,000 Service & delivery £2,000 Business reinvestment £2,000 Licence £500	£13,000	£2,000
Year 3 (2019/20)	30 weddings X £750 each	£22,500	Marketing & Promotion £2,000 Administration £9,000 Service & delivery £3,000 Business reinvestment Licence £500	£16,500	£6,000

- Corporate Hire

8.23 Corporate hire of RAMM's space already generates important income for the museum and this opportunity could be offered at the Priory. The main constraint is the restriction on numbers, catering practicalities, lack of projection and audio facilities and limited internet connection. In practice this type of event may be limited to late spring/summer drinks and canapé functions for small groups, meaning the market is a small one and marginal in terms of income generation.

- Organised Tours

8.24 With volunteer support RAMM has been able to deliver and charge for organised tours of the Priory. These guided visits enrich visitors' understanding of the building and the volunteers commitment provides welcome income but is in part, offset by the staff costs of providing special opening of the building.

- Programme of Activities

8.25 A programme of activities encompassing schools, groups, concerts, holiday activities, performances might over time generate income but would require an initial outlay to develop and market the programme to the public. The programme, because of heating limitations, would be limited to warmer months. Additionally it would require staffing resources to schedule, organise, deliver all of these activities together with a materials budget which, when balanced against audience take-up, may well leave the programme running at 'break even' or possibly deficit.

8.26 This type of programme might also involve partner organisation's use of the venue. Four Swords' performances in autumn 2014 were a successful example of this type of collaboration, though past experience suggests lack of understanding about the time/costs of running a building and an expectation of 'indirect council subsidy', means the cost of contributing of opening and staffing the building is often a barrier to taking joint projects forward.

- Project Funding

8.27 Project funding would support further focussed schemes of work and activity at St Nicholas Priory. The site has benefited from Heritage Lottery Funding which transformed presentation of the site into a Tudor home (representing one phase of its history). Other projects might follow but will depend on capacity and resources to undertake the detailed planning and writing of applications, followed by project delivery. RAMM is not able to take this additional work on, as its focus is on bid writing for the museum and its audiences.

Annie Evans, the Heritage at Risk Officer for Historic England states:
"Historic England is the Government's adviser on all aspects of the historic environment. As part of our work we undertake assessments of designated heritage assets to identify whether they are 'at risk'. We consider sites to be at risk either because of problems of decay and dilapidation, or because they are vulnerable to certain pressures from human activities or natural processes. A site being placed on the register *does not necessarily* imply that it has been neglected: There are many factors that can lead to a site being included on our register, and we appreciate that these are often outside of the control of the owner or occupier. The aim of the register is to keep attention focussed on heritage assets facing difficulties, to aid their protection. In relation to this, Historic England provides advice and help to owners to assist with management of the site. Placing the site on the register will also unlock opportunities for grant aid, both through Historic England and where appropriate with other agencies such as the Heritage Lottery Fund."

It should be noted that grant organisations like the Heritage Lottery Fund typically invites projects that support both heritage and people's engagement with heritage; requiring public involvement, whether it is through involvement or managed activity. Recipient organisations should have capacity to deliver in both these areas.

- Other delivery models

8.28 The existing budget breakdown in item 8.7 indicates that the base costs of building operations are £36,580 and the identified five year condition survey programme costs are £134,010 and represent the City Council's costs and responsibilities as owner of a Grade I listed building. As an asset St Nicholas Priory offers some unique opportunities through its special history, character and atmosphere. Embedded within these opportunities are some very particular challenges because of its 'tucked away' location; listed status; limited services. The City Council has not been able to fully resource the site for service delivery and activity has in the past been supported from RAMM. Going forward this is not sustainable and is unlikely to meet Members' expectations. One alternative may be to consider involving community partnership in the running of the site.

8.29 There are several organisations involved in managing historic properties but St Nicholas Priory would be of limited interest to some. The National Trust normally requires a financial endowment to underpin its long-term care of newly acquired

properties. The Landmark Trust saves buildings and encourages people's enjoyment of them as places to stay (holiday homes). In the case of St Nicholas Priory this would lead to restricted public access. Devon Historic Buildings Trust business model is based on rescuing buildings, undertaking restoration and then selling on the open market. Sale of St Nicholas Priory in this way is unlikely to be an acceptable solution for a building currently in public ownership.

- 8.30 A more local option exists with Exeter Historic Buildings Trust (EHBT). It is a registered charity and company limited by guarantee. EHBT already own 21 The Mint and the Courtyard Garden acquiring it as a rescue and restoration project. 21 The Mint was formerly the refectory wing of St Nicholas Priory. Part of the building is a domestic let; another part for community use. There are regular 'open days'. The Trust is interested in developing its educational work around the history of St Nicholas Priory precinct.
- 8.31 An initial 'without prejudice' enquiry with EHBT has indicated that they would be open to further exploration of a transfer of operational arrangements. Taking these forward would be dependent on Scrutiny Committee's decision.
- 8.32 EHBT's interest in St Nicholas Priory would be in its educational, community and public access use. The Trust has a strong partnership approach and would look to pursue collaborations with other historic sites in the city centre: Tuckers Hall, Guild Hall etc. ensuring that St Nicholas Priory plays its role within this dimension of the city's destination offer.
- 8.33 Initial conversations suggest that in regard to St Nicholas Priory there is a good alignment between the City Council's stewardship of the site and the charitable and local purposes of EHBT. If Members accept the principle outlined in this report the conversation can be taken forward to discuss the possible form of operational transfer to a community body.
- 8.34 Members would be updated in a further report.

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 As possibly one of Devon's oldest standing buildings, St Nicholas Priory is one of the city's most important historic assets. Its re-presentation as a Tudor Home (one chapter of its history) has been a way of bringing a human context to the building, providing insight into Tudor life. The buildings history and unique atmosphere offers considerable potential to the city's destination offer of choices for visitors and tourists to the city. Extending visitors city centre stay helps support Exeter's economy as well as delivering against Corporate Purpose 'Provide great things for me to see and do'.

10. What risks are there and how can they be reduced?

- 10.1 If the principal recommendation of community management of the site is approved further discussions can be held. These involve no risk. A second report will be provided to Members when discussions reach a stage and are ready to be formalised. The discussions are an opportunity to identify, address and minimise any risk for the City Council.
- 10.2 If approved, cost management of the budget to undertake required structural repairs and ongoing capital maintenance obligations has the risk of increasing beyond approved values. This is due to the historic nature of the property and the resultant unknown elements that may be uncovered during works necessitating a temporary

cessation of works so that Heritage England may perform examinations or an alteration to the scope of work. To provide as much mitigation of this risk as is feasible Corporate Property have engaged with Historic England officers and Historic England approved specialists from the outset of this matter; therefore, the designs and cost estimates made to date are of the highest standard available in respect of the information available.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

11.1 There is a small admission charge for entry to St Nicholas Priory. Concessionary rates are offered to holders of the Xcard. The recommendations to transfer operation of the site to a community based organisation offers, given appropriate safeguards in the partnership agreement, opportunity to extend community usage and its benefits as a resource to a wide range of groups.

12. Are there any other options?

12.1 Once the building structure is stabilised, Members may choose to continue with the status quo, accepting the relatively low visitor numbers and usage of the site.

12.2 It is possible to provide structural propping to all areas of structural instability to prevent further movement. This would negate the need for significant expenditure in the short term; however, this action would also necessitate the permanent closure of the asset, losing the ability for the public to view this historically significant property and facet of Exeter's history.

**Camilla Hampshire
Museums Manager & Cultural Lead**

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275

Appendix Two

St Nicolas Priory Structural Report



St Nicholas' Priory Exeter

Structural Survey

Project Number: 7620

Date: February 2016



Content/Quality Assurance

- 1.0 Introduction
- 2.0 Findings
- 3.0 Conclusion
- 4.0 Additional photos

Appendix 1 – Entrance Vault inspection
Appendix 2 – Structural Survey of Crypt

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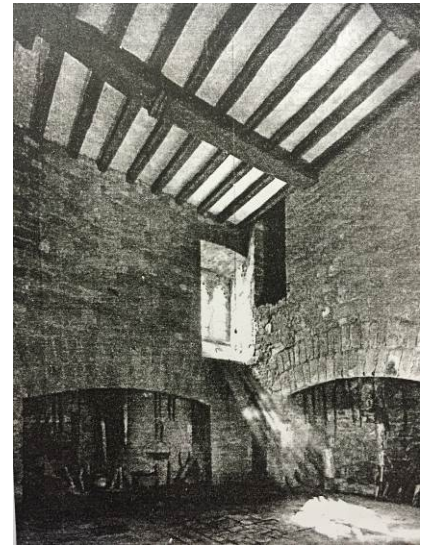
Prepared	Checked	Approved	Date
JWS	PL	JWS	01.02.16

1.0 Introduction

- 1.1 After some falls from the ceiling of the Crypt, Exeter City Council engaged Mann Williams to survey and report firstly on the condition of the entry vault followed by the Crypt itself; the subsequent reports on these two areas are appended at the rear of this report.
- 1.2 The condition of the Crypt was at first glance concerning and implied serious structural problems with the masonry. This led to the requirement for the whole of the remains of the Priory to undergo a structural survey. This was carried out over three days in January 2016. The first inspection was carried out during a heavy, prolonged rainstorm that allowed good viewing of storm water control, both via the gutters, over the masonry and on the ground.
- 1.3 Due to the significance of the structure, no destructive testing or breaking out took place. No trial holes were dug to view foundations nor were CCTV surveys carried out of the drains or chimney flues. Mann Williams cannot comment on areas not seen.
- 1.4 The report looks at each room and structure within that room but does not include the Crypt nor the entrance as the appended reports will describe these areas.
- 1.5 St Nicholas' Priory was constructed under the orders of William the Conqueror in the early 12th century. It has been subject to many changes, as would be expected of a building of this age, the biggest of which was in the 16th century under Henry the VIII. After the dissolution of the monasteries the Priory was sold by the Crown and converted into a private residence. During the Victorian period it was subdivided into five separate dwellings until in 1920 the building was subjected to restoration works by Exeter City Council.
- 1.6 The remains of the building bears a number of scars due to these alterations which makes the structure sometimes difficult to read. A lot of the movement within the building for example, appears to be due to movement between differing periods of construction rather than significant structural movement.
- 1.7 There has been however, rotational movement of the east wall that runs alongside the Mint. This appears to have occurred over a long period and was addressed in part by the restoration works carried out in the 1920's. It would appear that the thrust from the roof, caused by the arch braced trusses, resulted in the heads of the walls on the east and west elevations to push out. The upper sections of these walls were either rebuilt or refaced in the 1920's and tie bars introduced at the base of the trusses.
- 1.8 The rotational movement however had disturbed areas such as the crypt vault causing distortion in the vaulting, and in the junctions with the cross walls where fractures can still be seen.
- 1.9 Further, structural repair works were carried out in 2002 with Cintec, sock anchors installed through the east wall into the cross walls and into the entrance vault.

2.0 FINDINGS

- 2.01 Starting within the kitchen that occupies the north end for the full height of the building, it is here that many scars from rebuilding can be seen. The kitchen was subject to much rebuilding in the 1920's restoration. We believe a lot of the west wall and fireplace was new at that time along with major repairs to the north east corner, probably due to the demolition of the north range heading east. The east wall was modified where doors from the Mint were infilled, the spiral staircase was altered and parts of the south wall were rebuilt including the corbel structure that form the Guardrobe to the first floor Tudor bedroom.



- 2.02 Considering the north gable wall. This appears to be in relatively good condition. It houses what may be the original chimney which is in reasonable condition where viewed.
- 2.03 There are fractures within the main body of the wall that trace the chimney flues from the arch to the apex running through the wall pockets that houses, or housed the principal floor beams that supported the second floor structure – refer black and white picture above. The second floor has been removed leaving only the east beam in place.

- 2.04 The fracture continues through the two rings that form the stone arch and becomes wider through this arch. There is some disturbance here that is significant. The arch has been allowed to drop as the springing stone on the fireplace pier has been allowed to rotate. On closer inspection, there are three steel, folding wedges that have been driven in between the Heavitree spring stone and the Beer stone pier head.



- 2.05 The stone is tight against the wedges, with a significant local compression force passing through the wedges into the stone below resulting in a fracture at mid-point of the pier head stone. Standing back and viewing the structures here as a whole, the west support to the arch has been altered by the removal of an oven noted by the scarring in the stone. This was removed to make a recess with the wall above supported vis a brick arch which has flattened.

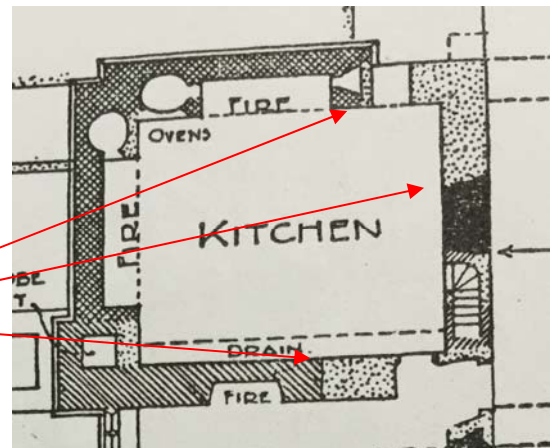
2.06 The alterations here were probably all made and improved in the 1920's, including the folding wedges. There is little movement since but what there is needs consolidation. We would not recommend the wedges are removed but we would advise the joint is filled up tight with an NHL 5.0 (which is hard but not as hard as the steel) mix caulked well into the joint. The fractures within the arch should be repointed in a weaker mix (NHL 3.5) again well caulked in to fill the complete joint. The pier should then be monitored visually over a two year period to assess any progressive movement.



2.07 Within the chimney some of the pargetting has worked loose and falls off in sizable flakes. This is not serious structural movement simply detachment of the render due to age.

2.08 On the east side of the gable wall, there is a vertical fracture running between the upper window and the arch to the lower window. The central voussoir stones that form the internal arch to the first floor windows have dropped and should be re-set and galleted tight before repointing. This arch carries very little, just a single skin of stone up to the underside of the second floor window cill.

Fractures seen at construction joints



2.09 An explanation for the vertical fracture to the north gable becomes confused as part of the cause is a construction joint between periods of build. The visible fracture traces the construction joint.



Slipped voussoirs

Construction joint



2.10 Inside the fireplace the withes or feathers that separate the flues are built off steel flats that are corroding. These flats are not causing damage to the fabric and the corrosion appears to be surface rust; these areas should be monitored during Quinquennials.

2.11 The west wall has the primary fireplace which appears to have been rebuilt. The 13th Century walls may be complete on the external face but the internal facing wall is newer and likely to be early twentieth century. This wall is in reasonably good condition as is the fireplace and adjacent oven on the north side.



2.12 Common with the rest of the roof to this range of buildings, the east and west walls show evidence of rotating outwards due to roof thrust. The head of the west wall has bowed and fractures that have been pointed, are apparent at the ledge of the wall at high level (where the wall thickness changes). There are no tie rods in this part of the building meaning the thrust of the roof is contained by the load bearing between the arch brace joint and the wall itself. There is no evidence that the wall is moving.

2.13 There is a hairline fracture which again, as within the north wall follows a construction joint. It would appear the internal wall to the corbelled party wall with the wardrobe at second floor level is part of the 20th century rebuild.

2.14 The internal party wall is the south wall which again is in reasonable condition showing no evidence of recent structural movement. Fractures seen at ground floor and running up the wall are again related to construction joints.

2.15 There is an open fracture above the door head that leads to the Parlour. This is due to a small amount of movement to the east wall which appears to have ceased.

2.16 The east wall that faces the Mint has been subjected to a number of changes as can be seen by the illustration in 2.08 above. There were a number of openings in this wall including a door which have now been built in. It does appear that the stairway up to the Tudor Bedroom has been altered from a tighter spiral all the way to ground to a straight section built within the wall where the external door was built in. Movement has occurred within this alteration between massing of masonry on construction lines. This is not major structural movement but is localised and partly to do with the thinness of the stone and lintels supporting it over the door.



2.17 We would not at this stage recommend any works need to be carried out except for simple re-pointing. We would note however that this area of masonry is vulnerable to micro movements and is likely to fracture again.

- 2.18 The spiral staircase wraps around within the south east corner of the kitchen leading up to the Tudor Bedroom and higher, up to the previous second floor over the kitchen that has now been removed. The staircase is in relatively good order with the exception of the fractures noted within the areas of alteration noted above.
- 2.19 The roof structure over the kitchen is reasonable. As noted, there are no ties preventing the roof thrust that are seen within the great hall, but there is no visible evidence that the trusses are pushing the walls over. Oddly, the north wall has the original gable structure but the east wall also has a gable which is more recent. This would mean there is a roof void over the kitchen, which is not accessible, where these two gable roofs intersect.

- 2.20 The adjacent room is the Tudor Parlour. The party wall between the parlour and kitchen was rebuilt in the 15th century according to records we have. The major alteration must have included the fireplace. Post dissolution and modern work is found at the east end of this internal cross wall, alongside the kitchen stair and the existing opening onto the Mint.



- 2.21 This room appears to be in good condition. Most of the walls are covered with panelling so the masonry fabric cannot be assessed. The ceiling appears good. Despite being distorted there are very few fractures in the ornate plastered ceiling. It has the appearance of being repaired and decorated relatively recently.

- 2.22 Over the east window, there are fractures within the ceiling that trace the floor beam that runs along the perimeter of the room to pick up the common joists. This edge beam is supported off corbels projecting each side of the window from the east wall; a detail seen elsewhere in the building (current staff room). The deflection in this floor beam is causing the fracture. Whilst this does not appear to be a serious problem it would be wise to inspect the beam from above by removing the floorboards in the bedchamber, to ensure it's not suffering from damp or pest attack.



- 2.23 The fireplace (later addition) appears in good order as does the flue behind. Work has been carried out here recently as stainless steel fixings are present behind the over-mantle into the flue.

- 2.24 The parlour continues to the west into the Tower room. The north wall to this tower room is partially external and shows some evidence of old movement in the form of a near vertical fracture that runs from ground to ceiling. However, as with the kitchen, we believe this is at a construction joint as the stone coursing doesn't line up and the stone appears different. This is not significant structural movement.



Piece of Norman Stone included in 15th century Wall.



- 2.25 Demec gauges are present across the fractures to this north wall implying the movement has been monitored relatively recently. We have not seen the results of this monitoring but this should be investigated for completeness.
- 2.24 The west window to the ground floor tower room is in good order. The mullions appear to be replacements so we assume the window was restored in the early 20th century. The black and white photos below show the condition the west wall was found in before the 1920's restoration works.



Kitchen/Parlour party wall



Ground floor tower room window was a door

- 2.25 The structures at the base of the principal staircase up through the tower all appear to be in reasonable condition with no evidence of recent movement.
- 2.26 For the survey and report on the Crypt please refer to the appendices.
- 2.27 The current staff room is within the first floor of the tower. There is some movement to the west window and the northwest corner of the tower both of which appear to be old with no signs of any progressive movement. The flat stone arch over the west window has slipped but is wedged in and appears stable but the mortar is falling away from adjacent joints.
- 2.28 There are indications that the northwest corner has moved slightly but again, no evidence of recent movement and the movement noted internally is not seen externally. It is possible the window to this north elevation was a later inclusion causing a weakness in the wall.
- 2.29 The second floor structure is supported off perimeter beams which in turn are supported by small corbels. Despite the condition of these beams, affected by wood boring insects, they function adequately.
- 2.30 The Tudor Bedchamber over the parlour appears good. The only clear areas of structural movement is around the entrance door at the head of the spiral stair down to the kitchen and over the door from the bedchamber to the principal hall.



- 2.31 The east wall has been subject to rotational movement due to roof thrust which has been corrected by the introduction of tie bars to the trusses and possibly some rebuilding at the top of the wall. However, the rotation would have caused disturbance to the cross walls especially where doors have been located. We know that back in 2002, anchors were introduced from the east wall into the cross walls but masonry repairs were not carried out.



- 2.32 The fracture to the stair door occurs at a change of construction from the solid mass of masonry to the cross wall and chimney to the weaker, light wall build across the corner of the room to provide space at the top landing; the fracturing here is not surprising and is not significant.
- 2.33 Over the door to the principal hall the movement is a little more concerning but the indications are that this area has been stitched. The fractures could be repointed.

- 2.34 The principal hall is in good condition. The upper levels of the east and west walls have been rebuilt we would suggest in the early 20th century. Anecdotally, we have been told there was a third floor structure within this space at eaves level, which is borne out but the appearance of dormer windows in the black and white photographs above. When this floor was removed we believe the walls were rebuilt, possibly the larger windows were added and the tie bars introduced at the base of the trusses.



Windows appear to be a later introduction

- 2.35 The internal condition of the walls is good as are the windows and their lintels despite some deflections.
- 2.36 The timber partition introduced we believe in the 16th century is the subject of the report included in the appendices.
- 2.37 There is some disturbance over the lintels to the main stairs down to the parlour and the small spiral stairs up to the second floor level within the tower. This disturbance is again at a point where areas have been rebuilt.

Rebuilt section over lintel to stairs down to the Tudor parlour.



- 2.38 Within the southernmost room, which is used for storage and a little difficult to survey, there is evidence of recent repair work. Steel bars have been introduced to strengthen the lintels to the south window.

Areas of the reveals have also been repointed in a lime based mortar.

All appears to be working well.

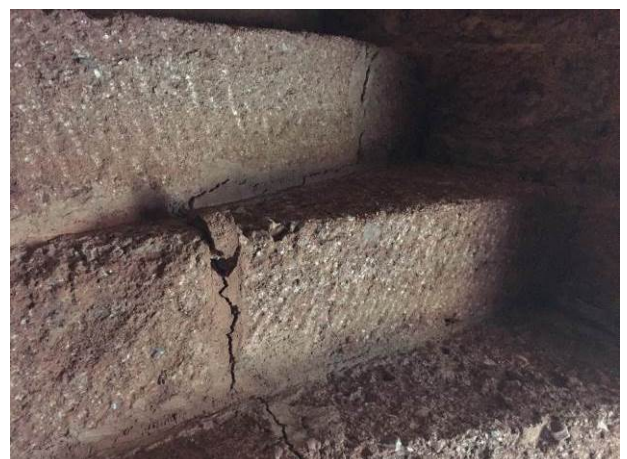


- 2.39 In the southeast there is a stair tower that is a 20th century modification on that corner of the building. There is movement within this tower that shows itself as fracture that runs up from the ground floor, through the treads and on up to the roof. This relates to the same movement to the east wall described above, where roof trusses have caused the wall heads to rotate. The return on the wall here against the gable would help but the circular structure is outboard of the principal gable wall.

- 2.40 The movement here, whilst appearing alarming, is old and may have been addressed by the 2002 stitching. The fractures through the stair treads have occurred at joints and reflects the differential movement between the east wall and stone column to the spiral stair. We would not at this stage suggest any repair is necessary. Any stitching through the treads and the local fractures to the wall may make the area too stiff and pass fractures on to other areas.



Fractures to spiral stair treads seen from above and below



- 2.41 The second floor room over the tower, which is above the current staff room, is accessed by some very narrow spiral stairs. Movement at the head of these stairs and some loss of stone has caused the top riser to appear holed. This was checked closely and despite its appearance the step appears to be well fixed.



- 2.42 The small second floor room is in good condition. The ends of the rafters appear slightly damp and there is evidence of wood boring insect noted to the rafter bearings; all rafters along the north face have been repaired.

- 2.43 The second floor room known as the attic room used for storage is again in reasonable structural order. The two arch braced trusses in this room are not tied as effectively as the others and the southernmost truss has moved with a deflection in the rafter blade causing the joint to the arch brace to open. There is no evidence of the walls struggling to contain roof thrust. This south gable wall is likely to have been rebuilt in the 20th century.



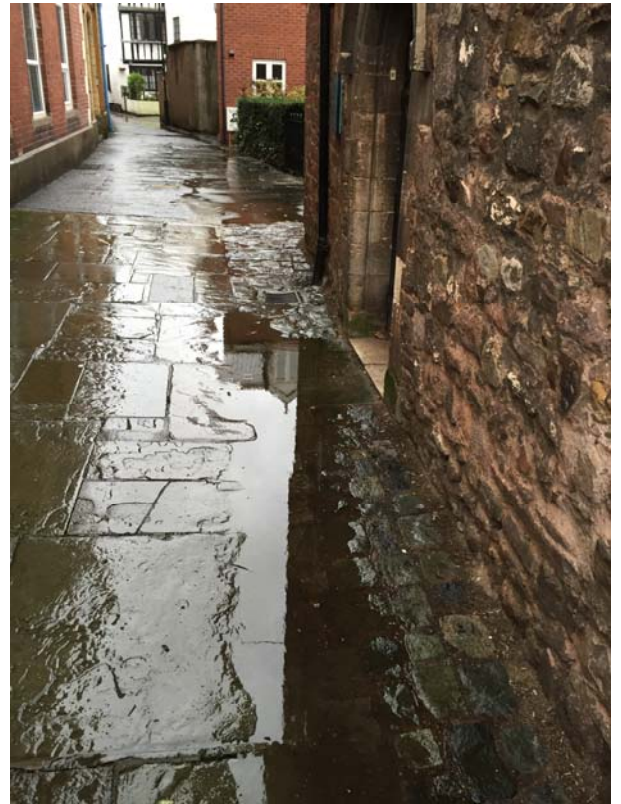
- 2.44 Access to the roofs was available both from the tower and the southeast spiral stairs. The principal roof, whilst undulating, reflects the deflections of the purlins between principal trusses, and is considered satisfactory.

- 2.45 The parapet coping around the tower, whilst unusual, did appear to be working. We are unsure how damp proofing is assured with this detail as there are many sky facing joints through which water can pass; although it does seem to work. There is no evidence of structural movement around the parapet to the tower nor to the roof structure. We did note however movement in the corner of the access tower, caused we believe by ineffective drainage of the tower roof. The floor is covered with detritus and grass that blocks the outlet leaving the water to drain through the masonry during heavy rain. This simply needs the outlet to be cleared.



2.46 Generally, the rainwater goods need maintenance. During heavy rain, water was over spilling from hoppers and saturating the walls whilst blockages in the gutters causes the water to over spill and soak other areas allowing algae to gather.

2.47 Along the Mint, the drainage is towards the building where the floor level is approximately 600mm below the external pavement level. There is a dished gully in front of the east wall that takes the water to a road gully, that appears to work well. However, the pavement surface dishes just in front of the main entrance causing the water to pond in front of the road gully. There is a risk that should a blockage occur, the walls will become saturated and the building could flood. This would be extreme and only happen if the gully is blocked. We would recommend however that the paving and the falls are corrected.



Because this gutter is blocked, the stone below is saturated and stained.

3.0 CONCLUSIONS

- 3.01 Overall, with the exception of the entrance vault and the crypt, the building is in reasonable condition but would be improved by continued maintenance of the rainwater goods.
- 3.02 The majority of the structural movement noted during the survey, related to construction joints between periods of build and repair and are not considered structurally significant.
- 3.03 The main areas that need attention, again excluding the Crypt and Entrance Vault, are the west spring to the fireplace arch in the kitchen and the dropped voussoirs over the east window to the north gable, again in the kitchen. Other areas could be left or repointed.
- 3.04 Having said the above we would recommend Quinquennial inspections are instigated as some areas need to be checked and monitored over time.
- 3.05 Additional photographs are added below as a photographic record.



IMG_5525



IMG_2579



IMG_2580



IMG_2581



IMG_2582



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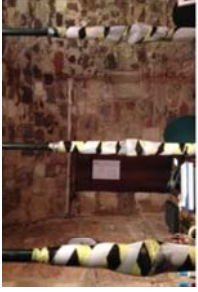
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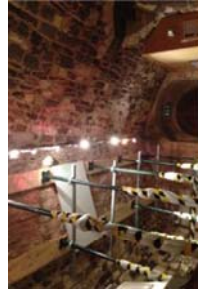
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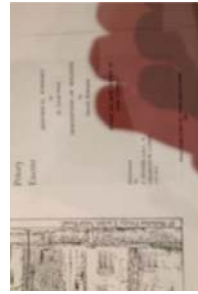
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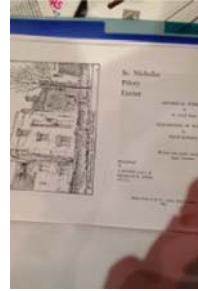
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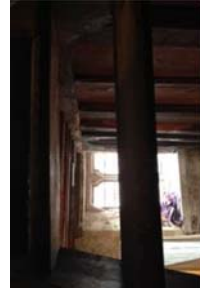
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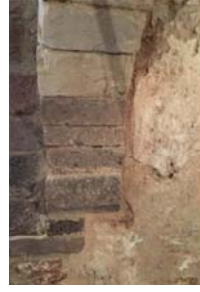
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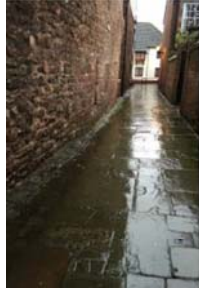
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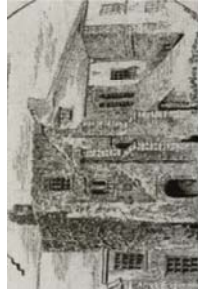
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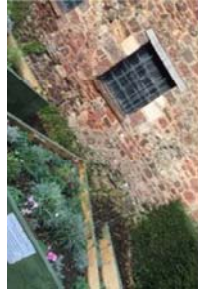
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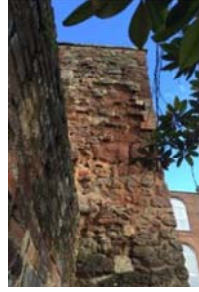
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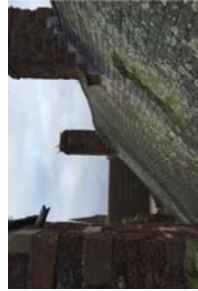
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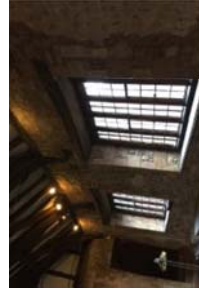
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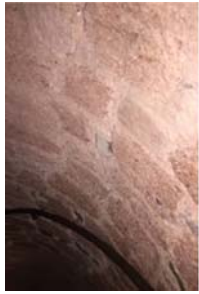
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Appendix 1

Structural Survey of Entrance Vault

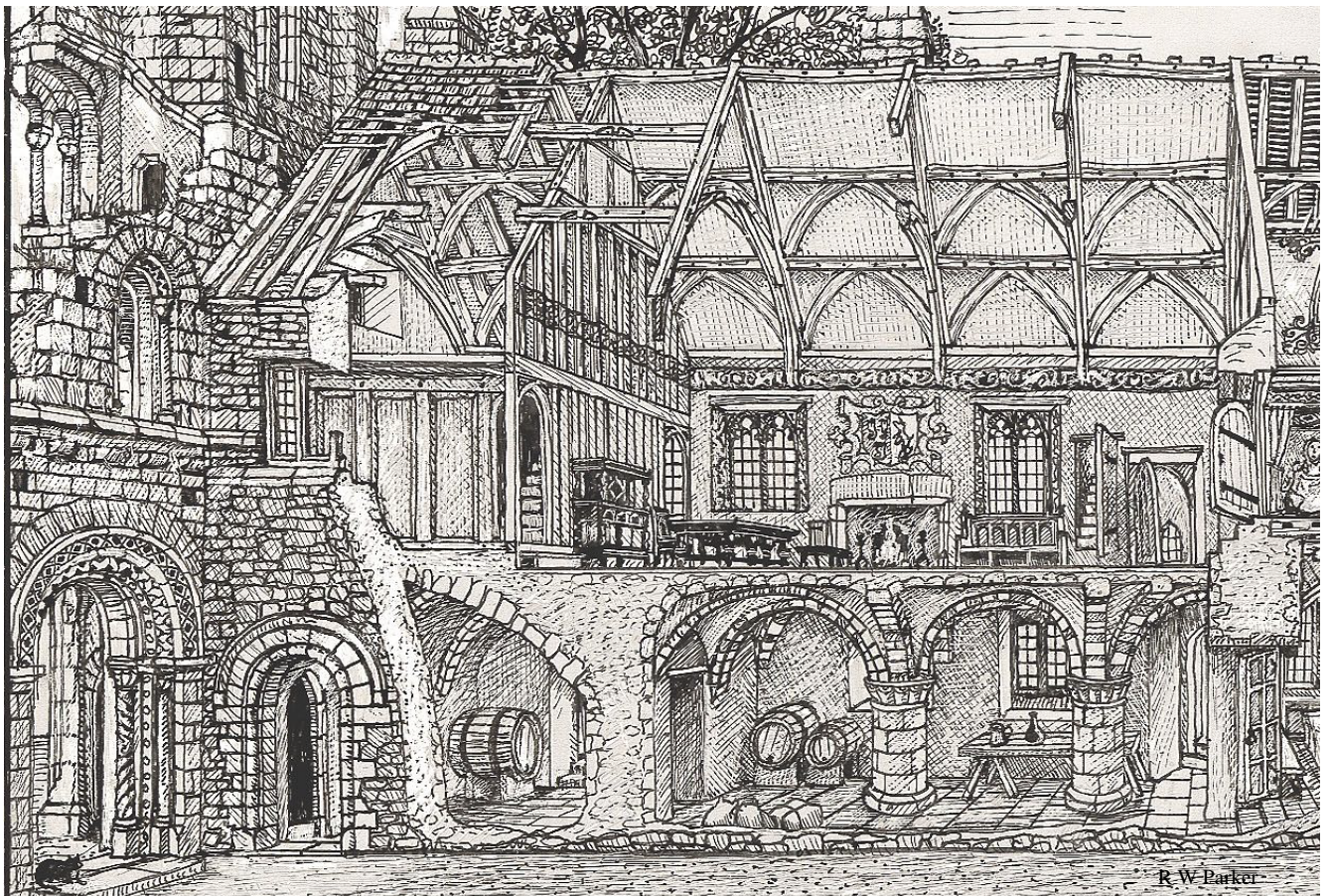


St Nicholas Priory Exeter – Cloister Entry and Crypt

Vault inspection.

Project Number: 7620

Date: March 2015



Content/Quality Assurance

- 1.0 Introduction
- 2.0 Observations
- 3.0 Conclusions

Document issue details:

MW Document Reference No: 7620RJS_1.

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3	20.04.15	Full	Peter Davis - ECC

Prepared	Checked	Approved	Date
JWS			11 April 2015
JWS	JM	JWS	20 April 2015

1.0 Introduction

- 1.1 Exeter City council has partially closed St Nicholas's Priory to visitors and inserted props to the underside of the barrel vault to the cloister entry. This is due to the recent fall of dust or mortar fragments from the vaults centred on the lower levels of the west slope, mostly, but not exclusively, to the north end.
- 1.2 The vault is thought to be around 14th Century but may be later as it appears to be a four centred arch not commonly used until 16th century. The loadings to the arch have not altered with respect to dead loadings except possible with the removal of the second floor structures at the beginning of the 20th century that may have loaded the partition that sits over the arch.
- 1.3 Mann Williams were engaged by Exeter City Council, to survey the area concerned, commission a laser survey to get accurate profiles of the vaults and provide a report making recommendations.
- 1.4 The council required advice on the way forward with the vaults. Do they need repairing and if so how? What further investigations are needed? What load can be applied to the upper floors?
- 1.5 The survey was carried out over a number of days in early January 2015, the first visit being 9th January 2015. Small areas of floor were lifted above the principal vaults and a hole was drilled through the vault stones from the top to measure the depth of the voussoirs. Apart from this, no other opening up took place.
- 1.6 The history of the building is ably described by both Lloyd Parry, H & Brakspear, H (1946 St Nicholas' Priory, Exeter) and R. W. Parker (St Nicholas's Priory, Exeter. New Interpretation of the west Range - January 2005) both studied for this assessment of the structure.
- 1.7 Whilst other areas of the building were viewed they were not surveyed and are not part of this report. Mann Williams cannot therefore be held responsible for areas not seen, nor part of their commission.
- 1.8 The findings of the report are that a repair has to be carried out as the movements within the vault make it unreliable and Mann Williams could not guarantee its safe performance. The main complications noted are:
 1. The flexible nature of the various stones within the vault and the large lime mortared joints
 2. The variation in stiffness between one slope of the vault and the other due to varying sizes of stone and joints
 3. The complications added by modern repairs in 2002 where a hinge point of the vault has been stitched with resin anchors and the north wall has been restrained by introducing Cintec anchors into the voussoirs
 4. The settlement of the west springing point of the vault adjacent the door to the Crypt.
 - 5.
- 1.9 The recommendation is for repair with various options noted. The advice however is that further investigation is required to ensure the best fit of the options with regards to the historic fabric.
- 1.10 Mann Williams discovered drawing D101/04 dated October 2002 and produced by Exeter City Council that shows a mark-up of the intended Anchors. This was followed up by a meeting with the anchors specialists Falcon, to check whether the stitching had been carried out in the form described by the drawing.

2.0 Observations

- 2.1 The vault profile appears to be a four centred arch (Tudor arch) which would date it to possibly the early 16th century which implies the vault was altered by the major building works that occurred post dissolution. There appear to be some alterations to the vault since that time, mainly at the South end but also noted at the North end adjacent the tower. The new spring point of the vaulting can be seen as two courses of relatively even course bedded stone and there are scars within the west wall that indicate the position of ribs to previous (possibly medieval) vaults.



- 2.2 The vaulting seems to have been constructed using a mixture of local stone, including Rougemont, Heavitree and Beer stone. As would be expected the stone has been laid in a lime mortar with a black grit aggregate with traces of slate used as galleting. It's approximately 300mm thick, with the extrados profile following the vault profile, i.e. there does not appear to be any fill above the lower sections of the arch.
- 2.3 Masonry is regarded as a brittle material but it can be built into structures which behave in a plastic way. Plastic theorems depend on the concept of plastic redistribution of stresses. The plasticity of an arch depends on the ability of the arch to crack deeply, without failing.

2.4



The vault shape is poor especially on the West side. Interestingly the door that leads to the now stairwell on the East side has been formed using groins to alter the principal vaulting, but the door to the crypt on the West side is cruder, using timber oak lintels to form the opening. This appears to have occurred at the South end of the west side also, where a filled in cupboard uses timber lintels.

- 2.5 This is significant, as movement in the lintels and at their bearings has caused the vault on that side to distort, and therefore loosen. The construction, various stones, random in places well coursed in others, set in sometimes large lime mortar with little weight over the top, whilst flexible, that is it takes up the distorted shape relatively well, is weak and unreliable under such distortion.
- 2.6 The thrust from the vaults is being contained relatively well by the thick East wall and the opposing thrust from the crypt vaulting on the west wall combined with the West wall thickness. Fractures have developed however, that run the full length of the vault on the West side. These fractures are accompanied by fractures running perpendicular towards the spring of the arch and some settlement fractures around the timber lintels that indicate settlement or distortion of those lintels.

The East side of the vault appears good in comparison.

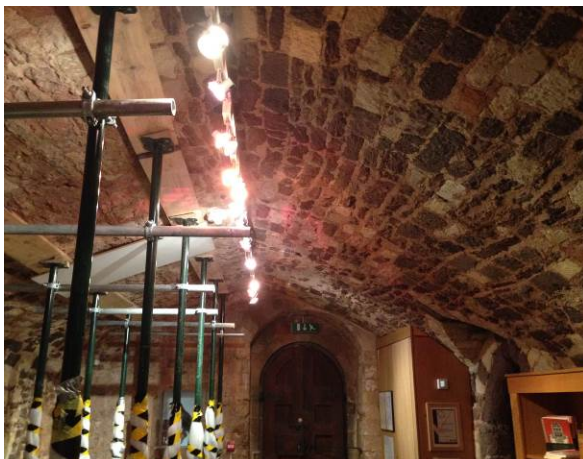
- 2.7 Repair works were carried out in 2002 when Cintec sock anchors were drilled into the voussoirs at the North end we believe in an attempt to restrain the North wall. The North wall itself shows a large distortion with bowing occurring along its length at ground and first floor. This distortion does appear to be longstanding and would we believe have been there when Exeter Corporation took over the care of the building in 1912. At that stage a third floor was removed in the roof space to return the main hall to an open structure, exposing the full arched braced trusses. The distortion to the North wall was noted and ties were introduced at the feet of the trusses to restrain the thrust.
- 2.8 The 2002 works would have been prompted by fears that the North wall was continuing to move, with anchors introduced to tie the wall back to the vault and the main internal cross walls. It is possible that the introduction of those ties to the vault may have caused a secondary problem as there does appear to be a fracture line along the vault where the ties finish. Equally however, this could be being caused by the weight of the timber partition at first floor where it returns parallel to the North wall; it would be unfortunate if these two positions should coincide. Further, it is possibly that the introduction of the ties has altered the relative stiffness of the altered section of vault creating a zone of higher stress within the stone fabric when and if the vault moves.

- 2.9 The fracture along the length of the vault does occur under the large oak plank and muntin partition at first floor. Which can be seen as the principal cause of the disturbance. This partition, which we assume was included in the 16th century and therefore possibly at the same time as the alteration to the vault, is full height with an approximate weight of 1020Kg/m (conservative estimate but including the floor and roof reactions). it is built off a stone plinth used to raise the sole plate to the height of the crown of the vault below.



- 2.10 Structurally, the partition is sited in the worse place, causing a significant knife edge loading along a four centred arch at its flattest curvature. The load at this point, in an arch formed in a 300 deep variable stone with large lime mortar joints, would inevitably cause some distress. Distortion would have occurred fairly soon after construction with a creep occurring over time. This however has been contained for nearly 600 years despite being irritated by the deflections within the timber lintels. However, over the last say 10 years fractures have been noted and fines are continually falling from the vaulting which indicates a loosening.
- 2.11 The distortion to the vault has now gone beyond a point where its structural action can be assured. Because of the nature of the stone fabric that forms the vault, it cannot be guaranteed that the structure could not snap through and collapse. If the vault were brick with tighter joints this may be viewed differently but the potential loose nature of this stone structure reduces confidence.

- 2.12



As with most structural problems of this type the causes are multiple. Initially, the fabric is flexible indicated by the deformed shape, the vaulting is not tight and does not benefit from an even dead load across its span, the timber lintels have allowed local movement within the vaulting and the possible rotation of the North wall is now placing a stress on the vaults that are now trying to restrain it.

2.13 A geometrical assessment of the vault would suggest that a line of thrust, despite the apparent flattening, could be contained within the 300mm depth of voussoir. However, the fracture was stitched with 600mm long anchors at 600 centres. This long fracture acts as a hinge point that would be anticipated in an arch of this type especially with the concentrated loading above it. An assessment of the arch is made difficult due to this alteration made within the structure.

2.14 There are three major alterations to the arch over time that would have effected its performance. These are:

- 1) Doors were introduced through the west supporting wall that included timber lintelling
- 2) Internal cross walls, at least two were removed
- 3) Stitching was introduced in 2002



2.15

The question is, why would the vault want to fail under the loads it has been subjected to for so long? If we look at the structural changes noted above, one reason is the decay of the timber lintels over the doors that have allowed settlement in the arch allowing it to spread a little more which would then cause the flattening. It is also possible to see a downward movement in the South door reveal.

2.16 The removal of the cross walls, whilst appearing significant, would not in theory effect the performance of the vault unless it allowed the partition over to span from cross wall to cross wall. This is a possibility although the sleeper wall off which the partition is built, is too small to provide adequate spread of load. It would appear also that the walls were removed some considerable time ago.

2.17 The introduction of the anchors however could be significant. The first effect is to change the stiffness of the vaulted structure. This will create differential movement between one part of the vault and the next; see above. The second effect is more concerning. It is that the stitching of the fracture that represents the hinge point in the four centered arch, prevents it being a hinge point. It is now stiff and cannot flex. Whilst this prevents the possibility of 'snap through' it must shift the hinge point either up the arch or down. If it's shifted up, the thrust lines stay contained within the voussoirs if down the thrust lines will pass outside the voussoir depth. The hinge appears to have shifted down as it has been reported that dust and debris is falling along a low line.

2.18 The anchors introduced from the north wall into the voussoirs are possibly ill-considered especially if the idea was to stabilise outward movement of the North wall. The massing of the North wall would simple pull the vault apart rather than the vault hold it in position. The anchors would be best located into the major cross walls of the building only, leaving the vault untouched.

2.19 We would question whether the North wall was ever moving to the extent that these anchors were required in 2002. This is difficult to assess as there appears to be no evidence that would explain the decision. We therefore doubt if a significant horizontal force is being introduced into the vaulting but it does appear the anchors do have an effect.

- 2.20 The series of arches, groins over the principal ground floor room to the west of the cloister entry, the crypt, are in good condition. The profiles of each arch has been measured and recorded and are in good shape. All maintain a good profile with the possible exception of the North west corner where the arch appears to have flattened slightly.



- 2.21 The major change to the structure in this area was the removal of the west wall and its reconstruction approximately a meter to the east to create a larger, Tudor room beyond. This had the effect of curtailing the vaulting in the west bay but the structure does appear to remain good.

2.22



The adjacent arch on the North side of the west pier, has flattened due to the outward rotation of the North wall. But this is old movement and doesn't appear to be progressing. We note the 2002 anchor works secured the North wall to the cross walls.

- 2.23 The problem in the crypt appears to be more related to the infill panels between the arches. Due to the geometry, some of the infill will run relatively flat but they rely on their semi arching properties to remain stable.

- 2.24 The museum have noted that dust does fall from this vaults in this room. Looking at the varied nature of the ceiling finishes, some of which appear to be cement based patches of render, others old lime plaster, it is more likely that these finishes are falling due to their inconsistent adhesion to the substrate. Any impact loading such as dancing in the rooms above would lead to falls of the finishes and may possible dislodge stones within the infill panels between the principal arches.



2.25 The timber floor above is built of timber battens that lie across the fill and the profile of the extrados. Loading on this floor could act directly onto the extrados. Normally this would not be a problem. Simple live loading from people walking through the floor above could be contained. However, dynamic loading, such as dancing or exercising could cause damage and is therefore not recommended.

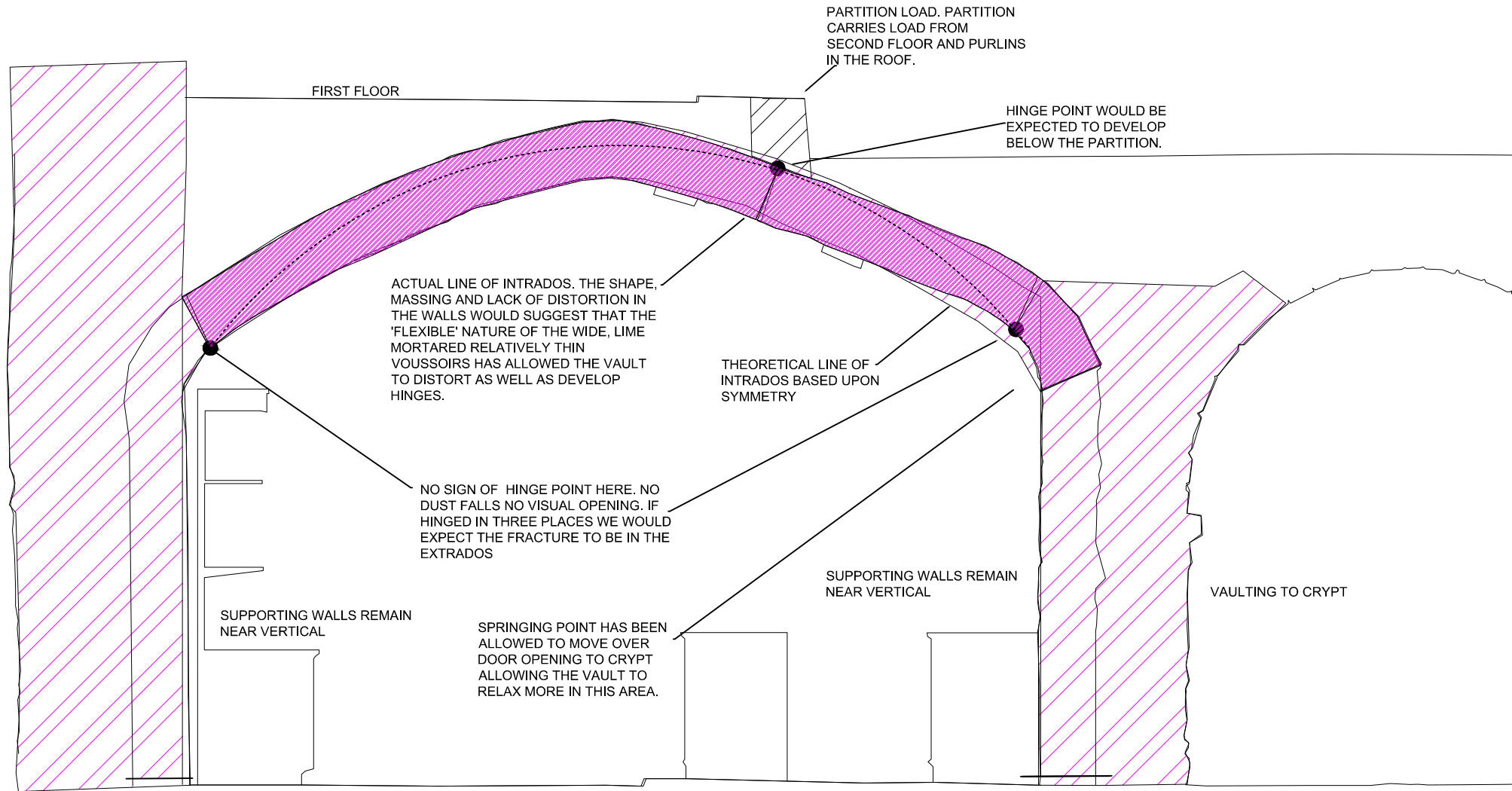


2.26 It would be advisable to have the ceiling assessed by an archaeologist to date the finishes as we do not believe they are very old, relatively speaking. If proven not to be historically valuable we would remove the finishes. The infill panels could then be re-pointed and improved via galletting.

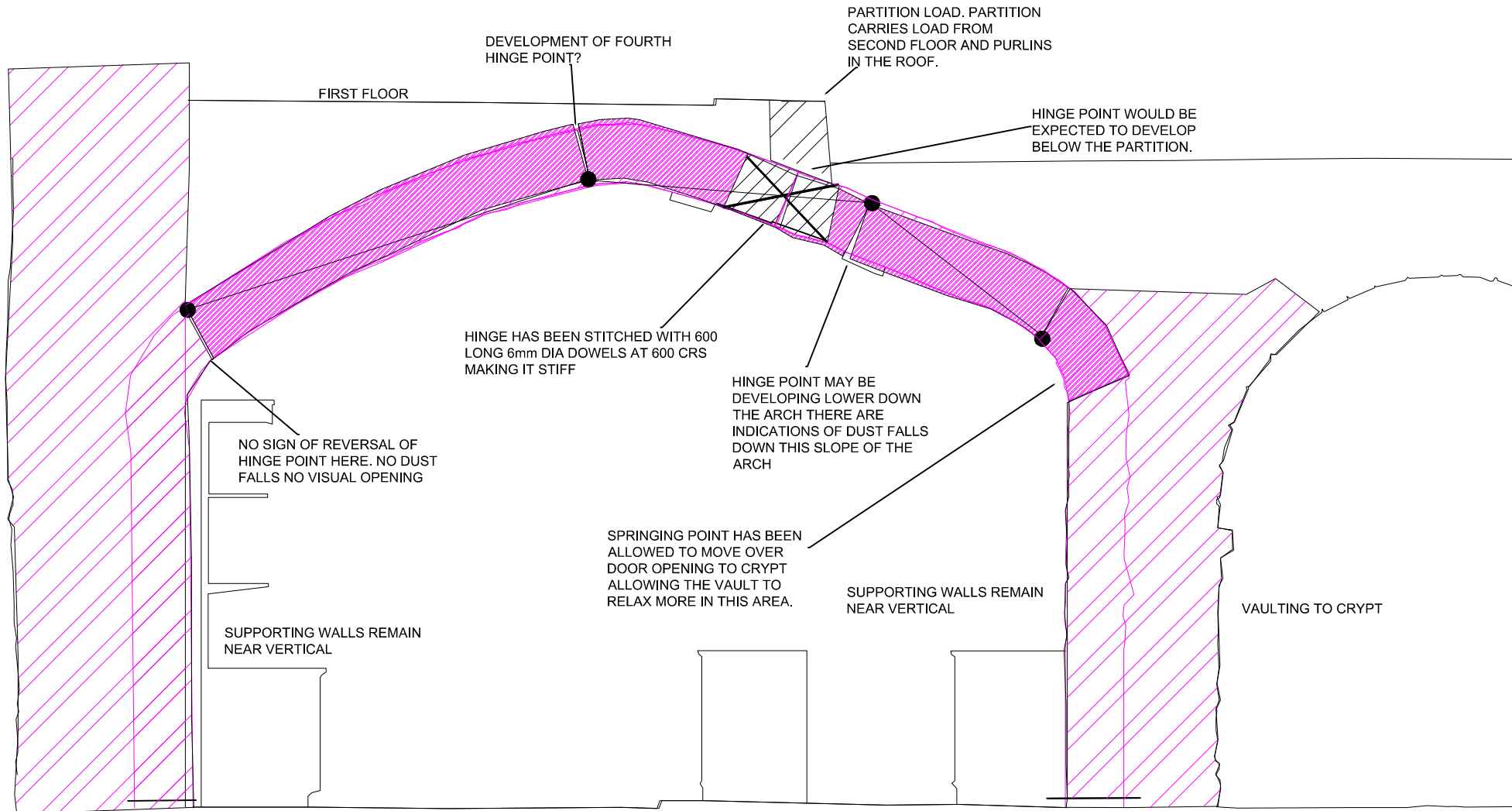


3.0 Conclusions

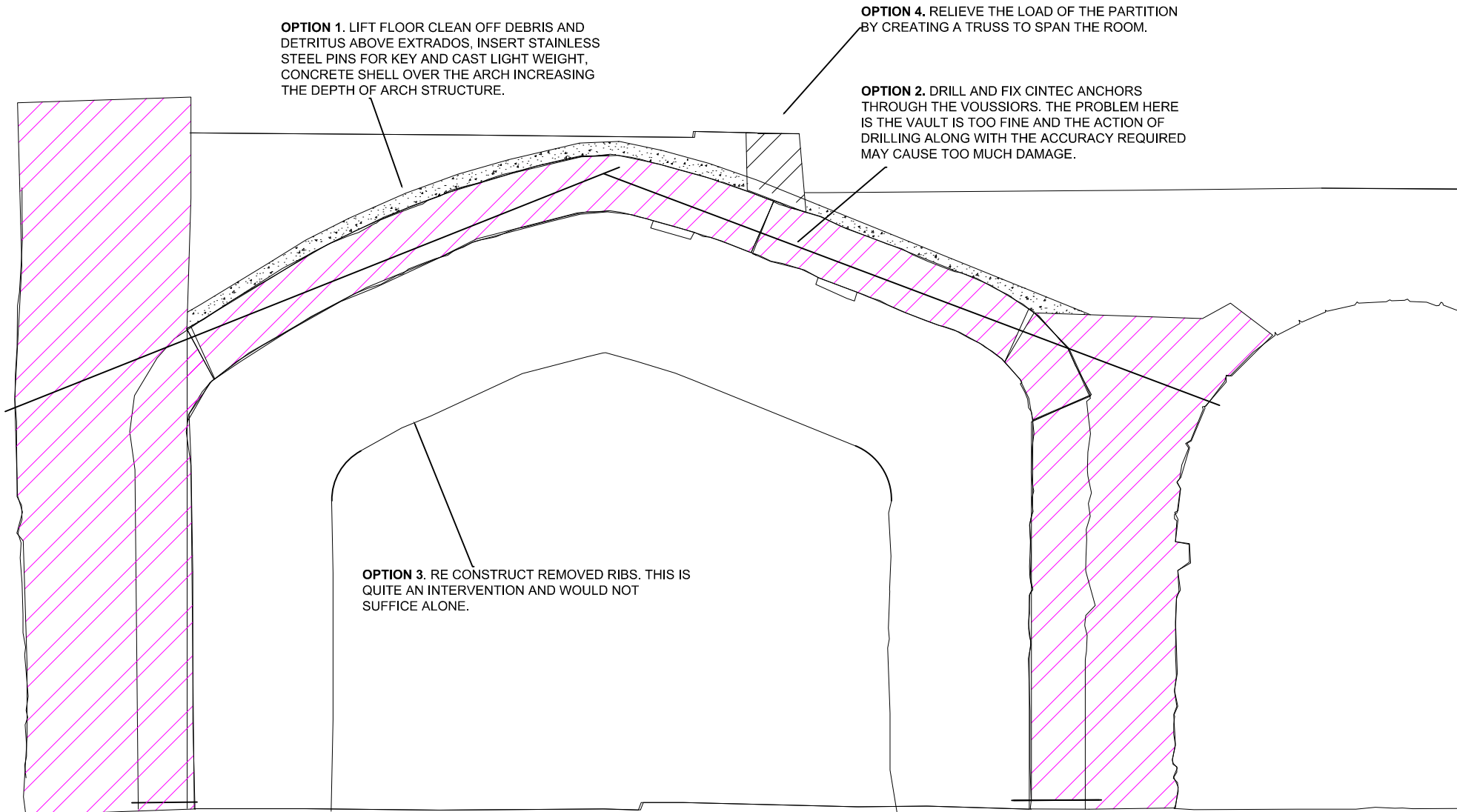
- 3.1 We have been asked to consider the stability of the barrel vault over the cloister entry and the series of vaults over the crypt. The vault over the cloister entry has a fracture running along its length and is currently propped. It has deformed over time.
- 3.2 We feel under normal circumstances, the vault profile would be considered acceptable and could continue to contain the thrust imparted through the voussoirs including the partition loads above. However, the continued movement to the west supporting wall adjacent the door opening to the crypt, that would be caused by the decay of the timber lintel over the door is, could be destabilising. These lintels need to be replaced and fractures local to the settlement galleted and re-pointed.
- 3.3 The action of the vault has been complicated by the introduction of stitch anchors. We feel the anchors may have forced a movement in position of the hinge taking the thrust line outside the depth of the vault structure which may increase the chances of a snap through failure. Further, the introduction of the anchors from the North wall has altered the stiffness of the vault and may be the cause of the fracture near the North wall that runs across the vault.
- 3.4 Various options for repair have been noted in the drawings these are:
1. Provide a lightweight concrete shell structure over the vault to increase its structural depth
 2. Provide stitch anchors through the voussoirs
 3. Re build the removed cross walls and ribs
 4. Reduce the loading to the vault by allowing the partition over to span
 5. In all options the movement over the lintel to the door to the crypt and possibly the cupboard to the south west corner should be replaced and fractures galleted and repointed.
 6. Remove the loose plastered finish that appears to be modern from the ceilings of the crypt, inspect the joints, gallet and repoint as necessary.
- 3.5 Answering the questions posed in 1.4 above, the vaults do need some form of repair and further investigations are required. We would advise the floor finishes are lifted to view the extrados to the vault especially at the springing point and under the partition. With respect to loadings, we are comfortable with normal domestic or office loading on the floor above but would not recommend a dynamic load such as dancing or exercise classes.
- 3.6 Please note, the options shown on the drawings are an indication of directions we could pursue but must be assessed against the effects on the fabric of the building both physical and visual.



MEASURED ARCH PROFILE AT FLATTEST SECTION COMPARED WITH THEORETICALLY SYMMETRICAL PROFILE



POSSIBLE EFFECTS OF STITCHING HINGE POINT



OPTION 1. LIFT FLOOR CLEAN OFF DEBRIS AND DETRITUS ABOVE EXTRADOS, INSERT STAINLESS STEEL PINS FOR KEY AND CAST LIGHT WEIGHT, CONCRETE SHELL OVER THE ARCH INCREASING THE DEPTH OF ARCH STRUCTURE.

OPTION 4. RELIEVE THE LOAD OF THE PARTITION BY CREATING A TRUSS TO SPAN THE ROOM.

OPTION 2. DRILL AND FIX CINTEC ANCHORS THROUGH THE VOUSSIORS. THE PROBLEM HERE IS THE VAULT IS TOO FINE AND THE ACTION OF DRILLING ALONG WITH THE ACCURACY REQUIRED MAY CAUSE TOO MUCH DAMAGE.

OPTION 3. RE CONSTRUCT REMOVED RIBS. THIS IS QUITE AN INTERVENTION AND WOULD NOT SUFFICE ALONE.

OPTIONS

Appendix 2

Structural Survey of Crypt Vaults



St Nicholas's Priory, Exeter

Structural Survey of the Crypt Vaults

Project Number 7620

Date: October 2015



Content/Quality Assurance

- 1.0 Introduction
- 2.0 Survey
- 3.0 Conclusions
- 4.0 Recommendations

Appendix A

A Report on the Current Condition and Recommendations for Repair of the vault within St Nicholas' Priory, Exeter – Sally Strachey Historic Conservation, October 2015

Appendix B

St Nicholas Priory, Exeter, Report on the Plaster on the Vaulted Ceiling of the Crypt.- McNeillage Conservation, 15 May 2015

Document issue details:

MW Document Reference No: 7620RJS_02.

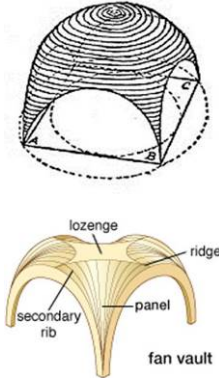
Version Number	Issue Date	Issue Status	Distribution
V1	October 2015	Full	Exeter City Council
Prepared	Checked	Approved	Date
JWS	JNA	JWS	29 October 2015

1.0 Introduction

- 1.1 Concern over the condition of the Norman Vaults to the Crypt at St Nicholas's Priory has increased since initial investigations appeared to indicate a large depth of Lime core work that appeared to form the vault structure. This initial investigation was prompted by the continual fall of plaster and render fragments over the past few years.
- 1.2 In order to better understand the vaulted structure, Mann Williams requested that plaster was analysed and dated in order that modern materials could be removed to enable the masonry structure to be seen. This was carried out by conservation specialists Humphries and Jones who, during the exploration works, expressed concerns over the stability of the finish, voiding and the base materials encountered.
- 1.3 There have been various materials used in repairs of the vaults over time, ranging from cement to lime render with rounded pebbles. These were found to be unstable in many areas. Humphries and Jones were concerned that progressing the investigation would lead to an uncontrolled loss of historic fabric and possibly the structure of the vaults.
- 1.4 It was then decided to explore the vaults from above as there was a suspicion that the structure was not masonry but a rubble core structure that was cast on shuttering. Should this be the case, voids may have formed within the fabric as the principal arches or ribs moved and settled.
- 1.5 This report comments on the findings of the second stage investigation and discusses the issues with the structure as found. It also makes recommendations for repair.
- 1.6 The second stage investigations were carried out by Sally Strachey Historic Conservation (SSHC) whose report is appended to this document.

2.0 Survey

- 2.1 The construction of the vaults within the Crypt at St Nicholas appears confused and geometrically questionable. The pattern appears to follow twin barrel vaults turning through ninety degrees in the end bays thereby requiring supporting ribs at intersections; that is forty five degrees at the corners.

- 2.2  However, the edges of the vaults on all four sides in each bay, are arched which would imply a fan shaped vault from the piers or corner of the central bay, or a dome shape with pendentives in the corners. The bays are not square which would lead to a flatter lozenge in the centre or an oval-shaped dome.

- 2.3 These vaults are Norman, dating from around 1087 and constructed using the local stone. The knowledge of construction and the constructing the vaults would have been good as both the design and build was carried out or supervised by the Benedictine monks from Battle Abbey and followed Romanesque design.

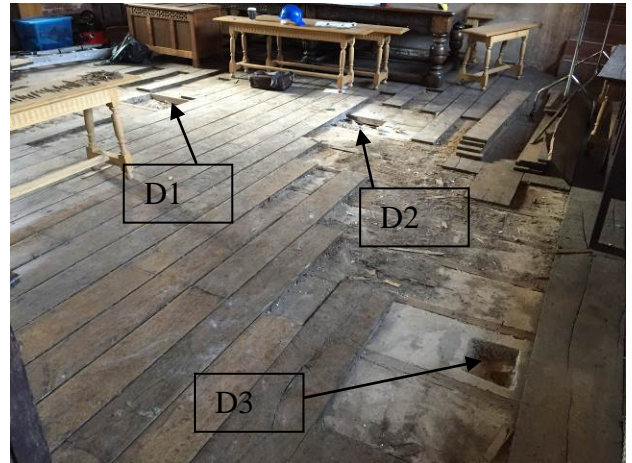
- 2.4 The current failure of the ceiling finishes has brought the construction into question. Small areas of plaster have fallen over recent months. A first stage investigation took place in August 2015 by Humphries and Jones, where small areas of plaster were remove to expose the substrate. These investigations caused more concern when it was felt the original structure may have been a lime, rubble core like structure that was cast over formwork spanning between the principal arches. Further, it was felt that there could be voids within this structure that could not be explored through drilling due to the sensitive nature of the remaining fabric.

- 2.5 Whilst this type of construction is possible it did not feel correct for a priory of that date and significance (relationship with Battle Abbey). Other areas of the original priory would suggest good quality design and workmanship.



2.6 The second stage investigation therefore took place where the timber floor finishes on the first floor was lifted and trial holes were removed in the tops of the vaults in three areas that corresponded to varying depths of structure; refer SSHC report appended to this document.

2.7 These investigations proved the vaults to be formed in masonry, bedded horizontally on the top and likely to be laid over voussoirs stones that formed the arch of the vaults. The removal of loose material and stone in the upper levels of D1 exposed stone structures that the masons suggested were aligned east west this would make sense for an arch spanning in the north south direction ie compression passing through the bedding planes of the stone. This would concur with the observations from below but does not correlate with the idea of twin barrels that would span east west not north south.



2.8 D2 was opened over a central rib and again showed good masonry construction with SSHC describing 'hogback' stones and supporting racked back stones.

2.9 Excavation D3 also proved 'securely bedded stone'. Excavations D2 and D3 were explored further for voids by using a small drill bit. This found only small voids. These were small area tests and as such may not be representative of the whole structure but the findings as a whole gave an increased confidence in the structure.

2.10 The thickness of the vaulting, discounting the ribs and the mortar screed between the timber floor battens, is around 425mm at the crown measured via the survey drawings; this increases to 1600mm at the piers. The springing points are near level, slightly lower to the west wall than the north and central piers.

2.11 At this thickness there could be two rings of arch stones despite our illustrations below only showing one. This photograph shows a two ring arch, slightly pointed, seen on the east elevation of the priory that could hint at the style of construction.



2.12 After the opening up, Mann Williams attended site to re-look at the soffits of the vaulting. The alignment of stones was looked at as closely as possible and appeared to be confused. Some bays appeared to be consistent with arch span directions and were intuitive whilst others did not and some were confused within the same bay.

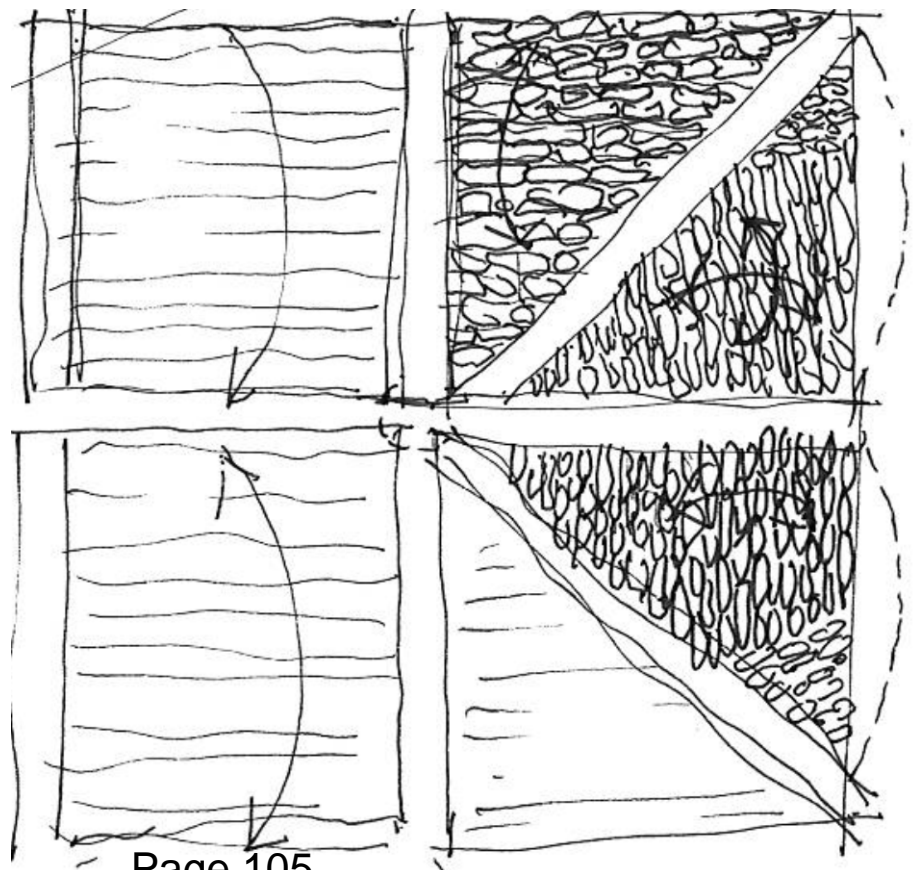
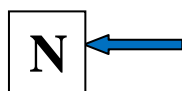
- 2.13 The adjacent photograph shows the ceiling in the central east bay with the stones aligned east west, suggesting the arch span to be north south.



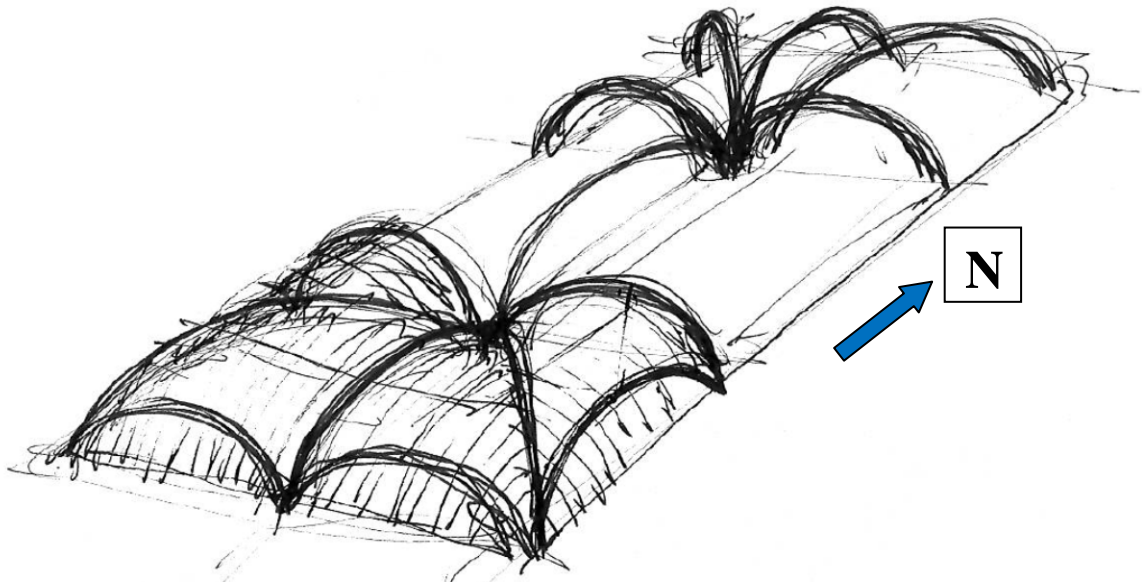
- 2.14 This photograph shows the central west bay with the stones apparently aligned in the north south direction implying the arch spans east west.



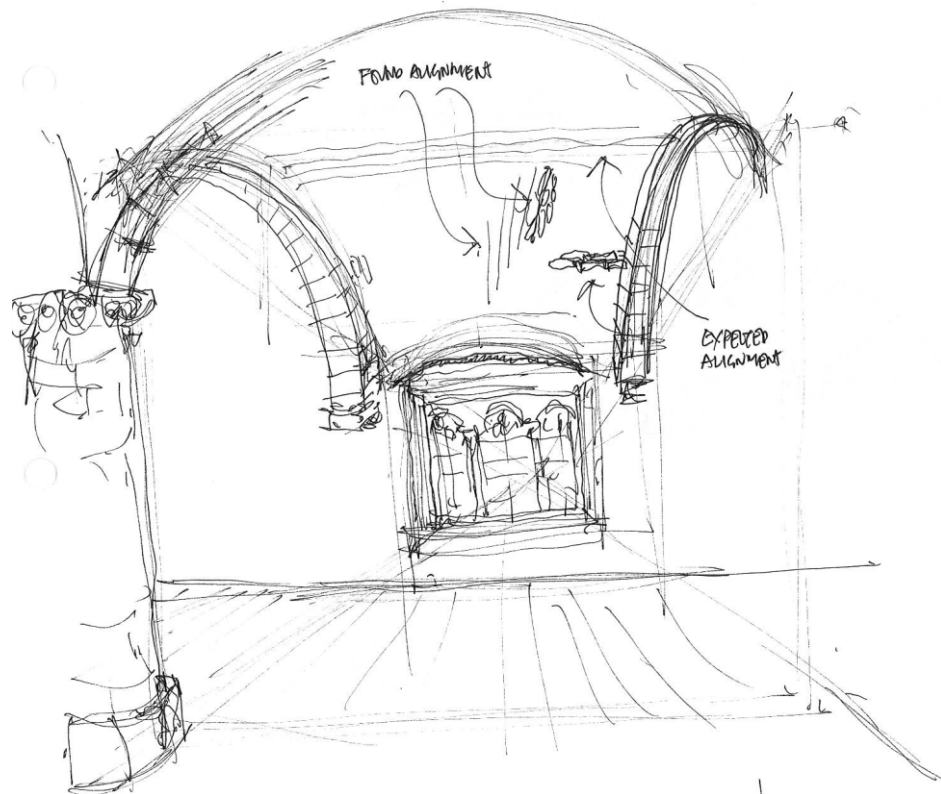
- 2.15 The sketch below indicates what we believed we found looking at the soffit with respect to stone alignment, with the exception of the bottom left quadrant which appeared to run in the opposite directions. The alignment of the stones does make structural sense with the exception of that bottom left quadrant. We could of course be reading the stones incorrectly.



- 2.16 The next sketch describes the ribs that would have been the primary structure off which the vaulting would have been constructed. This shows that the central bays want to be fanned or domed; see 2.2 above.



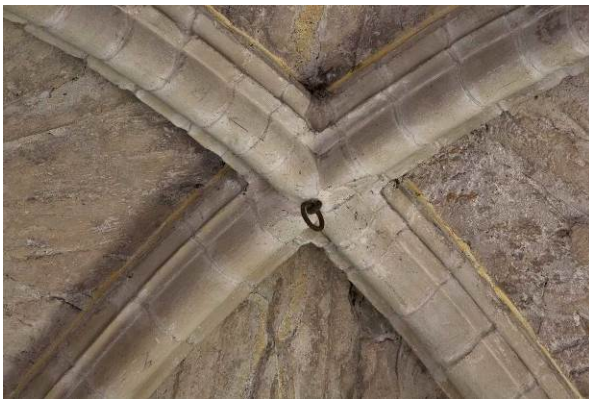
- 2.17 The confusion of the alignment is important as its difficult to understand the primary vaulting direction. The alignment shown in 2.13 above would be expected but does not match that as found. See below.



2.18 This confusion in reading the alignment of stones could be due to the layers of work that has been applied over the years to fill and repair the vaults. In one area we could read three varying layers of lime render. In another we found a timber firing cast into the render with still other areas showing large filler stones and rounded pebbles.



2.19



An example of a ribbed vault using rubble stone as opposed to a dressed or squared stone is shown here. The rubble stone is laid out from the apex, the soffits are regular with mortar joints having a controlled and aligned appearance. Fractures should not appear within these vaults unless the supporting walls have been allowed to move outward and the ribs allowed to relax and deform as has happened at the priory due to rotation of the east wall. The major fracture discovered in the vaults at St. Nicholas's Priory, was in the extrados of the west central bay.

2.20 The coursing and alignment is important to the robustness of the vault. The adjacent example shows a rubble stone arch to Rufus Castle on Portland Island where the rings between voussoir stones are not well tied together allowing the arch to move apart in the transverse directions.



2.21 We believe the ribs at St Nicholas Priory are either not the originals, or have been repaired possibly in the 1920's. One appears twisted, whilst others are misaligned from the spring stone and there are a number of new stones that have been inserted within all ribs. Further, we noted that in a few areas the voussoirs to the ribs appear not to be tight to the vaulting.



Misaligned arch with corbel



Arch not central to corbel with newer stones above first two courses.



Twisted arch due the corbel being moved for later window reveal



Fractured stones and corbel to rib.

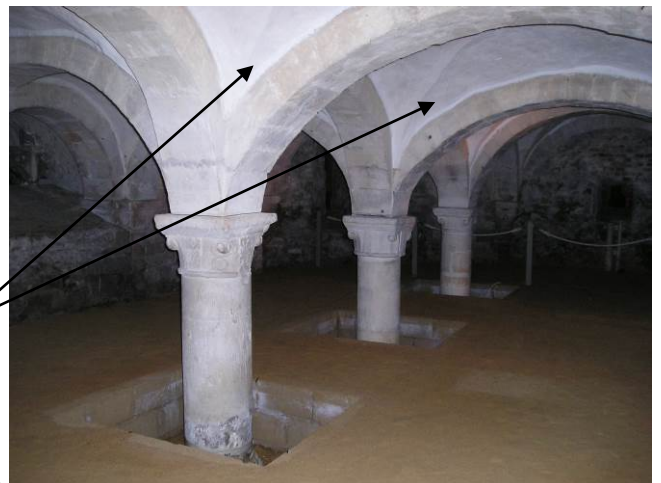


Ribs are not always tight to the vaulting.

2.22 The ribs need to be properly supporting the vaults which can be secured by grouting over the voussoirs.

2.23 We have looked at the construction of the vaults in Battle Abbey and Gloucester cathedral (late 11th century). Battle we don't believe can be used as a comparison, as the structures were modified even as early as the 13th century, but the Gloucester Crypt is similar and shows clearly the use of groins as well as the principal ribs.

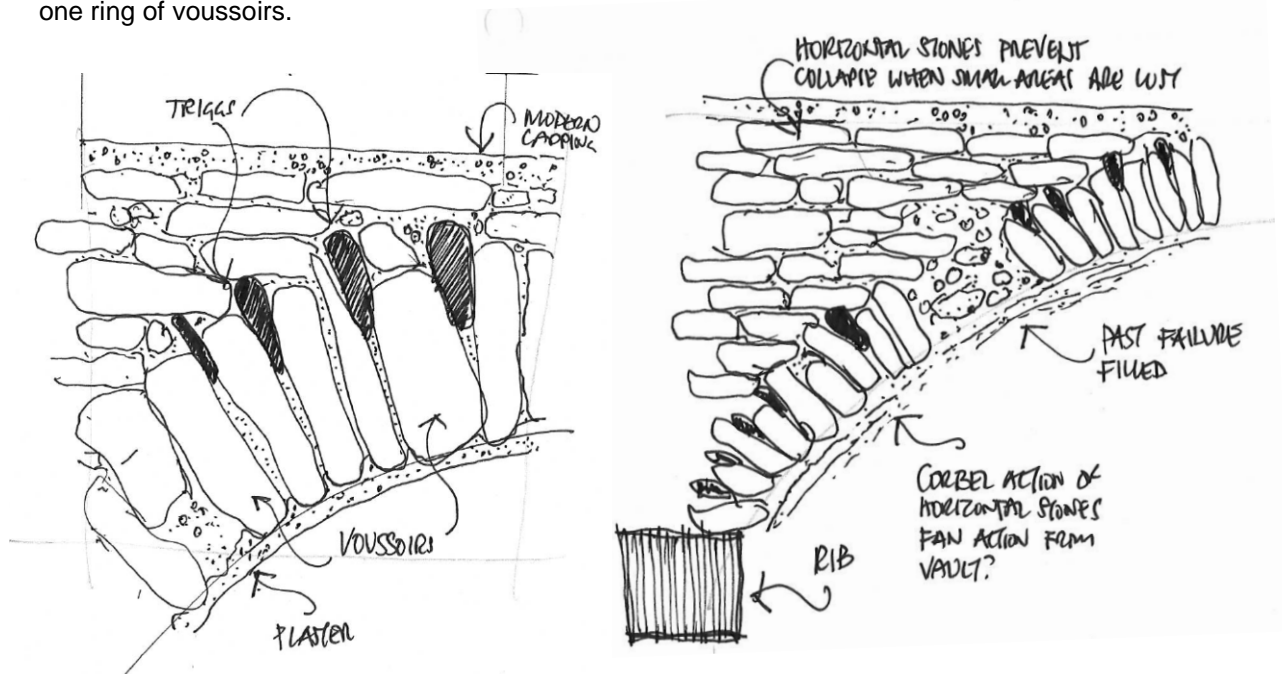
Groins can be clearly seen in the Crypt at Gloucester Cathedral



- 2.24 The opening up works would suggest there is a good masonry structure beneath all the finishes and that what is being experienced is a loss of material from the various finishes to the underside of the vaults. That is, the years of repairs to the intrados has in areas detached and delaminated and is progressively failing.
- 2.25 It could also be that the amount of plaster and repairs applied to the ceiling is masking the groins. Groins that may be shallow and therefore difficult to see. This would also answer the question as to why the stones appear confused in their laid direction; see example below.



- 2.25 The structure we have assumed is similar to these sketches. A series of rubble stone voussoirs aligned in a way that allows the thrust line of the arch to pass perpendicularly through the bedding planes of the stone and built off centring supported by ribs; there could be more than one ring of voussoirs.

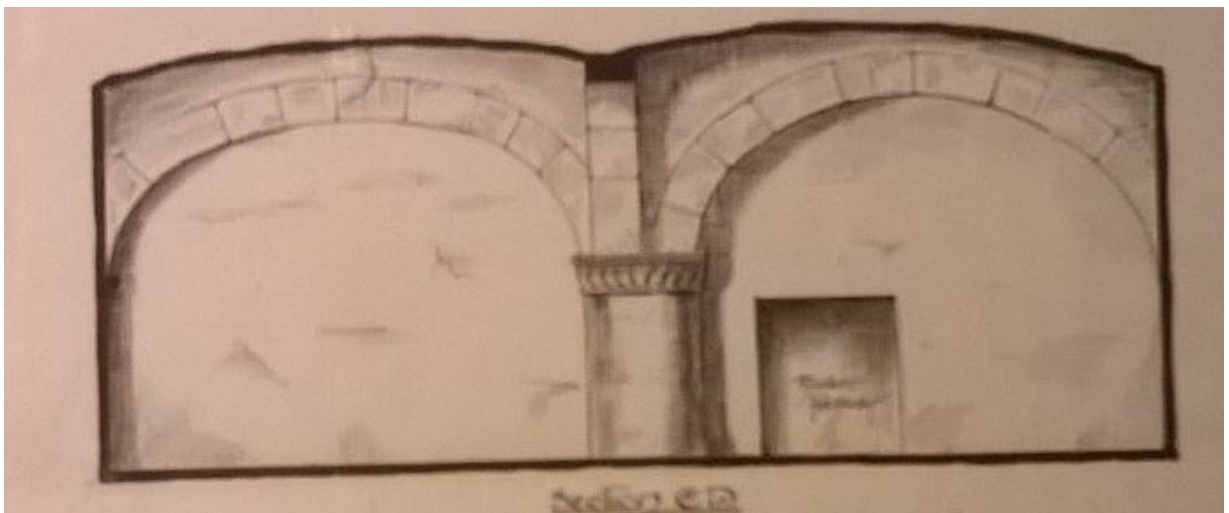
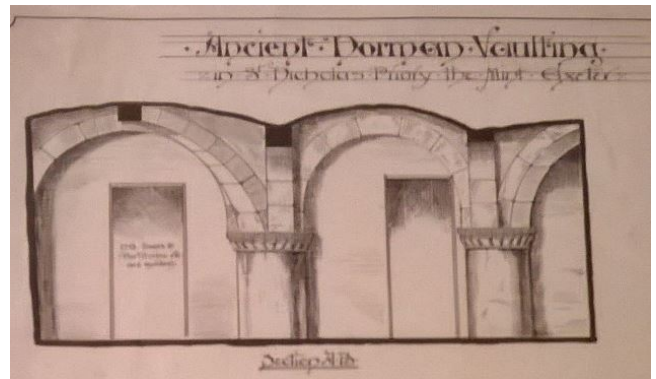


- 2.26 The second illustration above notes a loss of voussoirs and infilling with a later rubble mortar. It is possible that the outward rotation of the east wall, that caused the ribs to deform causing tensile stresses within the vault, allowed voussoir stones to dislodge and fall. The vault may not have collapsed because the horizontal stones would corbel from the pier and walls, and span over the loss, or triangulate the load around the loss or indeed a second ring of voussoirs may keep the vault in place.

3.0 Conclusion

- 3.1 The second stage opening up discovered well laid horizontal stones and 'triggs' used to tighten rubble stone voussoirs to vaults. The alignment of the voussoirs appeared confused and we could not determine whether or not there were two rings or a single ring to the vaulting.
- 3.2 The condition of the mortar and stone where seen appeared good and solid, giving an increased confidence in the integrity of the vaults. Fractures found in the top of the vault are effectively filled and stitched with a lime ash screed laid between floor battens during the repairs carried out by Exeter Council in the early part of the twentieth century.
- 3.3 The vaults could be groined in the central bays. The vaulting is shallow and would have elongated groins due to the rectangular plan which would suggest the build-up of repairs and plasterwork may be covering those groins. This would explain the apparent confusion in the alignment of the stones if indeed that is what we are reading; it is difficult to see with so many plaster layers and repairs.

- 3.4 The falls from the ceiling experienced over the last couple of years appears to be due mainly to the delamination and detachment of the plasters applied in various layers, using various mixes over a long period of time, perhaps centuries. A drawing of the Crypt prepared by W. Clarke Ashworth, dated 1885 and held at the Devon and Exeter Institution, does not give any indication of the structure of the Crypt but implies an even application of plaster; however this could be inaccurate.



- 3.5 The ribs have been altered. New stones have been inserted and the alignment of the ribs is questionable. It is clear that some of the ribs are not built tight to the vaults. As they are a major starting point for the construction of the vaults this implies later modifications that are no longer providing structural support in areas. These areas should be grouted to ensure the ribs are engaged and open joints should be pointed in with slate galleting ensuring the arching to the ribs is reliable.
- 4.4 It is likely that the detachment of the plaster was precipitated by the structural movement of the vaults caused by the rotation of the east wall. Most disturbances to the vault structure and ceiling are found in the east side. There is no indication that this rotation is continuing and we know this wall was tied back to cross walls in 2002 using grouted sock anchors (Cintec).

- 4.5 This structural movement would have affected the principal ribs, groins and the vaulting causing a relaxation in the arching which could have resulted in the loss of the voussoirs. The loss or movement of voussoirs to the ribs may have led to stones being replaced, and the loss of stones to the vaulting may have led to effected areas being 'packed' with a lime mortar, rounded pebble core mix.

4.0 Recommendations

- 4.1 The first floor structures should remain as they are including the battens and screed between.
- 4.2 The junction between the ribs and the vaults should be exposed all round to ensure the engagement is reliable. Where this is found to be suspect, the gap should be grouted to ensure the ribs are engaged. Open joints in the rib stones should be pointed in and slate galleting used where appropriate, ensuring the arching to the ribs is reliable.
- 4.3 The ceiling finishes need to be consolidated. This will require attention to the dating of the various plasters provide by McNeilage Conservation, to ensure the right approach to the fabric. The view on the ability to consolidate should be taken with a plaster conservation specialist where the plaster is proved to be of historic significance. The ability to use techniques such as Nano-lime repair, local grouting and micro pinning needs to be assessed by a conservator.
- 4.4 The structure behind the plaster appears reasonable but there is likely to be various substrates. Plaster consolidation alone may not be enough to hold the plaster in place. We would recommend therefore that a pinned solution is considered with a mesh support either acting locally as a washer or used globally to hold the existing plaster in place with a new application encapsulating the existing..
- 4.5
- A proper assessment of the ceiling repairs has been made with the dating of the plasters by McNeilage Conservation, so a decision can follow on how much can be lost and how much needs to remain undisturbed and visible.
 - A conservator should be engaged to look at what techniques would be appropriate to consolidate the plasters that are to remain, and the method should be discussed with Mann Williams.
 - From these discussions it will become apparent whether the plaster is removed to expose the rubble stone vaults with areas of plaster left intact or whether a series of pins are installed, secured back to the masonry and the plaster encapsulated by a new layer of lime plaster applied with possibly a nylon mesh backing throughout the crypt..
 - The appropriate method can be developed for the conservation of the plaster through discussions of these various disciplines that would give Exeter City Council confidence in the use of the building.
 - Once the conservation repairs are completed, the Priory could be re-opened to the public and be used for events, although a restriction is advised on the use of the upper floors that would limit dynamic loadings; for example dancing or exercise classes.
- 4.6 We have looked at using non-destructive techniques (NDT) for discovering more about the unseen areas of the vaults. Techniques such as impulse radar (GPR), dynamic impedance and Ultrasonic Shear Wave assessments have been offered as a way to discover the boundaries between masonry and mortar that would be especially useful should the situation in 2.25, second sketch above be present and for finding voids within the structure. This would require the complete stripping of the first floor, floor boards to enable the operator's equipment to have good contact with the structure.
- 4.7 From our survey, we do not think there are large voids within the structure but we are concerned there maybe large areas of lime render packing where masonry has been lost. With the approach of pinning and encapsulating this would not be a problem, but for the approach of local consolidation removal of plaster may result in a surprise loss of larger areas. On this basis we would advise the NDT's are carried out.

- 4.8 We should note however that obtaining the correct information from these types of techniques depends very much on the operators and it is wise to have test areas exposed so the NDT findings can be 'tuned'. Coupled with the NDT recommendation then, we would advise a larger area of ceiling finish to the vault is clean off, understanding the risk to the historic materials, to expose the intrados within the one of the central two bays. Refer also to recommendations by SSHC, appendix A.

Appendix A

Sally Strachey Historic Conservation report –



A Report of the Current Condition and Recommendations for Repair of
the Vault within St Nicholas' Priory Exeter

Undertaken by Sally Strachey Historic Conservation

October 2015

The following report is based on a site visit on 7/10/15 when the condition of the vaulted ceiling was inspected from below and preliminary investigations were carried out to the upper surfaces of the vault from above.

The inspections were carried out by two SSHC operatives under the guidance of Peter Davis of Exeter council and Jeff Stott of Mann Williams.

Please note that any recommendations given in the following document are based on the findings of an initial inspection and may change following further investigations.

The vault from below

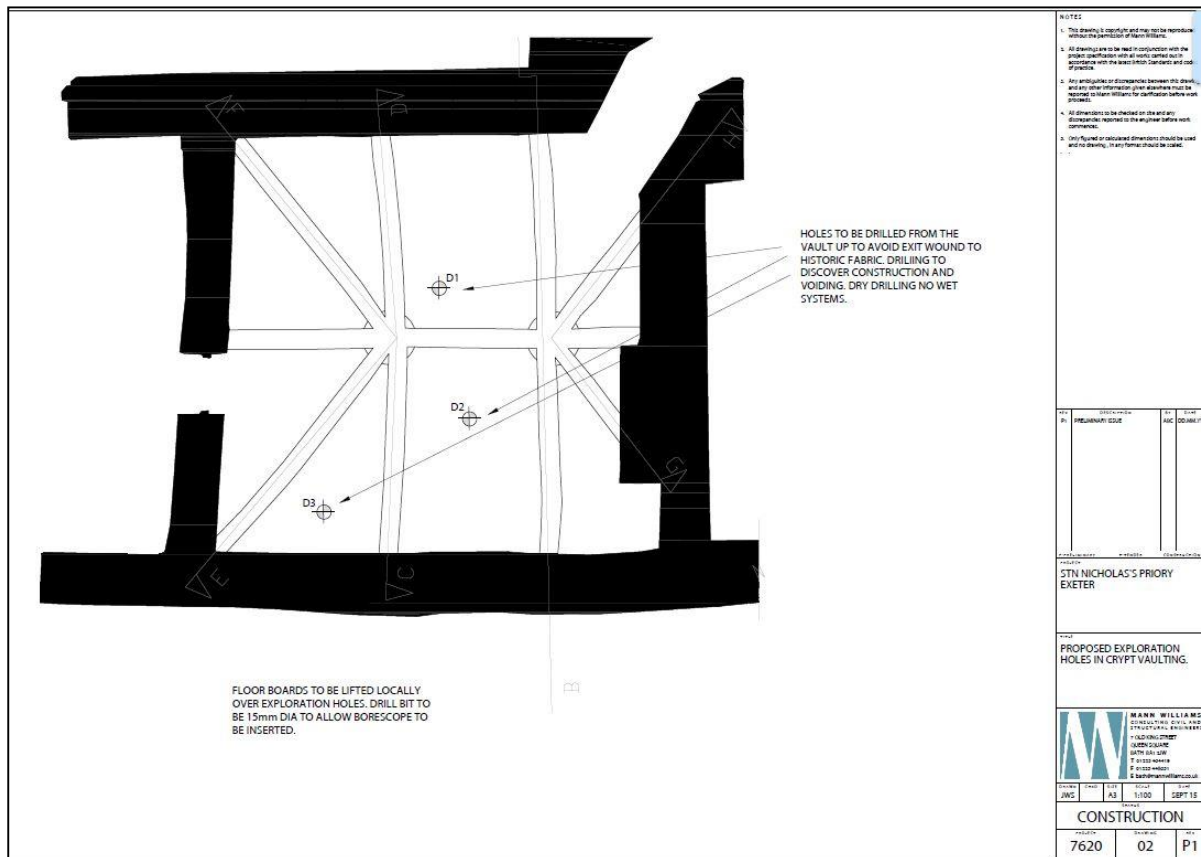


When inspected from below it was clear that there had been various repairs to the vault during the course of the building's history. The repairs were visible and distinct from the original fabric due to the variation in mortar and finish. The later repairs are numerous and inconsistent, and include similar lime based mortars, roughly finished cementitious patching and filler type materials.

Large areas of plaster have either fallen or been removed (it is presumed that this removal occurred during the preliminary investigations carried out by Humphries and Ward). The areas in which the plaster is missing allowed for an inspection of the substructure of the vault to be carried out. However due to the patchy nature of the exposed stonework it proved inconclusive and difficult to identify more than a few stones. The visible stonework does appear to show stones bedded on end as expected, however due to the limitations of visible material it is not possible at this stage to ascertain if the vault is structurally sound.

The vault from above

The main aim of the investigation was to examine the structure of the vault from above. To do this the floorboards in the above room were removed to allow access to the upper surface of the vault. Three areas of the vault were identified by Mann Williams as potential sites for investigation which were labelled 1 2 and 3.



Location of investigation holes D1, D2 and D3.

Results

Following the lifting of the above flooring it became clear that the boards had been laid on to relatively small timbers 2-4" timber joists set into a coarse lime mix, which had a trowelled finish.

The mix used for this is a combination of lime putty with a large amount of coal and some small (2-4mm) silica aggregates. The combination used gives a very light and strong mix, which may have been a requirement of the works so as to not overload the damaged vault structure whilst adding some additional strength. The trowelled surface of the bays has led to an increased number of fines in the upper surfaces resulting in a hard crust. Generally the mix is in good condition and appears to be performing well however in the immediate vicinity of the timber supports there are areas of disaggregated mortar potentially as a result of the movement of the joists as people use the room above.



An image of the grey mix with small areas of the upper crust broken through.

Following the removal of this grey mix from the investigation areas it was clear that there was some variation in the substructure and so each of the investigations will be dealt with separately.

D1.

The first trial pit was located to the southern end of the room above the downward curve of a vault. Following the removal of the grey capping mix (circa 1-2" deep) the material varied across the opening with some small pieces of stone to the northern end of the pit and a loose soil and river pebble mix to the south.



Following the removal of this loose material further pieces of stone became visible. These stones were roughly aligned from east to west as would be expected if historic techniques were used in the construction. Following the removal of these stones the trial pit was extended to the north where the pit followed the stratigraphy of the initial area, however after the pit was vacuumed it became clear that the loose mix had been used as some kind of packing or levelling compound as the surface undulated and a large crack appeared across the pit (east to west).



Image of the crack prior to cleaning out



The trial pit and crack following vacuuming

It is clear that this crack represents a major failure of the vault however it does not extend through the vault suggesting that although the crack is a major issue the vault appears to have settled. This assumption is supported by the fact the material used to construct the vault appears to be solid and that there is no obvious crack in the underside of the vault.

Apart from this substantial crack the fabric of the vault as seen is well secured stone in a pale lime mix (lime putty, well graded aggregate from 2-8mm and some larger 15-25mm pebbles) and would cause no concern.

D2.



Image of the trial hole one following excavation and vacuuming.

The second excavation was located above the central rib of a vault. Following the removal of the grey levelling mix a large block of aerated volcanic stone similar to tufa was found (circa 1.5" below top surface) running north south with large amounts of stone to either side. It is clear that this is a central rib or hogback stone with supporting racked back stone.

Below the joist (see above image) a lead wrapped cable was discovered. Following research this can be used to provide a potential date for the works to the floor of somewhere between 1910 and 1930 with a date somewhere in the 1920s most likely. This would correlate with the purchase of the building and associated renovation works a fact which could be checked with the council records.

Following instruction from Jeff Stott a series of 10mm holes were drilled using a rotation only drill to examine the vault for voids. Four holes were drilled into the fabric of D2 revealing some small voids within the mortar of the joints but no significant voids. This trial pit showed a construction entirely consistent with the expectations of the team from SSHC and based on the current observable area raises no concerns.

D3.



The third location was again situated over the curve of a vault and so it was expected that the material would gently slope towards the north wall. Following the removal of the top surface (3-4") it was immediately apparent that there was a large amount of securely bedded stone with no loose material. Again test holes were drilled and no significant voids were found.

Conclusions

Following the very small-scale investigations it appears the construction of the vault is as would be expected and as the below image shows it appears to be consistent across both vaults of the building.



This consistent construction on one hand is reassuring as it shows that both vaults were solidly constructed in the method which would be expected. However, it is potentially worrying due to the poor condition of the secondary vault.

Apart from the obvious crack found in the first trial hole there are no obvious defects in the structure of the vault and it appears to be solid and well made. This is an assumption based on three very small excavations and so the condition of the wider structure cannot be assessed on the results of this initial investigation alone.

Recommendations

Following on from these investigations it is recommended that there is a larger programme of investigations to establish the condition of the vault more generally. As discussed at the time of the site visit it is suggested that the plaster is removed from a larger area to allow for a closer inspection of the underlying stone work in conjunction with further excavations above. Whilst this will inevitably lead to some loss of historic fabric it would potentially be possible to choose areas in which the historic material has already been lost.

By doing this it will be possible to investigate both surfaces of the vault to establish A, the condition and construction of the structure and B, the level of historic repair and the impact on the integrity of the vault.

Alternatively it may be possible to carry out a wider series of small trial pits which go deeper into the structure to establish construction. However, it would be easier and potentially less damaging to look at the underside in specified areas.

Depending on the depth of the stonework used in the construction it may be possible to use geophysics techniques to examine the construction for voids however this would need careful interpretation and possibly further excavations to check the results but would allow for a wider scale initial survey without intrusion into the existing material.

Appendix B

McNeilage Conservation report on Ceilings to the Crypt

MCNEILAGE CONSERVATION

Weeks Farm | Talaton | Exeter EX5 2RG | T: 01404 822076
enquiries@mcneilage-conservation.co.uk | www.mcneilage-conservation.co.uk
Partners: Torquil McNeilage ACR | Ruth McNeilage ACR
VAT No. 736 7680 95

15th May 2015

St Nicholas Priory Exeter

Report on the plaster on the vaulted ceiling of the crypt

McNeilage Conservation were requested by Peter Davis, senior architectural surveyor at Exeter City Council, to examine the plaster on the vaulted ceiling of the crypt of St Nicholas Priory. The purpose of this survey was to try and identify which areas were original plaster and which were later repairs.

The vaulting is suffering from structural problems caused by pressure from the timber screen on the floor above and there are plans to remove some of the plaster in order to examine the underlying structure.

An examination of the vault web between the ribs revealed that although there are a significant number of later repairs, there is also a significant percentage of original plaster. The original lime plaster has an aggregate of varied grading ranging from approximately 1-5mm, containing some dark grains and it is slightly pinkish in colour, probably due to the use of local red sand. On the west wall there are some areas where the original plaster on the ceiling continues onto the walls and also into the window reveal. This plaster can also be found on the stairs leading up to the main chamber above and in the bed chamber as the earliest plaster layer. On the north wall which was moved south in the 15th century, there is an area where the later plaster on the wall can be seen to overlap the earlier plaster on the web above (see photo). In the Southwest doorway, a later hair plaster which lies over the original has an inscribed circle, which may be an apotropaic symbol, since these were usually inscribed on doorways.

It is noticeable that the original ceiling plaster does not have as many limewash layers as one would expect, but there is clear evidence in some areas that the ceiling has been scraped with tools to remove some of these later layers (see photo).

There are significant cracks in the plaster and it is clear judging by the number of repairs that the ceiling has suffered from structural problems for a number of years. The east side of the room has a larger number of repairs.

It has been proposed that all the plaster should be removed from the ceiling in order to examine the structure. This would appear to be a rather drastic course of action when dealing with historic plasters, particularly in this instance when so little of the original plaster survives on the ground floor. The plaster is in a poor condition and needs conservation treatment and the removal of many later inappropriate repairs.

We would suggest that an alternative approach would be to remove all the later plaster repairs. This would reveal significant areas for viewing the structure where previous movement has occurred. Annotated photographs are attached to this report, to show the areas of later plaster that can be removed. Some of these repairs are lime based and some are gypsum. There are also some areas where the original plaster is extremely cracked and damaged and if it was considered to be essential there may be a case for removing the original plaster in these areas.

The later plaster repairs should be removed by a conservator to ensure that the original plaster is stabilised during this process. This may involve the use of some lime grouting and lime-based mortar fills to secure edges. Once the examination has been completed, all the lacunae should be repaired using a lime mortar compatible with the original. The repairs can be limewashed to blend in with the rest of the ceiling.



View of west wall showing original plaster on the ceiling and walls



Detail showing the area on the north wall where the later 15th century plaster overlaps the earlier plaster on the ceiling.

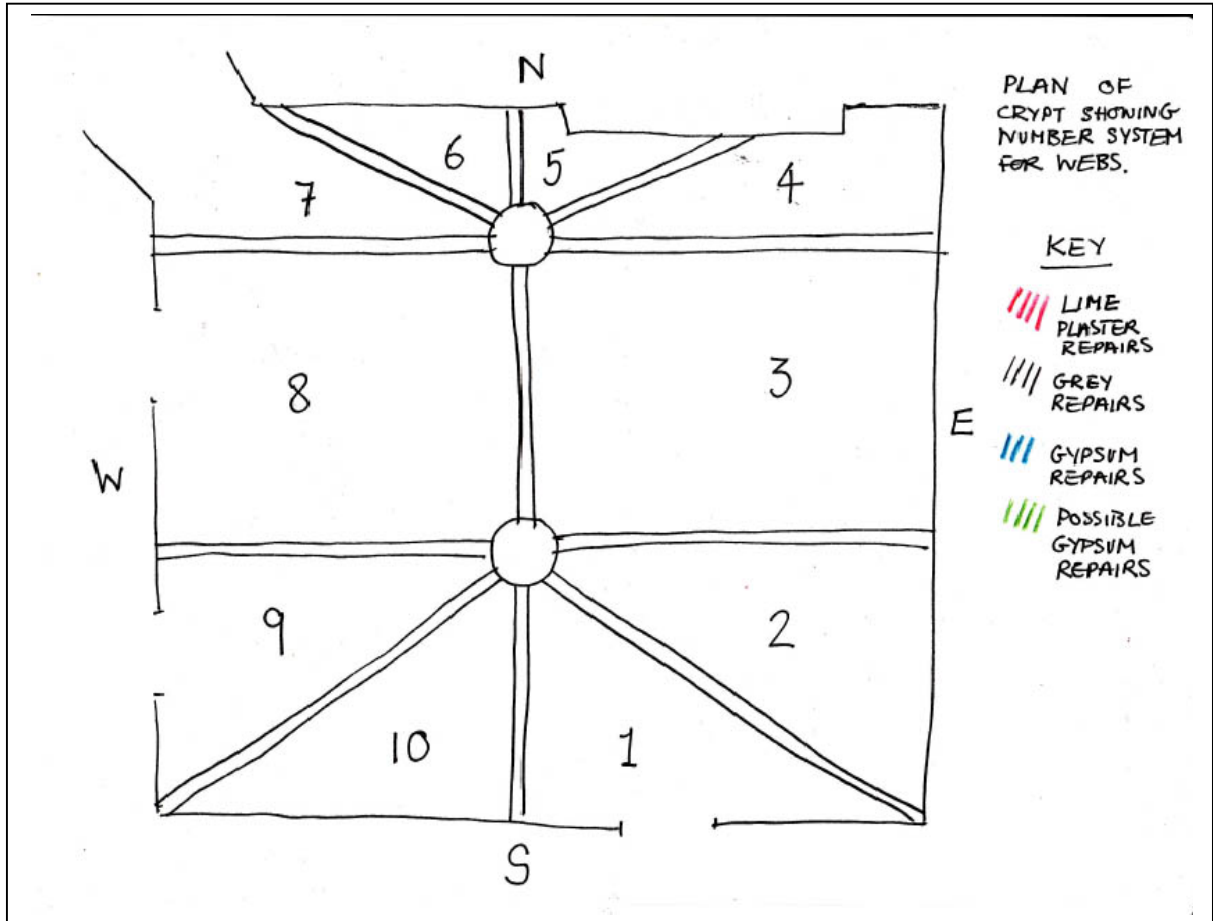


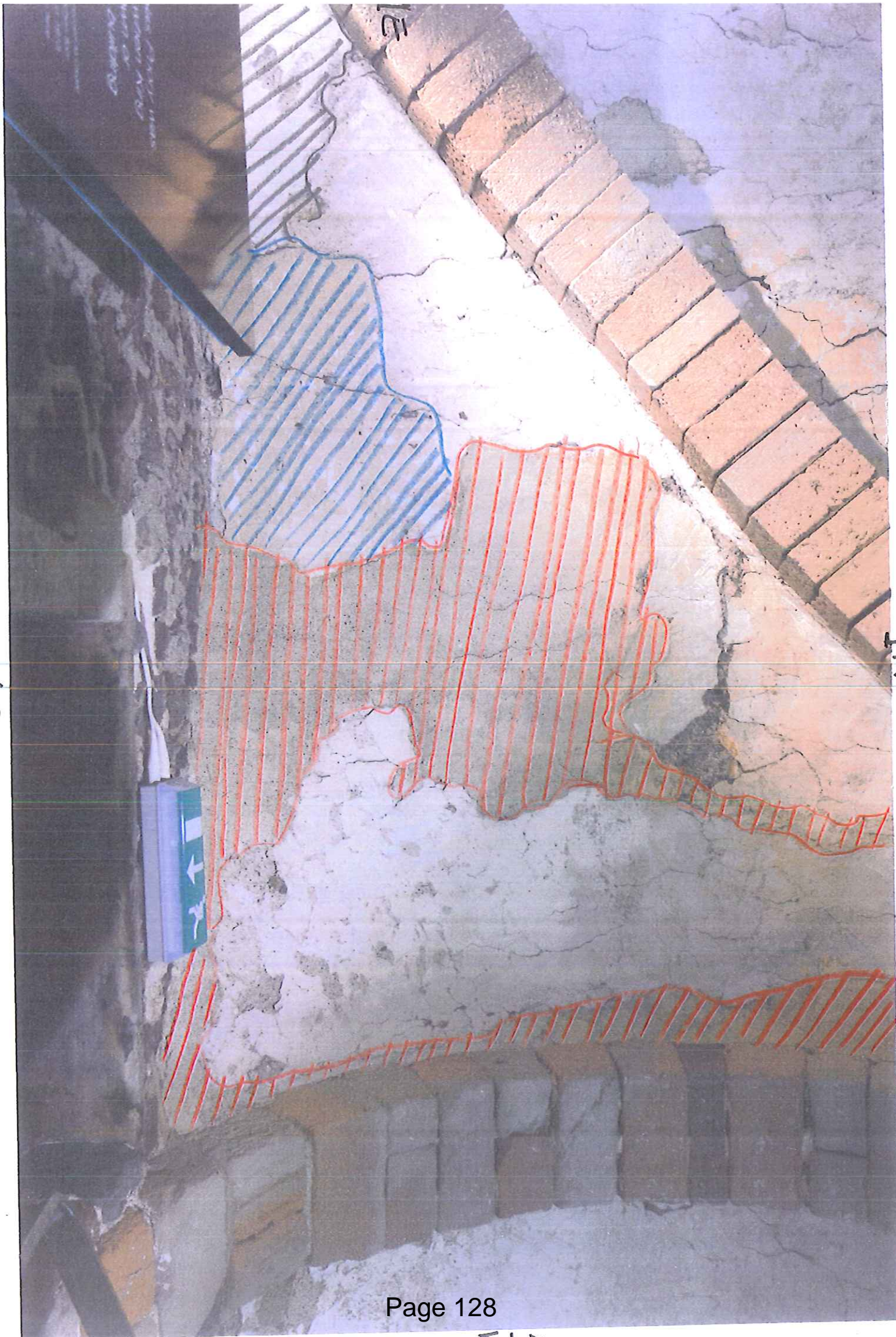
View showing later plaster in the southwest doorway with a circle incision.

Original plaster

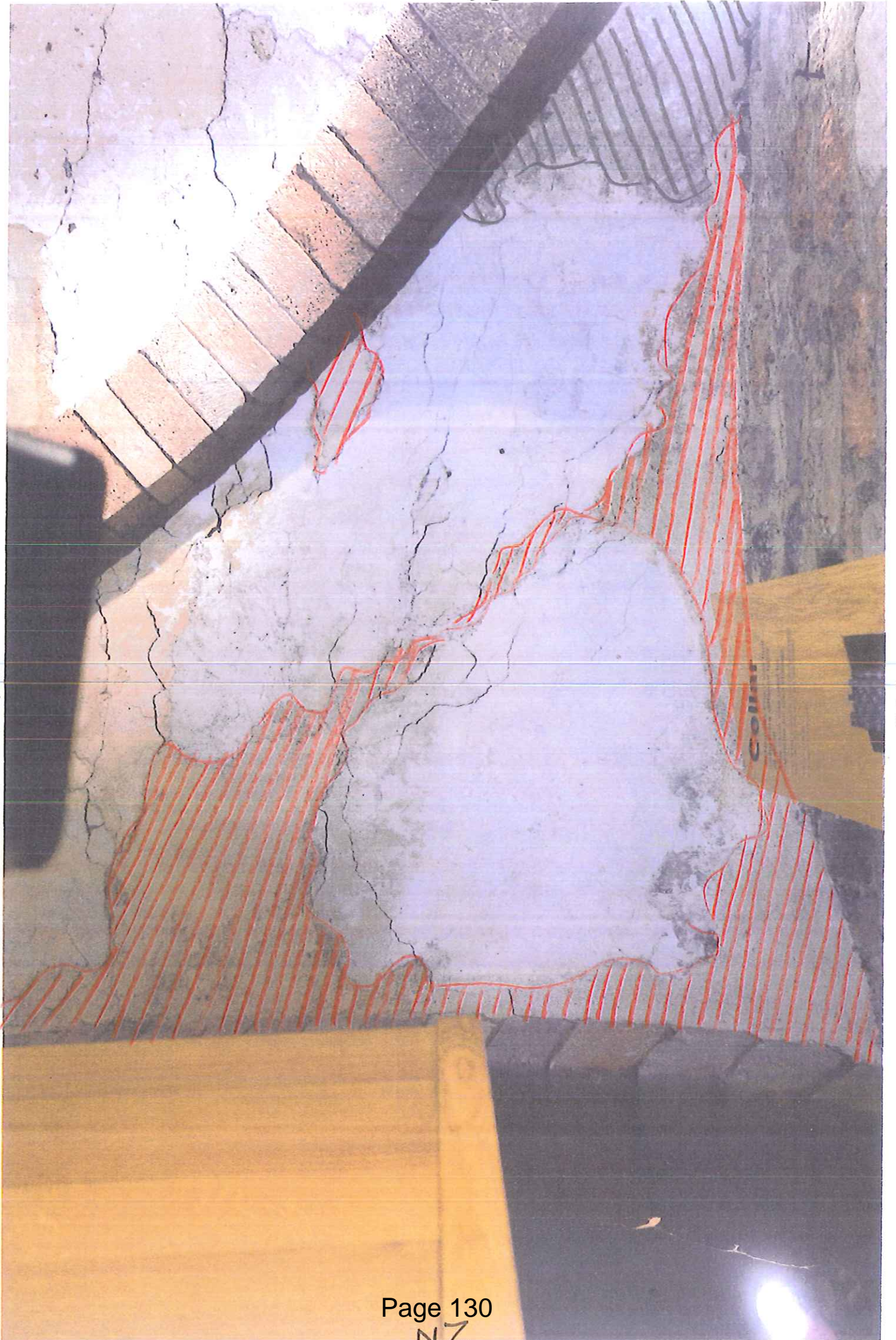
Photographs were taken of each vaulting web and these have been marked up to show areas of later plaster.

Rough sketch to show the numbering system and key for the recording of later repairs on photographs.









AZ

N2

31

31

31





3V

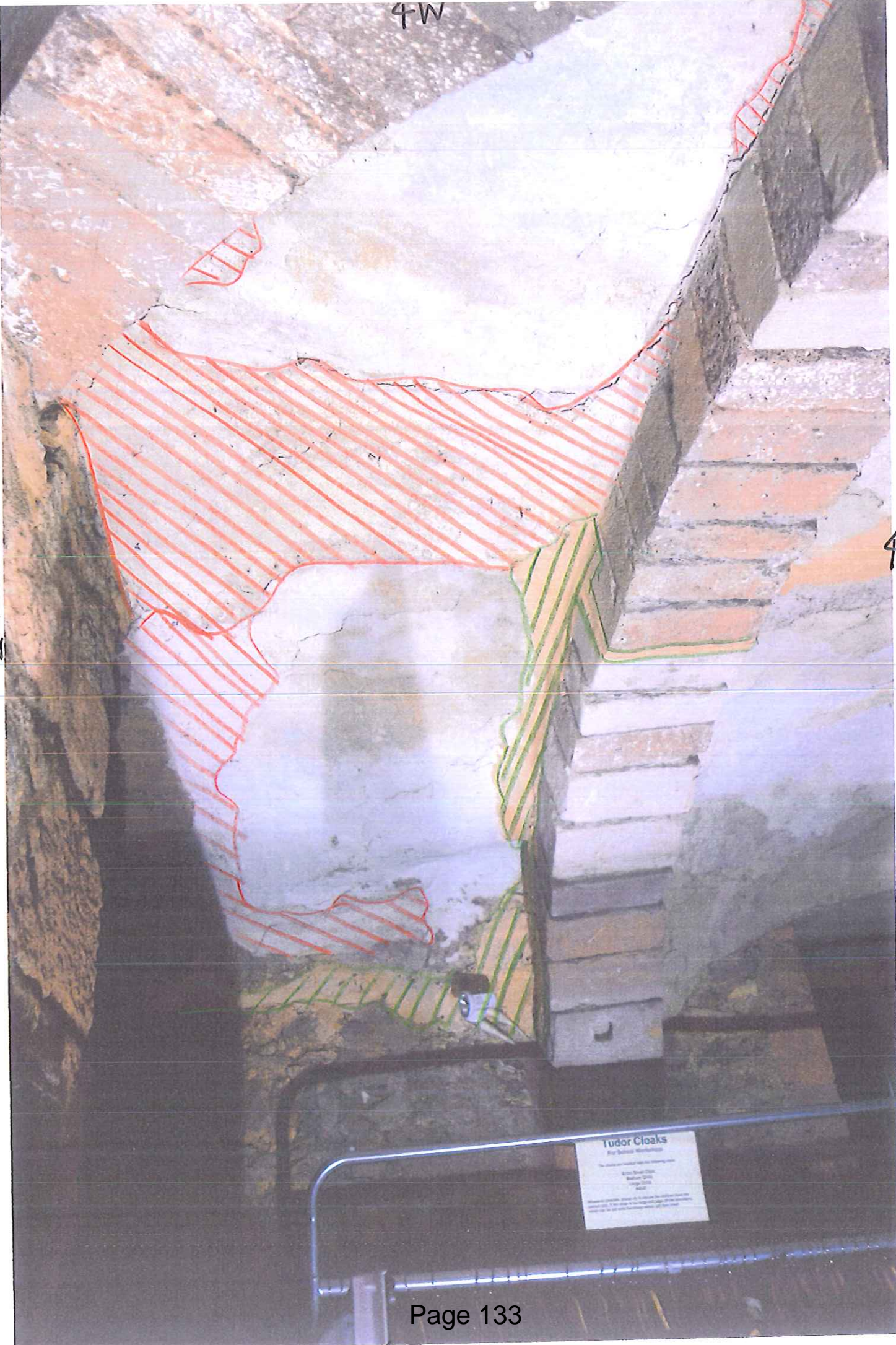
W

3S

4W

4S

N



Tudor Cloaks
 For better weather
 The Tudor period was an interesting one
 from 1485 to 1603
 1485
 1509
 1555
 1603

4E

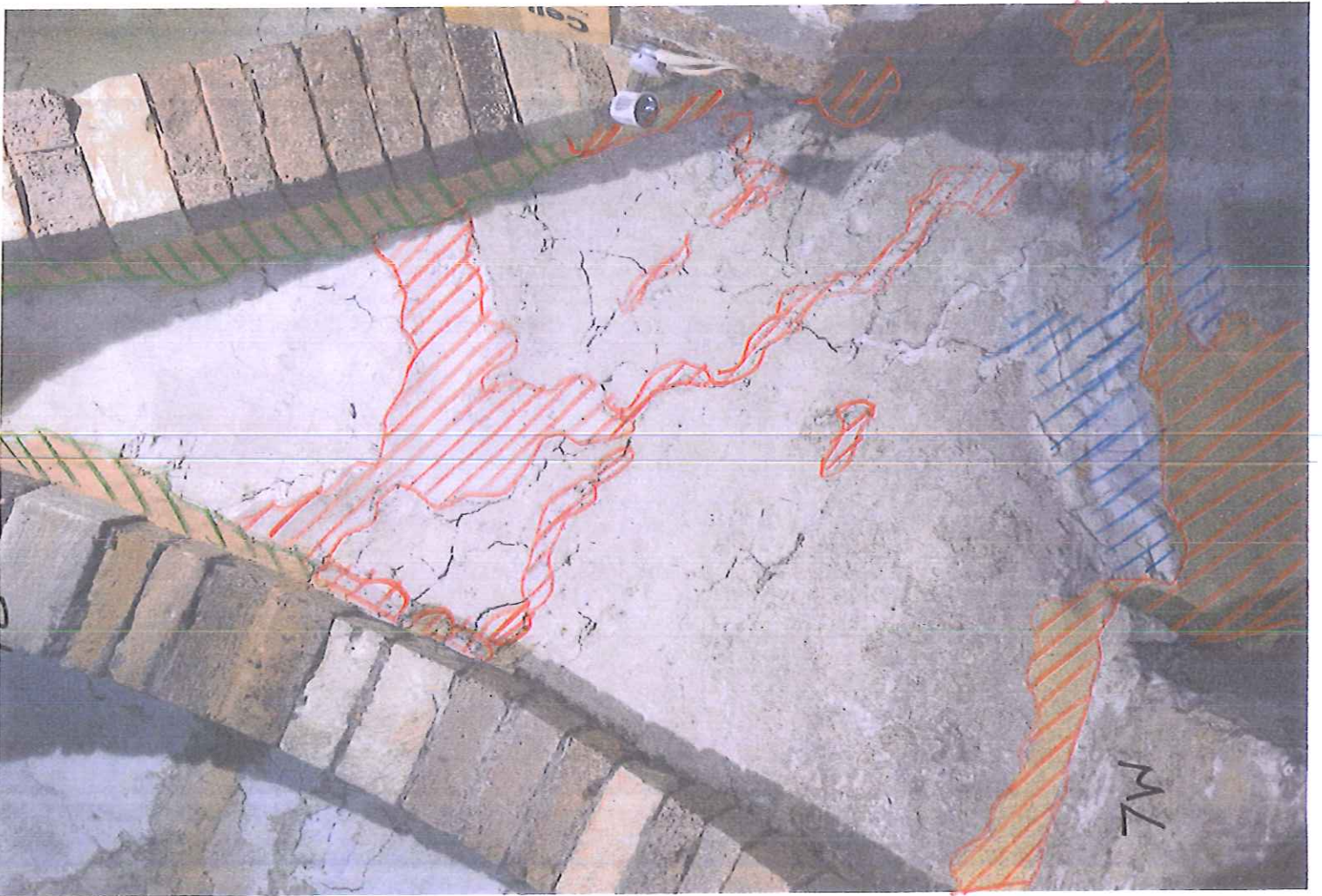
5



7 DOORWAY



7N



7N

7S

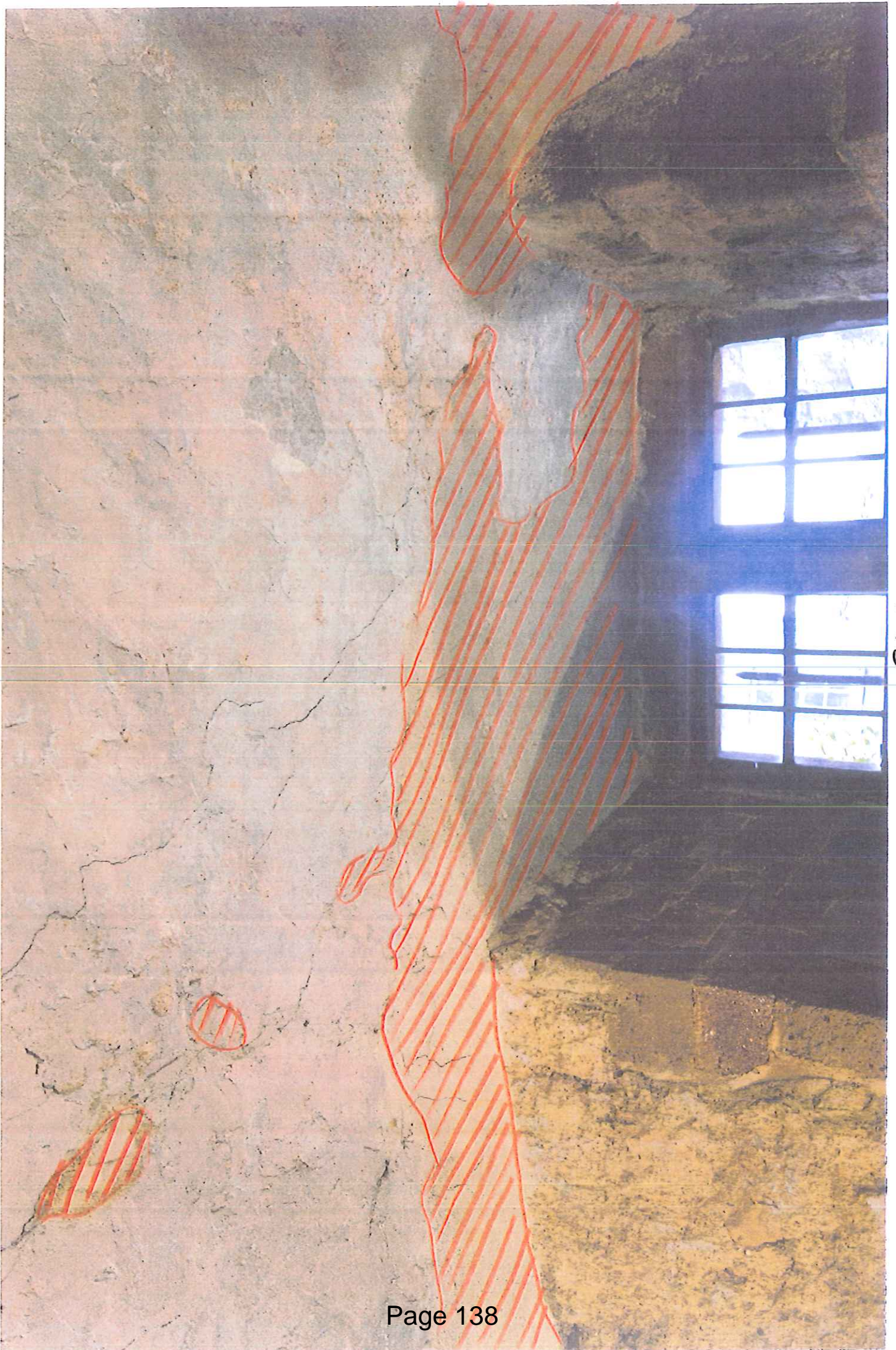
8N

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82



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10V

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S01

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10
N



REPORT TO EXECUTIVE & COUNCIL

Date of Meeting: 12 April 2016 & 19 April 2016

Report of: Assistant Director Environment

Title: Devon Authorities Strategic Waste Committee

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 This report informs the Council about the proposal to replace the Devon Authorities Waste Reduction and Recycling Committee (DAWRRC) with a new strategic waste management committee. It recommends that Exeter City Council elects to join this new committee, known as the Devon Authorities Strategic Waste Committee (DASWC).

2. Recommendations:

- (i) That Executive supports, and Council approves, Exeter City Council electing to join the Devon Authorities Strategic Waste Committee from 29 June 2016;**
- (ii) That Executive supports, and Council approves, the Portfolio Holder for Health and Place representing Exeter City Council on the Committee;**
- (iii) That Executive supports, and Council approves, the Portfolio Holder for Health and Place nominating another elected member to attend on occasions when he or she is not available.**

3. Reasons for the recommendation:

3.1 This will enable Exeter City Council to continue to benefit from the sharing of good practice and from jointly funded projects that promote sustainable waste management in Devon.

4. What are the resource implications including non financial resources.

4.1 There are no changes in revenue or capital budget associated with this recommendation. For 2016/17, Exeter City Council is currently committed to contributing £9,467 towards the Committee's budget £175,630 to support Devon-wide projects. This contribution is in the form of a contribution from our projected recycling credit income.

5. Section 151 Officer comments:

There are no additional financial implications contained within this report.

6. What are the legal aspects?

6.1 The Devon Authorities Strategic Waste Committee (DASWC) will have no legal powers over the member authorities. DASWC will be able to make recommendations to the Devon Chief Executives' and Leaders' Group, and to exercise any powers that are delegated to it by the member authorities. DASWC's terms of reference are listed on Appendix i.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer.

8. Report details:

8.1 A committee involving all Devon local authorities (currently excluding the unitary Plymouth City Council) has existed since 1992, known initially as the Joint Recycling Committee and since 1999 as the Devon Authorities Waste Reduction and Recycling Committee (DAWRRC).

8.2 This period has seen Devon's recycling rate increase to over 50%, currently the third-highest in England. The Committee has also overseen the introduction of innovative projects such as furniture reuse credits, community composting, the Don't Let Devon Go To Waste campaign, the 'real nappy' campaign and waste education in schools.

8.3 However, with waste reduction and recycling performance having reached a plateau, members of the Committee agreed that a new body with a more strategic role was needed. In 2014 – 2015 the proposal for a formal Joint Waste Authority in Devon was investigated. Although the Devon authorities did not proceed with the proposal, this work did identify some of the potential cost savings and performance improvements that could result from more joint working. With a formal Joint Waste Authority ruled out, the DAWRRC agreed in October 2015 to form a new strategic waste authority to replace itself. The attached DAWRRC report (Appendix 1) explains the proposal in more detail.

8.4 In order to take part in the new Devon Authorities Strategic Waste Committee, the member authorities must confirm their agreement to join (see Recommendation (i) above). It is expected that each authority is represented at the new Committee by the appropriate Executive member (or equivalent), who will also nominate a deputy to attend in his or her place if required. Exeter City Council's member will be supported at this Committee by a senior officer, normally the Cleansing and Fleet Manager.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 A more strategic, joined up approach to waste and recycling in Devon is expected to help improve Exeter's recycling rate, optimise income and minimise the costs of waste management.

10. What risks are there and how can they be reduced?

10.1 Exeter City Council has enjoyed membership of a joint committee since 1992 with no adverse consequences. There are no new risks arising from membership of the new Devon Authorities Strategic Waste Committee, whereas there would be a risk from not being a members, as the Council would not be 'at the table' to help inform and influence the strategic direction of waste management.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

The impacts are beneficial - a more strategic, joined up approach to waste and recycling in Devon is expected to help improve Exeter's recycling rate, improving income, reducing our carbon footprint and reducing costs of waste disposal to citizens.. No negative impacts have been identified.

12. Are there any other options?

Exeter City Council could decline to join the Devon Authorities Strategic Waste Committee. However, this would result in Exeter being unable to influence strategic waste policy and missing out on opportunities to make financial savings, attract external funding and achieve service improvements and higher recycling rates that are expected to result from participation in the new Committee.

Assistant Director: Robert Norley

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:

Simon Hill, Cleansing and Fleet Manager
simon.hill@exeter.gov.uk

Democratic Services (Committees)
Room 2.3
01392 265275

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The Future of the Devon Authorities Waste Reduction and Recycling Committee (DAWRRC)

Report of the Head of Highways, Capital Development and Waste

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect

Recommendation: It is recommended that the Committee:

- (a) supports the proposal to develop a new strategic waste management committee to replace the DAWRRC;**
- (b) supports the proposal to name the new committee the Devon Authorities Strategic Waste Committee;**
- (c) recommends to all Partner Authorities to elect to join the new Committee.**

1. Introduction

The Devon Authorities have worked together for 23 years following the setting up of a working party in 1990 to coordinate waste recycling. A Joint Recycling Committee which was first established in 1992, was subsequently replaced by the existing Devon Authorities Waste Reduction and Recycling Committee (DAWRRC) in November 1999.

Initially the need to work together began as an enlightened approach to increasing recycling in Devon from 2% in 1990 when it was carried out solely by the community sector. It gained drivers along the way particularly when the Government included statutory combined recycling and composting targets for district councils and county councils together and when the EU Landfill Directive came into play.

The Committee is made up of members from all the Devon District Councils, the County Council and Torbay Council. Plymouth City Council withdrew from DAWRRC in 2014.

At its meeting on 20 July 2015, (Minute 61) it was agreed that 'the Committee acknowledged proposals for the replacement of the Devon Authorities Waste Reduction and Recycling Committee with a new joint committee to underpin a more strategic approach to waste issues and noted that detailed proposals worked up by partner authorities would be submitted to the next DAWRRC meeting for endorsement and approval by partner authorities.'

2. Joint initiatives

The Devon Authorities have worked together on:

- The Waste Management Strategy for Devon, first published in 2005.
- The Waste and Resource Management Strategy for Devon Review, published in 2013 & Action Plan.
- The 'Don't let Devon go to waste' campaign which has raised awareness and encouraged the householders of Devon to reduce, reuse and recycle their waste via a mix of media including TV, radio, website, social media, roadshows, doorstepping, bus advertising, adshels, bill boards, posters and leaflets.

- The Schools Waste Education Strategy, first published in 2003, and the implementation of a range of initiatives in schools including workshops, theatre groups, waste audits and action plans, recycling schemes, composting schemes, visits to sites, website resources and a yearly waste summit.
- Joint contracts for the sale of paper, glass, textiles and bulk haulage enabling consistent and high material buy in rates.
- Successful bids for >£10million over the years from Defra, BIS, DCLG and WRAP.
- Support for the Community Sector in the form of Funding of the Devon Community Recycling Network Coordinator and the Devon Community Composting Network Coordinator and their assistants.
- Funding through Re-use credits of the Devon Furniture Forum groups.

Joint working has helped move Devon's recycling rate from 2% to 55% and in 2010/11 Devon was the top recycling county in the country. The amount of residual waste disposed of has reduced from 292,295 tonnes in 2000/01 to 164,434 tonnes in 2014/15 (down 56%). Similarly Torbay has seen a rise to 42% recycling with a reduction in residual waste from 49,570 tonnes in 2003/4 to 36,440 in 2014/15.

3. Devon Waste Partnership

Over the last two years attempts have been made through the Executive Waste Board for Devon to further progress partnership working and realise efficiencies by working in a more unified way.

The group assisted by some consultancy funded business analysis explored the possibilities of working through a Joint Waste Partnership or delivering a more unified service through other methods. e.g. procurement, cluster working, aligned collections etc.

However, whilst it was not possible to form a formal partnership, the desire to work closer together on more strategic waste issues remains, particularly with the need to deliver further savings whilst maintaining or improving performance.

The consultant employed to help develop the working model was clear that at least 50% of the potential savings to be gained from working as a formal Joint Waste Partnership could be achieved without a formal Partnership being in place. The recycling rate could also be increased by authorities following the "aligned collection regime" option (weekly food waste, weekly recycling, fortnightly residual collection and charged for garden waste).

A number of districts have already formed partnerships, or have worked or continue to work closely with their neighbouring authorities. All Devon Authorities have recently signed up to the Heart of the South West Statement of Intent towards devolution and development of a new more strategic waste management committee would support those principles.

4. Future Role of DAWRRC

Whilst DAWRRC has played a significant role in developing and promoting waste minimisation and recycling initiatives, it is recognised that its remit has been somewhat limited with regard to wider strategic work issues.

It is therefore considered that it would be timely now to revisit the purpose and role of the current Committee to ensure that more strategic waste management committee is provided; it is correspondingly suggested that the current Committee be wound-up and replaced by a new body with new working practices/operating principles and terms of reference to reflect

those wider, more strategic, aims and objectives, such that items which could be taken to a new Committee could include:

- Joint procurement e.g. of vehicles, bins and in-cab.
- Joint materials contracts – new materials e.g. card and mixed plastics.
- Proposed waste service changes.
- Behavioural change strategy for Devon.
- Mechanism for sharing savings between County and District Councils.
- Organic waste strategy for Devon.
- Collection and disposal of Healthcare waste.

In addition the new Committee would take ownership and be responsible for developing and implementing the Resource and Waste Management Strategy for Devon Action Plan.

It is proposed that the new Committee be called the Devon Authorities Strategic Waste Committee but this will be subject to further approvals.

5. Financial Implications

The current DAWRRC budget for 2015/16 stands at £188,644. This is made up of a topslice of the recycling credits paid by the County Council to the District Councils, and includes additional contributions from Devon County Council and Torbay Council. This budget could be reviewed as part of the remit of any new Joint Committee.

6. Timescale

If the proposals are approved it is proposed that the first meeting of the new Committee would be in June 2016 – to enable all constituent/ member Councils to agree to the new joint arrangements and approve the establishment of a new Committee. The last DAWRCC meeting would be in February 2016.

7. Governance

The DAWRRC cannot simply morph into a new committee or amend its constitution and terms of reference to suit. Any changes will require the approval of all constituent councils and it is suggested that the most sensible approach would be for the existing committee to be wound-up and a new joint committee created. With the emphasis and imperative for the group to work in the current climate of austerity, this actually offers an opportunity to refocus the work of the committee around potential income generation and efficient service solutions which require a different mandate.

A draft constitution and terms of reference are attached at Appendix I. It is proposed that each Partner Authority will elect their Cabinet Member with the waste remit/portfolio to sit on the Committee with one vote per authority.

8. Sustainability Considerations

Establishing a new committee to consider more strategic waste management issues across Devon and Torbay has the potential to deliver improved sustainable solutions.

9. Financial Considerations

There are no financial impacts arising as a result of this report but there could be in the future depending on how the Committee evolves.

10. Carbon Impact considerations

There are no carbon impacts as a result of this report.

11. Equality and Diversity

There are no equality and diversity issues as a result of this report.

12. Legal considerations

Legal and constitutional issues with respect to modifications to a Committee should the recommendations be approved would need to be considered going forward.

David Whitton
Head of Highways Capital Development and Waste

Electoral Divisions: All in Devon

Local Government Act 1972: List of Background Papers

Contact for enquiries: Annette Dentith

Room No: Matford Lane Offices, County Hall, Exeter

Tel No: (01392) 38383190

Background Paper	Date	File Ref.
None		

ad071015dwr future of DAWRRC
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**CONSTITUTION AND TERMS OF REFERENCE FOR THE DEVON AUTHORITIES
STRATEGIC WASTE COMMITTEE**

1. Constitution

1. The Committee is established under the provisions of Section 101 of the Local Government Act 1972. The area in which the Committee is to exercise its authority is within the administrative areas of Devon County Council and Torbay Council.
2. The Committee shall comprise of one elected Member with Cabinet/Executive or 'portfolio' responsibility for waste management from each of the respective Authorities, as appointed by each Authority. Each Authority will ensure that its appointed Committee Member is a member of its Cabinet or Executive. Each Authority will elect a Deputy Committee Member to attend if the elected Joint Committee Member is not able to.
3. Each Authority should notify the Administering Authority in writing of any appointment of a Deputy Committee Member. Authorities may change their appointed Joint Committee Members at any time by notification in writing to the Administering Authority
4. The role of each Committee Member will be to attend meetings of the Committee, to vote on items of business, to commit to and make a positive contribution to the Joint Committee, and to act as a champion and ambassador for the Committee, seeking any necessary approvals from their Authority. Voting rights shall be restricted to those local authorities which make a financial contribution to the Committee's budget
5. The Committee shall normally meet 3 times per year, with an annual presentation of statistical performance.
6. The Chairman and Vice-Chairman shall be elected annually by the Committee; the offices of Chairman and Vice-Chairman shall rotate annually between the County Council and Torbay [as a group] and the District Councils [as a group], provided the relevant Committee Member represents a local authority with voting rights. Nominations for these posts may be stipulated by the constituent council or made and seconded by any Member of the Committee with all Members present holding voting rights being able to vote. The inaugural Chairman will be the County Council Member with Vice Chair being a District Council Member. This would then change to a District Council Member as Chair with a Torbay Member as Vice Chair and so it would rotate.
7. The County Council shall be the Administering Authority for the Committee. The County Council's Procedure Rules (Standing Orders) and Financial Regulations shall apply to the Committee's procedures and activities.
8. The Committee shall have the power to co-opt other representatives to serve in a non-voting capacity. These would be Associate Members without voting rights but the ability to speak.
9. The County Treasurer shall hold a separate account for the Committee.

2. Terms of Reference

The purpose of the Committee is:-

1. To promote sustainable, cost effective and efficient service delivery through a shared approach to resource and waste management in Devon.
2. To take ownership of and be responsible for the development, implementation and review of the Resource and Waste Management Strategy for Devon Action Plan.
3. To exercise those responsibilities delegated to the Committee and to make recommendations to the respective Authorities including through the Chief Executives and Leaders group on matters of strategic importance including future strategy, collection, treatment and disposal of wastes; and to implement and further develop initiatives as requested by this group and joint consultative committees.
4. To share resources wherever practicable , having due regard to the opportunities for economies of scale to ensure effective use of resources including joint procurement opportunities to deliver savings to the public purse
5. To continue to develop and implement behavioural change & education initiatives to ensure that communities are well informed and are actively encouraged to maximise their opportunities for waste minimisation, reuse and recycling & composting.
6. To consider and adopt funding policies for the Committee's Budget.
7. To administer payments from the Committee's Budget in accordance with the County Council's Financial Regulations to finance waste management activities; to receive accounts relating to Joint Schemes; and to consider the annual budget for the Committee.

3. Working Arrangements

1. Funding the Committee

- (a) The County Council will withhold an agreed percentage of the recycling credit payment due to the District Councils (credits paid to voluntary groups are excluded from this calculation), with additional contributions from Devon County Council and Torbay Council. This amount will be accounted for separately and held by the County Treasurer on behalf of the Committee. The amount withheld will be agreed by the Committee annually, and will be calculated to produce an agreed budget for supporting waste management projects in Devon. The contribution will be calculated by applying the agreed percentage of the applicable recycling credit rate for the area. In the event that the amount withheld is insufficient to fund agreed countywide projects, the shortfall will be made up by an adjustment in the following financial year.
- (b) The Committee's budget will comprise the payments described in 1(a), plus existing balances held.

2. Membership of the Committee

If any of the parties wishes to cease making a financial contribution [as specified in paragraph 1(a) above], it shall be able to do so at the end of the financial year, on giving at least 6 months' prior written notice to that effect to each of the other parties

and on such cessation and shall automatically cease to be (voting members) of the Committee from that date;

it shall be released from further contributions on condition that it accepts liability whether financial or otherwise for the effect of its action upon any commitments or other arrangements entered into in good faith by member authorities [on behalf of the Committee] with third parties prior to such cessation and shall automatically cease to be (voting members) of the Committee from any such agreed date;

3. Each party shall take out and maintain a public liability policy of insurance in respect of its activities as a member of the Committee in such sum and upon such terms as it shall see fit.
4. Reports for the Committee are to be considered by a Senior Waste Officer Group comprising of waste service managers from each of the respective Authorities which shall meet as required by the programme of Committee meetings. The Senior Waste Officer Group shall set up Working Parties as necessary to consider specific project areas, which will report back to the Senior Waste Officer Group and subsequently to Committee. A Recycling Officers' Forum, made up similarly, will report to the Senior Waste Officer Group on waste minimisation, re-use, recycling & composting initiatives and performance, and attend the Committee on an annual basis.
5. Minutes of the Committee shall be submitted to the relevant Cabinet/Executive or Committee of each constituent Council, and all Partnership Committees.
6. The County Council's Head of Highways, Capital Development and Waste shall collate annual recycling statistics for the Committee's consideration.
7. The County Council's Head of Highways, Capital Development and Waste shall maintain a register of all items of plant and equipment held on behalf of the Committee by constituent Authorities, and other bodies.

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REPORT TO Executive & Council

Date of Meeting: 12 April 2016 & 19 April 2016

Report of: Corporate Manager, Democratic & Civic Support

Title: AMENDMENTS TO THE SCHEME OF DELEGATION AND UPDATES TO THE CONSTITUTION

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

- 1.1 This report sets out proposals to amend the Scheme of Delegation to Officers, Deputies for Delegated Powers and any further relevant amendments to the constitution to match a change in management arrangements with regards to the Human Resources Unit.

2. Recommendations:

That the Council be asked to approve:-

- (1) the changes to the Scheme of Delegation to Officers and Deputies for Delegated Powers as set out in the appendices to this report; and
- (2) any further amendments to the Constitution arising from the change of the management of the Human Resources Unit to the Corporate Manager Legal Services.

3. Reasons for the recommendation:

- 3.1 To ensure that the Scheme of Delegation to Officers is up to date and matches the operational arrangements of the Council.

4. What are the resource implications including non financial resources.

- 4.1 None

5. Section 151 Officer comments:

- 5.1 No comment.

6. What are the legal aspects?

- 6.1 No comment.

7. Monitoring Officer's comments:

- 7.1 This report raises no issue of concern for the Monitoring Officer.

8. Report details:

8.1 The Scheme of Delegation to Officers is the working document which sets out what decisions and powers officers have on a day to day basis. It therefore needs to be up to date to match operational arrangements.

8.2 This latest amendment to the Scheme of Delegation has been necessary following the change in the management arrangements with the Corporate Manager Legal Services having responsibility for the Human Resources Unit.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 It ensures that the Council is working as efficiently as possible.

10. What risks are there and how can they be reduced?

10.1 There are no risks associated with the proposals.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

11.1 None

12. Are there any other options?

12.1 No.

John Street
Corporate Manager, Democratic & Civic Support

Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:-

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275

Delegation to Officers

GENERAL

1. The Strategic Management Team (JNC Officers) and all officers with delegated authority must ensure that relevant Executive members are consulted on all matters of a controversial or sensitive nature. Where appropriate, these matters must be referred to the Executive for a decision/guidance.
2. If a delegated decision requires prior consultation with a specific portfolio holder and that person is not available, if the decision cannot wait, the consultation shall be with the Leader or other portfolio holder.
3. Where any decision proposed under delegated powers is likely to involve a departure from Council policy or any instruction of the Council, Committee or Executive, the officer must refer the matter to the Executive for a decision/guidance after consultation with the Assistant Director Finance where a budgetary issue is involved.
4. Where any decision proposed under delegated powers is likely to involve the approved annual estimate being exceeded, or is outside the approved capital programme or AIM process, the officer with delegated authority must refer the matter to the Executive for a decision/guidance.
5. Where reference is made in the scheme of delegation to an exercise of a function under specific legislation, this shall be deemed to include any statutory extension, amendment, modification and re enactment and any Statutory Instrument, rule, order, or bylaw made thereunder, provided that the nature of the function delegated remains the same.
6. All decisions delegated from the Executive and made under delegated authority shall be recorded by each officer with delegated authority in order that the Scrutiny Committees can properly examine any decision reached.
7. The Deputy Chief Executive, Assistant Directors and Corporate Managers are responsible for the day to day management of operational issues. This Scheme of Delegation is intended to supplement the powers, duties and obligations set out in each officer's job description. Without prejudice to the above, the following powers have been specifically delegated to the following officers:-

CHIEF EXECUTIVE & GROWTH DIRECTOR

1. In consultation with the Leader of the Council, (or in his/her absence the relevant Portfolio Holder), and the Chair of the relevant Scrutiny Committee, to authorise any emergency action required, on any matter which shall include incurring of expenditure, including those falling within the jurisdiction of a Committee, subject to a report then being submitted to the Executive (or relevant Committee).

(Amended May 2016)

2. In cases of emergency and in consultation with the Leader of the Council, the power to prohibit public processions under section 13 of the Public Order Act 1986.
- 3 In consultation with the Leader of the Council, to grant or withhold consent to the Police making the Authorisation pursuant to sections 30 and 31 of the Anti-Social Behaviour Act 2003.
4. To ensure compliance with the Council's Health and Safety Policy throughout the common parts of the Civic Centre.
5. Subject to approved budget and in consultation with the Leader of the Council, Executive member with relevant portfolio to agree redundancies in accordance with the Council's adopted policy and procedure. To prepare a quarterly summary of any such redundancies for information to the Executive, Resources Scrutiny Committee and Audit and Governance Committee.

DEPUTY CHIEF EXECUTIVE, ASSISTANT DIRECTORS AND CORPORATE MANAGERS

1. To be responsible for the effective and efficient day-to-day management of the services for which he/she is responsible in accordance with the Council's agreed priorities and strategic objectives. This shall include authority to sign agreements/contracts in order to fulfil the powers, functions and duties of the service for which the officer is responsible. This power shall only be exercisable where expenditure is included in the approved annual budget, capital programme or AIMs process.
2. To ensure that all policies adopted by the Council, which shall include those relating to its workforce are implemented.
3. In agreement with the Corporate Manager Legal Services, authority to institute legal proceedings under any statute, by law or agreement (which shall include authority to appeal any decision made by a County or Magistrates Court) in the areas for which the Assistant Director/Corporate Manager is responsible.
4. Where appropriate, to defend any proceedings brought against the Council (which shall include the power to defend any appeal lodged against any decision or determination made under delegated authority).
5. To authorise the Assistant Director Environment and Corporate Manager Legal Services to undertake covert surveillance in accordance with the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000.
6. To be responsible for ensuring that the Council's Health and Safety Policy is implemented within their own service area and for all buildings and sites for which they are responsible.

7. Where appropriate to discharge any function/s delegated to an officer within their service area in accordance with this Scheme of Delegation.
8. Authority is required for the removal of goods from Assistant Director Customer Access, Assistant Director Finance, Chief Executive or Deputy Chief Executive.
9. To take all necessary action for the economic, efficient and effective day to day management, administration and supervision of his/her service subject to compliance with the Council's policies on the management, employment and remuneration of staff (or in their absence the agreement of the Chief Executive) including but without prejudice to the generality of the foregoing:
 - Authorising the filling of posts within the approved budget (i.e. within the Council's establishment) and in accordance with the Council's employment policies.
 - The taking of any necessary disciplinary action short of dismissal in accordance with the Council's established policy and procedures (this function may also be exercised by other Officers as set out in the relevant employment policy); and to determine, in consultation with the Human Resources Business Manager/Partner, suspension and/or dismissal of an employee.
 - The approval of changes to the establishment structure subject to existing budgetary provision, in consultation with the Leader of The Council, the Executive member with relevant portfolio, and Human Resources Manager/Partner and the approval of the Head of Paid Service.
10. Assistant Directors in consultation with their Portfolio Holders can vary fees and charges throughout the year to take account of market conditions, with the exception of car parking charges and statutory charges set by the Government. Commercially sensitive fees are no longer published

DEPUTY CHIEF EXECUTIVE

1. In consultation with the Leader of the Council, to amend the Managing Organisational Change and Redundancy Policy and Procedure where necessary.

ASSISTANT DIRECTOR CUSTOMER ACCESS

1. To operate and administer the scheme of housing benefit on behalf of the Council, to include residual council tax benefit including taking all decisions or actions required under the provisions of statute and statutory instrument regulating the scheme and the collection and recovery of Housing Benefits Overpayments.
2. To determine applications for assistance from the Discretionary Housing Payment Fund and Exceptional Hardship Fund'

(Amended May 2016)

3. To exercise the Council's powers in respect of the administration, collection and recovery of monies owed to the Council in respect of national non-domestic rates and council tax; and the Business Improvement District levy on behalf of the Exeter BID Company.
4. To authorise appropriate officers to appear in the Magistrates Court on behalf of the Council in respect of the recovery of national non domestic rates and council tax; and the Business Improvement District levy on behalf of the Exeter BID Company.
5. To operate and administer the local scheme for Council Tax support for working age claimants on behalf of the Council, including taking all decisions or actions required under the Council's local policy and to make administrative amendments to the Council's S 13A policy under LGFA 1992.
6. To operate and administer the scheme for Council Tax support for pension age claimants on behalf of the Council, including taking all decisions or actions required under the provisions of statute and statutory instrument regulating the scheme.
7. In accordance with the Council's approved conditions, policies and allocation scheme to:-
 - (a) Accept/refuse applications for housing. This authority shall include the power, in consultation with Executive member with relevant portfolio, to review any decision affecting an applicants right or eligibility for housing assistance and entry onto the Council's Statutory Housing Register.
 - (b) Where appropriate and in consultation with Executive member with relevant portfolio to accept applications outside those conditions and policies.
8.
 - (a) To undertake all the statutory duties imposed by the Housing Act 1996 utilising temporary accommodation, bed and breakfast accommodation, private sector accommodation and making nominations to registered providers as required.
 - (b) In consultation with the Corporate Manager Legal Services and the Assistant Director Finance, to enter into or determine leasing agreements with private landlords to provide accommodation to homeless households as required to meet the Council's statutory requirements.
9. To arrange for and re-charge as necessary for the removal and storage of personal possessions.
10. In consultation with the Corporate Manager Legal Services, to take legal action to obtain possession of any dwelling occupied by a person accommodated in accordance with the Housing Act 1996 who has refused a reasonable offer of suitable permanent accommodation or who has been declared intentionally homeless.

(Amended May 2016)

11. In consultation with the Executive member with relevant portfolio to make any necessary amendment to the housing scheme.
12. To authorise the service in relation to rent arrears of Notice of Intention to seek Possession (secure tenancies) and Notice to Quit (non-secure tenancies); and Notice of Proceedings for Possession of an Introductory Tenancy (introductory tenancies).
13. Initiation and conduct of legal proceedings for possession in respect of cases where rent arrears are outstanding. This shall include the power to authorise officers to appear in the County Court to represent Exeter City Council in respect of rent arrears.
14. In consultation with Human Resources, the allocation of accommodation in respect of service tenancies which shall include the power to refuse allocation of accommodation to personnel whose employment has been terminated.
15. To arrange rent deposit guarantees in accordance with the Council's policy in consultation with the Assistant Director Finance.
16. To deal with and determine homelessness reviews in accordance with the Housing Act 1996.
17. In accordance with the Housing Act 1980 and the Council's agreed policy to accept/refuse applications for mortgages, including further advances to administer and monitor payments of mortgage instalments and where necessary issue possession proceedings for mortgage arrears in consultation with the Corporate Manager Legal Services
18. To accept payment of arrears of rent by instalments.
19. Authority to apply for a warrant for Possession of Property in relation to rent arrears.
20. Authority to approve financial assistance in the form of relief from Business Rates in respect of Charities/Good Causes and cases of hardship.
21. Power to apply to County Court in respect of Housing Benefit Overpayment Recovery.
22. To grant discretionary and mandatory rate reliefs within the agreed policy of the Council
23. To appoint enforcement agents for the recovery of any outstanding debts.
24. In consultation with Corporate Manager Legal Services, authority to institute legal proceedings where fraudulent activity is suspected in relation to Council Tax Support, Council Tax and Business Rates.
25. Power to impose penalties under LGFA 1992 for the failure to supply requested information in relation to Council Tax liability, discount and exemption and Council Tax Support

(Amended May 2016)

26. In consultation with the Executive member with relevant portfolio and Chief Executive, authority to apply for Charging Orders, Bankruptcy or Committal to Prison.
27. In Consultation with the Executive Member with relevant portfolio, to deal with applications for discretionary rate relief to sports clubs not in receipt of mandatory relief, as registered charities.
28. In consultation with the Executive member with relevant portfolio, to determine in accordance with the Council's agreed policy, applications for discretionary rate relief under sections 47 and 49 of the Local Government and Finance Act 1988.

ASSISTANT DIRECTOR CITY DEVELOPMENT

1. Powers, responsibilities and decisions related to the Council's role as a local Planning Authority and its purpose 'Deliver Good Development' including those related to planning, building control and land charges but excluding: Functions of the Planning Committee, Executive and Council.

The following functions are delegated subject to consultation or agreement with/of other postholders/group.

Function	Consultation or Agreement	With Postholders/Group
<u>Applications</u> Applications (including TPO confirmations) that Ward Members have requested to be brought to the Delegation Briefing. City Council applications not subject to any objections. Applications that have been subject to objections based on material planning considerations that Officers are minded to approve under delegated powers.	Consultation “ “	Delegation Briefing “ “
<u>Enforcement</u> Issue of Enforcement Notice, Stop Notice (inc Temporary), Urgent Works and Repairs	Agreement	Corporate Manager Legal Services and

(Amended May 2016)

Notices and commencement of injunction, prosecution or other formal legal proceedings. Hazardous substance contravention notice.		Executive Member with Relevant Portfolio
<u>S106 Planning Obligations</u> Minor variations of existing s106 agreements, new agreements involving sums of less than £10,000 and those considered necessary with regard to planning appeals. Decisions on use of S106 funding where the terms are not prescribed by the agreement.	Consultation Agreement	Chair of Planning Committee Executive Member with Relevant Portfolio
<u>Neighbourhood Planning</u> Publicity, consideration of representations and decisions in respect of applications for neighbourhood plan areas and forums.	Agreement	Executive Member with Relevant Portfolio
<u>Local Infrastructure Fund</u> Decisions not considered by the Panel	Agreement	Chair of the Major Grants or of any group that replaces it.
<u>Assets of Community Value</u> Decisions on listing assets	Agreement	Executive Member with Relevant Portfolio
<u>Community Infrastructure Levy</u> Governance arrangements and allocation of funds	To be determined	Arrangements as directed by Executive in due course

ASSISTANT DIRECTOR ENVIRONMENT

1. To carry out functions, duties and responsibilities of the Council in respect of the following matters:
 - drainage
 - pest control
 - air and noise pollution
 - properties that are overcrowded, unfit for human habitation or in disrepair

(Amended May 2016)

- abandoned vehicles/waste/refuse
 - control of dogs
 - skin piercing
- (this power shall include authority to take remedial action where necessary).
2. The licensing of:
 - Dog tracks and Guard dogs
 - Dog breeding establishments
 - Dangerous wild animals
 - Pet shops
 - Riding establishments
 - Animal boarding establishments
 - Performing animals
 - Scrap metal dealers
 - Hackney carriages and private hire vehicles
 - Street trading
 - Licensable activities (as permitted under the Licensing Act 2003 and the Gambling Act 2005)
 3. To appoint Inspectors and authorise officers to carry out any function, power or duty within the remit of the Assistant Director Environment.
 4. Without prejudice to the generality of the above, where appropriate in consultation with the Corporate Manager Legal Services, the Assistant Director Environment is authorised to deal with the provisions of and enforce compliance with the following Acts and associated legislation. This shall include the initiation, defence and settlement of legal proceeding, issuing of formal cautions and fixed penalty fines, service of Notices and Orders, the issue, refusal and revocation of licences, certificates and registrations, carrying out of works in default and payment and recovery of costs:
 - 4.1 Caravan Sites and Control of Development Act 1960
 - 4.2 Caravan Sites Act 1968
 - 4.3 Clean Air Act 1993
 - 4.4 Environmental Protection Act 1990 including authorisation and service of notices pursuant to Section 46.
 - 4.5 Food Safety Act 1990 which shall include service of “minded to notices” introduced by the Deregulation and Contracting Out Act 1994 and any Orders or Regulations or other instruments: (i) made thereunder, or (ii) relating thereto, or (iii) having effect by virtue of the European Communities Act 1972 and relating to food safety.
 - 4.6 Prevention of Damage by Pests Act 1949
 - 4.7 Public Health Acts 1936 and 1961 and the Public Health (Control of Disease) Act 1984.

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- 4.8 Local Government (Miscellaneous Provisions) Act 1976 requisition for Information in accordance under section 16
- 4.9 Local Government (Miscellaneous Provisions) Act 1976, Transport Acts 1980 and 1985 and the Town Police Clauses Act 1847 – to grant hackney carriage and Private Hire operator, vehicle and driver licences in accordance with the Council's agreed policy.
- 4.10 Road Traffic Act 1991 (Access to Criminal Records)
- 4.11 Zoo Licensing Act 1981
- 4.12 Litter Act 1983
- 4.13 Control of Pollution Act 1974
- 4.14 Animal Boarding Establishments Act 1963
- 4.15 National Assistance Acts 1945 and 1951
- 4.16 Breeding of Dogs Act 1973 and 1991
- 4.17 Riding Establishments Act 1964-1970
- 4.18 Game Act 1831
- 4.19 Game Licences Act 1860
- 4.20 Dangerous Dogs Act 1991
- 4.21 Guard Dogs Act 1975
- 4.22 Dogs Fouling of Land Act 1996, which shall include enforcing the provisions of the Act including the power to authorise officers of the Council to issue fixed penalty notices in respect of failure to remove faeces from designated land.
- 4.23 The Environmental Protection (Stray Dogs) Regulations 1992 which shall include, in cases of exceptional hardship, the power to waive payment of the recoverable fees and expenses levied in respect of dogs seized and detained as strays.
- 4.24 Water Industry Act 1991 and relevant regulations in relation to:
 - (a) functions with regard to the wholesomeness and sufficiency of public and private drinking water supplies
 - (b) entry into premises for the purpose of analysis of samples of water within Exeter City Council's district
 - (c) receiving and determining applications for authorisation for relaxation of Part III of the private water supplies regulations and the revocation or modification of such authorisations
- 4.25 Health & Safety at Work etc. Act 1974 and any supporting regulations.

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- 4.26 Building Act 1984 – all matters, powers, duties and functions of the Council under the provisions of the following sections:
- Sections 59, 60, 64-66(drainage)
 - Sections 70 (food storage), 72 (means of escape fire), 76 (defective premises), 84 (drainage of yards)
- 4.27 Exeter City Council Act 1987 - the powers, duties and functions of the Council under Part 4 and Sections 21, 22, 23, 24 and 29
- 4.28 Protection from Eviction Act 1977, the Housing Defects Act 1984, the Housing Act 1985, the Housing Act 1988, the Local Government Housing Act 1989 and the Housing Act 2004 – to investigate and take appropriate action under these enactments.
- 4.29 Housing Acts 1985, 1988, 1989, 1996, the Home Energy Conservation Act 1996 and the Housing Grants, Construction and Regeneration Act 1996 – to deal with all matters, powers, functions and duties set out therein.
- 4.30 Noise Act 1996
- 4.31 Noise and Statutory Nuisance Act 1993
- 4.32 Local Government (Miscellaneous Provisions) Act 1976
- 4.33 Local Government (Miscellaneous Provisions) Act 1982 (in accordance with the Council’s agreed policies)
- 4.34 Licensing Act 2003 (to the extent permitted by section 10). In particular to determine:
- applications for Personal Licences, where no police objection is made;
 - applications for Premises Licences/ Club Premises Certificates, where no relevant representations have been made;
 - applications for provisional statements, where no relevant representations have been made;
 - applications to vary Premises Licences/ Club Premises Certificates, where no relevant representations have been made;
 - applications to vary designated Premises Supervisor, where no police objection has been made;
 - requests to be removed as designated Premises Supervisor;
 - applications for transfer of Premises Licences where no police objection has been made;
 - applications for interim authorities where no police objection has been made;
 - decisions on whether a complaint is irrelevant, frivolous, vexatious etc.
 - to determine applications under the Licensing Act 2003 Minor Variations to Premises Licence Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009.
 - the giving of a counter notice for Late Temporary Event Notices
 - whether to make representations as a Responsible Authority
 - the issue of a notice of suspension of licence for non payment of the Annual Fee

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- 4.35 Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3) - to determine applications for the renewal of a sex shop licence
- 4.36 Refuse (Disposal) Amenity Act 1978
- 4.37 Pollution Prevention and Control Act 1999
- 4.38 Clean Neighbourhoods and Environment Act 2005
- 4.39 Health Act 2006 and the Smoke-Free Enforcement Policy - To authorise appropriate Officers under the provisions of Chapter 1 therein
- 4.40 Vehicle Crimes Act 2001 and the Motor Salvage Operators Regulations 2002
- 5 Enforcement of local bylaws.
- 6 Granting financial assistance in accordance with the Council's policy for the repair/improvement of properties. This shall include the power in consultation with the Executive member with relevant portfolio and Assistant Director Finance to waive repayment and depart from the Council's agreed policy where such a departure is minor in nature.
- 7. To deal with the provisions of and enforce compliance with Sections 40 - 42 of the Anti-Social Behaviour Act 2003.
- 8. To deal with and enforce compliance with the provisions of Sections 43 to 45 and 47 of the Anti-Social Behaviour Act 2003, with the exception of sub-section 44(f), which deals with offences contrary to the Town and Country Planning Act 1990 which will be dealt with by the Assistant Director City Development.
- 9. To deal with the provisions of and enforce compliance with sections 55 and 56 of the Anti-Social Behaviour Act 2003, where appropriate in consultation with the Corporate Manager Legal Services.
- 10. To deal with all matters, powers, duties and functions, which shall include the issuing of Licences and permits in respect of lotteries and house to house and street collections in accordance with the House to House Collections Act 1939, the Police Factories (Miscellaneous Provisions) Act 1916 (Street Collections) and Schedule 17 of the Gambling Act 2005.
- 11. Be authorised under Section 53 of the Anti Social Behaviour Crime and Policing Act 2014 (the Act) for issuing Community Protection Notices (CPN) and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a CPN.
- 12. To implement Public Spaces Protection Orders (PSPO) under Part 4 Chapter 2 of the Anti Social Behaviour Crime and Policing Act 2014 following agreement in each case at the multi-agency Anti Social Behaviour Action Team and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a PSPO.

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13. To issue a Closure Notice of no longer than 24 hours following appropriate consultation under Part 2 Chapter 3 of the Anti Social Behaviour Crime and Policing Act 2014.

ASSISTANT DIRECTOR FINANCE

1. To determine interest rates and their applicable dates in respect of new and existing mortgages.
2. In consultation with the Corporate Manager Legal Services to initiate court proceedings for the recovery of arrears in respect of mortgages.
3. To be responsible:
 - a. For all day to day decisions on short term borrowing, investment and financing in accordance with the CIPFA Code of Practice “Treasury Management in the Public Services”.
 - b. In consultation with the Executive member with relevant portfolio for decisions on long term borrowing in accordance with the Prudential Code for Capital Finance in Local Authorities and the CIPFA Code of Practice “Treasury Management in the Public Services”.
4. To deal with all insurance claims against the Council. This power shall include where necessary authority to settle all such claims.
5. To approve all housing advances for purchase or improvement.
6. To be responsible for undertaking the role of Money Laundering Reporting Officer in accordance with the Money Laundering Regulations 2003.
7. The execution and administration of treasury management decisions, in accordance with the Council’s policy statement and treasury management practises and, if a CIPFA member, with CIPFA’s Standard of Professional Practice on Treasury Management.
8. In consultation with the Leader of the Council and the ~~Human Resources- Transactional Services Manager~~ Corporate Manager Legal Services authorize the application of the Councils Local Government Pension Scheme Employer Discretions.
9. To approve the creation or modification of approved contractor standing lists.

ASSISTANT DIRECTOR HOUSING

1. Adaptation of Council Properties for disabled persons.
2. In agreement with the Leader of the Council and the Executive Member with Relevant Portfolio (or their substitutes nominated by the Leader) and the Corporate Manager Property, following receipt of professional property

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management advice, the identification for disposal at market value or less than best value of small areas of land no longer required for the housing unit's purposes, in accordance with the agreed scheme.

3.
 - (a) To administer the scheme for Housing Capital Grant.
 - (b) In consultation with the Assistant Director Finance, to authorise payment of the Housing Capital Grant in accordance with 14(a) above.
 - (c) To negotiate and enter into Nomination Agreements in accordance with 14 (a) and (b) above.
 - (d) Where this does not prejudice the Authority's capital receipt, to seek maximum nomination rights on disposal of land to registered social landlords.
4. In consultation with the Corporate Manager Legal Services to enter into releases of covenants affecting former Council rented or shared ownership dwellings.
5. To deal with and approve applications for grant in accordance with section 24 and 25 of the Local Government Act 1988.
6. In consultation with the Corporate Manager Legal Services, to:-
 - (i) institute injunction proceedings in respect of anti-social behaviour pursuant to section 13 of the Act;
 - (ii) institute proceedings in the County Court to obtain Demotion Orders pursuant to section 14 of the Act;
 - (iii) institute proceedings in the County Court to obtain possession orders pursuant to section 16 of the Act; and
 - (iv) In consultation with the Executive Member with Relevant Portfolio and the Assistant Director Finance, to make minor amendments to the Contract Regulations to reflect changes in legislation.
7. In consultation with the Executive Member with Relevant Portfolio and Finance and Estates officers, to acquire suitable premises under the Housing Asset Management Plan framework using receipts generated by the disposal of assets.
8. In consultation with the Executive Member with Relevant Portfolio, to undertake an Enforced Sale, an Empty Dwelling Management Order or a Compulsory Purchase Order to bring an empty property back to use.
9. To arrange for and re-charge as necessary for the removal and storage of personal possessions.
10. The Service of Notice of Intention to Seek Possession.

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11. Initiation and conduct of legal proceedings for possession in respect of cases where rent arrears are outstanding. This shall include the power to authorise officers to appear in the County Court to represent Exeter City Council in respect of rent arrears.
12. Grant, administer and, where necessary, terminate any flexible tenancy.
13. Approve the use of commuted sums, as required, to acquire new affordable housing in consultation with the Executive Member with Relevant Portfolio and Finance and Estates Officers.
14. Approve the use of consultants to assist the Housing Development Team in undertaking viability appraisals and the appraisal of new forms of affordable housing delivery in consultation with the Executive Member with Relevant Portfolio.
15. To terminate any tenancy or licence where necessary, by relying on the absolute grounds for possession introduced by the Anti Social Behaviour Crime and Policing Act 2014 (the ASBCP Act 2014).
16. In consultation with the Executive Member with Relevant Portfolio in conjunction with the Assistant Director Finance and the Corporate Manager Legal, approve a repayment plan with a landlord where a property is handed back early from a private rental agreement with an individual landlord where outstanding funds are owed to the Council. This will be subject to a legal charge being created and registered in the Council's favour against the property.

ASSISTANT DIRECTOR PUBLIC REALM

1. All matters relating to the day-to-day management of the River Exe and Canal.
2. The day-to-day management, lettings and allocation of harbour mooring and to issue consents to use landings, slipways, pontoons and berthing subject to such charges and policies approved by the Council.
3. In consultation with the Corporate Manager Legal Services, the regulation and enforcement of Harbour by-laws.
4. To exercise the Council's powers under Section 6-8, 25 and 30 of the Exeter City Act 1987.
5. In consultation with the Corporate Manager Legal Services, to agree/refuse requests for road closures.
6. To discharge the powers conferred on the City Council by the following sections of the Exeter City Council Act:-

Section 19 – Restriction of vehicles in certain residential streets; and

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Section 30 – Prohibiting of parking of vehicles on footways, verges and central reservations.

7. To agree requests for the adoption of land and facilities provided by a developer for the Parks and Open Spaces service pursuant to a planning obligation.
8. In consultation with other Assistant Directors as appropriate, the letting of parks and open spaces for special events where this does not have a negative financial impact on the Council.
9. To deal with burials in accordance with the National Assistance Acts 1948-1951 and the Public health (Control of Diseases) Act 1984.
10. Where appropriate, to serve Notices to Quit terminating allotment tenancies.
11. In consultation with the Corporate Manager Legal Services and the Portfolio Holder Environment, authority to make amendments to the Allotment Gardens Rules and Conditions.
12. The identification for disposal of small areas of land no longer required for leisure purposes.
13. In consultation with the Leader of the Council and Executive Member with Relevant Portfolio to consider objections to Exeter City Council Parking Places Orders and amendments hereto.
14. Be authorised under Section 53 of the Anti Social Behaviour Crime and Policing Act 2014 (the Act) for issuing Community Protection Notices (CPN) and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a CPN.
15. To implement Public Spaces Protection Orders (PSPO) under Part 4 Chapter 2 of the Anti Social Behaviour Crime and Policing Act 2014 following agreement in each case at the multi-agency Anti Social Behaviour Action Team and related Fixed Penalty Notices of a £100 penalty fee in respect of breaches of a PSPO.
16. Authority to enter into management agreements with duly elected Allotment Associations, as prescribed (Council 15 October 2014) in consultation with Executive Member with Relevant Portfolio
17. To reassign any residue from any future capital funding for the waterway in order to effect immediate and or significant repairs elsewhere in the Canal or Quay, in consultation with the Executive Member with Relevant Portfolio and the Assistant Director Finance.
18. To exercise the powers and functions of the Council under Section 26 of Exeter City Act 1987.

19. In consultation with the Assistant Director Finance, the power to vary the fees and charges in respect of the Council's recreational and sports facilities (this shall exclude any facilities which may have been outsourced by the Council).
20. In consultation with the Executive Member with Relevant Portfolio to decide on bids for the use of the Bowling Green Marshes Fund, in accordance with the agreed criteria and having sought the views of ward members.

CORPORATE MANAGER LEGAL SERVICES/MONITORING OFFICER

1. To act as the Council's Chief Legal Advisor responsible for the initiation, defence, settlement and conduct of any legal proceedings which may affect the interests of the Council or the inhabitants of the City.
2.
 - (a) The service of any notice required to terminate any contract, agreement or lease entered into by the Council including notices to vary any terms of such contract, agreement or lease.
 - (b) Where power to institute proceedings in the Magistrates Court is given by statute to the Council, the Corporate Manager Legal Services/Monitoring Officer shall institute and progress those proceedings (including progressing them in the higher courts if appropriate).
 - (c) In consultation with Assistant Director concerned, authority to issue formal cautions where he/she considers this appropriate.
3. To authorise officers under Section 7 of the Exeter City Act 1987 in respect of the maintenance of the city walls.
4. In consultation with the Assistant Director Finance and Corporate Manager Property following receipt of professional property management advice, authority to agree the release of any covenants imposed on former council houses where such release is in the interests of the Council.
5. To apply to the Justices to authorise entry into land or premises by persons named by the Assistant Director City Development under the Town & County Planning Act 1990 (as amended).
6. In conjunction with the Assistant Director Public Realm, to approve orders under Section 21 of the Town Police Clauses Act 1847, for the temporary closure of streets, subject to consultation with police and the County Council.
7. To attest the Common Seal of the Council and sign other legal documents. In his/her absence, this may also be undertaken by the Chief Legal Executive or in their absence by the Chief Executive & Growth Director.
8. To provide and sign statements of truth in accordance with the Civil Procedure Rules.

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9. To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Corporate Manager Legal Services considers that such action is necessary to protect the council's interest.
10. To discharge the functions of the Monitoring Officer as set out in Articles 11 and 14 of Part 2 of the Constitution.
11. To approve minor administrative/typographical corrections to the Constitution in consultation with the Leader of the Council.
12. In consultation with the Council's appointed independent person, to deal with any complaint received, alleging a breach of the Members Code of Conduct in accordance with the complaints procedure, including the authority to decide whether an allegation merits investigation.
13. To determine requests from Members for dispensations to take part in the debate and/or vote in a meeting where he/she has an interest to declare, and where there is conflict, for another member of the Audit and Governance Committee to be consulted.
14. The authority to amend HR policies and procedures where a statutory change or an organisational change (i.e. change in job title/role) has occurred making the amendments necessary.

CORPORATE MANAGER DEMOCRATIC/CIVIC SUPPORT

- 1
 - (a) Designated as the "proper officer" for the purpose of the following sections of the Local Government Act 1972:-
 - (i) Section 100B(2) - determination of the agenda items and reports which are likely to be dealt with in part 2
 - (ii) Section 100B(7)(C) - supply of papers to the press
 - (iii) Section 100C(2) - summaries of the proceedings held in part 2
 - (iv) Section 100F(2) - determination of documents not available for inspection by members
 - (b) Designated as the "proper officer" in respect of The Executive Arrangements (Decisions, Documents and Meetings) (England) Regulations 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
2. In consultation with the leaders of the Political Groups, to implement minor variations of numbers and appointments of members of Committees/Sub-Committees, in order to comply with the proportionality requirements of the Local Government and Housing Act 1989.

3. To exercise the powers set out in section 31 of the Exeter City Act 1987 in respect of the restriction on the use of armorial bearings.
4. To authorise the use of the Guildhall for private functions.
5. To carry out the duties of the Electoral Registration Officer and/or arrange for the discharge of the Returning Officer's duties.

CORPORATE MANAGER POLICY, COMMUNICATIONS AND COMMUNITY ENGAGEMENT

1. To conduct listing reviews and compensation reviews in respect of assets of community value.

CORPORATE MANAGER PROPERTY

In respect of every single decision/transaction, the Corporate Manager Property or the officer appointed for the purpose shall exercise the authority delegated to him/her in accordance with the following:

- 1) In undertaking decisions/transactions the following authority and decision processes will apply:
 - (a) Where the cost or equivalent value to the Council does not exceed £25,000 per annum - The Corporate Manager Property or the officer appointed for the purpose.
 - (b) Where the cost or equivalent value to the Council is between £25,000 and £50,000 per annum - Corporate Manager Property or the officer appointed for the purpose in consultation with the Deputy Chief Executive.
 - (c) Where the cost or equivalent value to the Council is between £50,000 and £100,000 per annum - Corporate Manager Property or the officer appointed for the purpose in consultation with the Executive member with relevant portfolio and the Deputy Chief Executive.

Provided always that any decision/transaction which may involve expenditure over £100,000 in value shall be reported to the Executive for a decision.

For the avoidance of doubt no delegated authority shall be exercised unless in accordance with 1 (a) to (c) above

2. Authority to enter into and grant leases, licenses, tenancies at will and wayleave agreements.
3. To consent to the assignment, sub-letting or surrender of existing leases and to approve amendments to the terms of existing leases, licence or agreement.

4. Where appropriate in consultation with the Corporate Manager Legal, to authorise and take necessary legal proceedings for the termination and renewal of leases, agreements and licences.
5. In consultation with the Assistant Director Finance and Corporate Manager Legal, to take legal/court action to enforce payment of rent and other charges due to the Council.
6. To approve the revision of rent and licence fees either in accordance with the formula set out in the lease or in accordance with the open market value. This shall include authority to agree not to increase the rent where appropriate.
7. In consultation with the Corporate Manager Legal, authority to institute proceedings for the removal of trespassers on City Council land.
8. In consultation with the Corporate Manager Legal, authority to exercise the powers contained under Section 77 and 78 of the Criminal Justice Public Order Act 1994.
9. Authority to submit planning applications for the development or redevelopment of Council owned sites.
10. In accordance with any procedures required by the Asset Management Plan and in consultation the Assistant Director Finance, where this is deemed to be in the overall best interests of Exeter City Council, and where such disposal is of no strategic importance to the Authority, the disposal by freehold sale of land and/or buildings at open market value.
11. Authority to vary or release freehold covenants where such release is not likely to prejudice the Council's existing land holding or any future development proposals.
12. In consultation with the Assistant Director Finance and Corporate Manager Legal, to pay or accept compensation where appropriate.
13. In consultation with the Assistant Director Finance, authority to acquire interests in land, provided that such acquisition is catered for within the capital bidding programme and the AIM process.
14. To act as appointing officer and take all necessary action to comply with Party Walls, etc. Act 1996.
15. In consultation with the Assistant Director Finance and in agreement with the other relevant Assistant Director(s), to agree requests for the adoption of land and facilities provided by a developer pursuant to a planning obligation.
16. To approve the creation or modification of approved contractor standing lists.

SERVICE MANAGER – BUSINESS AND COMMERCIAL OPERATIONS

1. Responsibility to interpret the Allotment Garden Rules and Conditions (agreed Council 15 October 2014) in the case of a dispute.

(Amended May 2016)

EVENTS, FACILITIES & MARKETS MANAGER

1. The alteration of market days required as a result of statutory holidays.
2. To establish/vary tolls, fees and charges in respect of the Matford Centre, Corn Exchange and the various markets authorised by Exeter City Council.
3. The day-to-day management, including where appropriate, opening hours and bookings for the Council's recreational facilities.

MUSEUM MANAGER

1. The effective day to day running of the City Museums and to determine the casual use of the Museum buildings in connection with events promoted by or supported by the City Council.
2. To exercise the powers and functions of the Council under Sections 9, 10 and of Exeter City Act 1987.
3. To agree requests for the adoption of land and facilities provided by a developer for the Museums service pursuant to a planning obligation.
4. In consultation with the Executive Member with Relevant Portfolio to approve items for de-accession from the museum collection, unless the item is of a significant nature or monetary value.
5. In consultation with the Executive member with relevant portfolio and the Assistant Director Finance to make advances/loans to Social, Cultural and Sporting organisations in accordance with the Council's agreed policy, provided that such advances/loans are within the Council's agreed budgetary allocations.

~~HUMAN RESOURCES TRANSACTIONAL SERVICES MANAGER~~

- ~~1. The authority to amend HR policies and procedures where a statutory change or an organisational change (i.e. change in job title/role) has occurred making the amendments necessary.~~

Deputies for Delegated Powers

OFFICER WITH DELEGATED AUTHORITY	DELEGATION NUMBER	DEPUTY
DEPUTY CHIEF EXECUTIVE, ASSISTANT DIRECTORS AND CORPORATE MANAGERS	9 (2 – Necessary Disciplinary Action)	AD – Environment – Cleaning and Fleet Manager AD – Public Realm – Public & Green Spaces Manager
ASSISTANT DIRECTOR CITY DEVELOPMENT	1	Relevant postholder
ASSISTANT DIRECTOR CUSTOMER ACCESS	1 – 28	System Lead Finance Housing Needs Manager Services Improvement Lead Local Taxation Services Improvement Lead Benefits Services Improvement Lead Payments Services Improvement Lead Customer Support
EVENTS, FACILITIES & MARKETS MANAGER	1 – 3	Corn Exchange – Events, Facilities & Marketing Officer Matford Centre/Markets – Markets, Facilities & Admin Officer Leisure Facilities – Leisure Facilities Manager Tourism Facilities – Visitor Facilities Officer
MUSEUM MANAGER	1 – 5	Content Management Lead Officer

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ASSISTANT DIRECTOR ENVIRONMENT	1 - 12 1-7 4.4 10	Environmental Health & Licensing Manager Private Sector Housing Manager Cleansing and Fleet Manager Principal Licensing Officer
ASSISTANT DIRECTOR FINANCE	1 - 9	Technical Accounting Manager (Deputy Section 151 Officer)
ASSISTANT DIRECTOR HOUSING	1 – 11 12, 15 13 – 14	Service Lead Housing Assets, Service Lead Housing Customers, Housing Development Manager Service Lead Housing Customers Housing Development Manager
ASSISTANT DIRECTOR PUBLIC REALM	1 – 5, 7 – 8, 10 – 12, 16 - 20 6, 13 - 15 9	Service Manager, Business and Commercial Operations Service Manager, Community Safety and Enforcement Service Managers, Public and Green Space or Business and Commercial Operations
CORPORATE MANAGER LEGAL SERVICES	2(a)	Chief Legal Executive or in his/her absence either the

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	2(c), 8 3, 4, 6, 7, 9 5 1 -9, 14 10 - 13	Planning or Litigation Solicitor Litigation Solicitor Chief Legal Executive Planning or Litigation Solicitor Chief Legal Executive or Litigation Solicitor Corporate Manager Democratic/Civic Support
CORPORATE MANAGER DEMOCRATIC/CIVIC SUPPORT	1 – 2 4 5	Democratic Services Manager (Committees) Mayoral Support Officer Democratic Services Manager (Elections)
CORPORATE MANAGER POLICY, COMMUNICATIONS AND COMMUNITY ENGAGEMENT	1	
CORPORATE MANAGER PROPERTY	1 – 15 16	Principal Estates Surveyor Corporate Property Asset Manager
HUMAN RESOURCES TRANSACTIONAL SERVICES MANAGER	4	HR Business Partners

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REPORT TO EXECUTIVE and COUNCIL
Date of Meeting: 12th and 19th April 2016
Report of: Assistant Director City Development
Title: Compulsory Purchase Order

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

- 1.1 This report seeks authority to make a Compulsory Purchase Order for Queen's Crescent Garden.
- 1.2 It updates an Executive Committee resolution of 20 November 2012.

2. Recommendations:

- 2.1 That Council approves and Executive Committee supports delegating to the Assistant Director City Development in consultation with Corporate Manager Legal authority to make a Compulsory Purchase Order in respect of land at Queen's Crescent Garden and in association with the Portfolio Holder City Development authority to take all necessary action to decide whether to proceed with compulsory purchase.

3. Reasons for the recommendation:

- 3.1 That a CPO is needed to acquire Queen's Crescent Garden to facilitate the regeneration proposals.

4. What are the resource implications including non financial resources.

- 4.1 Costs of acquisition: staff time will account for most of this since it is anticipated that the purchase price of the land will be negligible but an independent valuation has valued the land at £18,000. Costs of a public inquiry, if necessary, which may prove to be significant

5. Section 151 Officer comments:

- 5.1 The request for £18,000 is noted and will be added to the Council's capital programme if approved.

6. What are the legal aspects?

- 6.1 Exeter City Council has powers under the Town and Country Planning Act 1990 to acquire land compulsorily if acquisition will facilitate improvement to that land and it cannot be acquired by agreement.
- 6.2 The acquisition under Town and Country Planning Act 1990 S.226 will follow a procedure for land in unknown ownership. Once the Compulsory Purchase Order has been sealed, it is advertised for 21 days during which time objectors can challenge the CPO. Any challenge can prompt a public inquiry and if so the outcome will be decided by a PINS inspector. Any such public inquiry will incur the Council in additional expense (to cover costs) and in such event the CPO will only be confirmed by the Secretary of State if the inspector's decision upholds the Council's submission.

7. Monitoring Officer's comments:

- 7.1 Other than those matters already identified elsewhere in the report, this matter raises no issues of concern for the Monitoring Officer.

8. Report details:

8.1 Background

- 8.1.1 A report was submitted to the Executive Committee of 20 November 2012 informing members of progress on the production of a Neighbourhood Development Plan for Exeter St James. The report also sought agreement to the Council's response to the consultation process and to granting delegated powers to take the process forward.
- 8.1.2 A main priority of the Plan was to create a heart for St James centred on Queen's Crescent Garden.
- 8.1.3 Members noted that the uncertainty over the ownership of the Queen's Crescent Garden would be resolved through the Compulsory Purchase Order process and looked forward to the creation of a community green space.
- 8.1.4 Executive resolved to delegate authority to the Assistant Director City Development in consultation with the Portfolio Holder:
 - (i) to continue to negotiate with the Forum (Exeter St. James Forum) on how best to address issues regarding the content of the draft plan identified in Appendix C (i.e. of the report of 20 November 2012);
 - (ii) to make any formal representations appropriate on the plan reflecting unresolved concerns;
 - (iii) to undertake the necessary procedures to enable the plan to proceed towards adoption;
 - (iv) to undertake the acquisition of the Queen's Crescent Gardens open space, by agreement with the owner if the owner is found. If the owner is not found, or terms are not agreed, that Executive authorises the acquisition of the land by making a Compulsory Purchase Order under Section 226 of the Town and Country Planning Act 1990 (as amended), on the basis that Executive thinks the acquisition will facilitate the carrying out of improvement on or in relation to that land and;

- (v) to undertake all necessary action to proceed with the Compulsory Purchase Order.
- 8.1.5 Issues regarding the Neighbourhood Development Plan (i),(ii) and (iii) were resolved and the plan was adopted on 16 July 2013.
- 8.1.6 The remaining items (iv) and (v) regarding acquisition of the Queen's Crescent Garden by agreement or by making a Compulsory Purchase Order (CPO) are the subject of this report.
- 8.1.7 Exeter St James Community Trust (EStJCT), a community registered society with stakeholder members, was set up by Exeter St James Forum specifically to take on the legal responsibility for the implementation of the regeneration proposals and subsequent management of Queen's Crescent Garden.
- 8.1.8 Pocket Park grant: following application by the Exeter St.James Community Trust (EStJCT), the Department of Communities and Local Government confirmed in January 2016 that a total grant of £13,000 had been awarded to EStJCT.
- 8.1.9 The grant is primarily intended to fund physical works to develop the site and to put it into a condition that the community can manage.
- 8.1.10 The budget for the cost of the CPO and acquisition will be set up from the Section 106 money connected to the development of the student residences at Portland House, Longbrook Street.
- 8.2 Ownership
- 8.2.1 Ownership title to Queen's Crescent Garden is not registered with the Land Registry. The Council tried to establish ownership initially by public consultation in 2013 but this did not identify a clear claim to ownership. Further investigation was undertaken in 2014 of conveyancing and probate records which indicated that a trust was created in 1900 to manage the garden for the surrounding residents. But it is now thought reasonable to assume that the trust no longer exists. The land was conveyed to one of the trustees but whilst a living relative was eventually traced no records have been found to show that this individual has acquired any interest in the Order Land. Research at the Probate Registry Office was unable to prove who owns the land leading to the conclusion that ownership of the Order Land remains unknown.
- 8.2.2 Consequently it has not been possible to acquire Queen's Crescent Garden by agreement.
- 8.2.3 Unknown ownership has meant that the land has been neglected, fallen into disrepair and attracted anti-social uses.
- 8.2.4 Certainty of ownership is required to secure funding to enable the EStJF concept design, agreed in April 2014 following public consultation, to be developed as detailed proposals and for the subsequent implementation, management and maintenance of the land for community use and in accordance with the resolution of the Council's Executive of 20 November 2012.
- 8.3 Change of Use

- 8.3.1 In May 2015 EStJCT applied for planning permission for a Change of Use from private open space to public open space in support of community aspirations for Queen's Crescent Gardens and as a prerequisite to the Council making a Compulsory Purchase Order for the garden with the intention of conveying the garden to the EStJCT. Permission was granted in July 2015.
- 8.4 Compulsory Purchase Order
- 8.4.1 Exeter City Council has prepared a draft Compulsory Purchase Order 2016 under section 226 of the Town and Country Planning Act 1990.
- 8.4.2 If confirmed by the Secretary of State for Communities and Local Government the Order will enable the Council to acquire compulsorily the land and new rights included in the Order to facilitate the Queen's Crescent Garden regeneration proposals.
- 8.4.3 The land to be acquired is shown on the plan shown in Annex 1 which excludes the out-of-service letter collection wall box at the junction of Longbrook Street and York Road which belongs to Royal Mail.
- 8.4.4 The proposed CPO to acquire the freehold of the land will enable the implementation of all the works comprising the agreed scheme and will secure access to undertake maintenance of the completed scheme in perpetuity.
- 8.4.5 Following confirmation by the Secretary of State the Council intends to lease the land to EStJCT on terms to be agreed.
- 8.4.6 Costs of acquisition:
- (i) Value of the land: independent valuation has been determined at £18,000.
 - (ii) Staff time
 - (iii) Possible costs of a public inquiry if the CPO is resisted

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 It helps to support an established neighbourhood's priorities for delivery of improvements to a community green space.

10. What risks are there and how can they be reduced?

- (i) Public inquiry costs, time delay, failure to secure the CPO
- (ii) Consultation with the public, time and effort spent attempting to trace owner(s)
- (iii) If a good claim to the Land is forthcoming through the CPO process then the Council would seek to negotiate by agreement and would ensure that it was clearly understood that the claimant would be expected to undertake future maintenance responsibility for the Land if the claimant retains control

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

11.1 Given its close proximity to important community facilities, the potential of Queens Crescent Garden as a community green space to improve wellbeing, where community events can take place is significant: it is an important part of the Neighbourhood Plan proposals for the whole area functioning as the Community Hub, forming the much-needed heart of the community that will strengthen St James' image and identity it as vibrant and diverse.

12. Are there any other options?

12.1 None have been identified.

Richard Short
Assistant Director City development

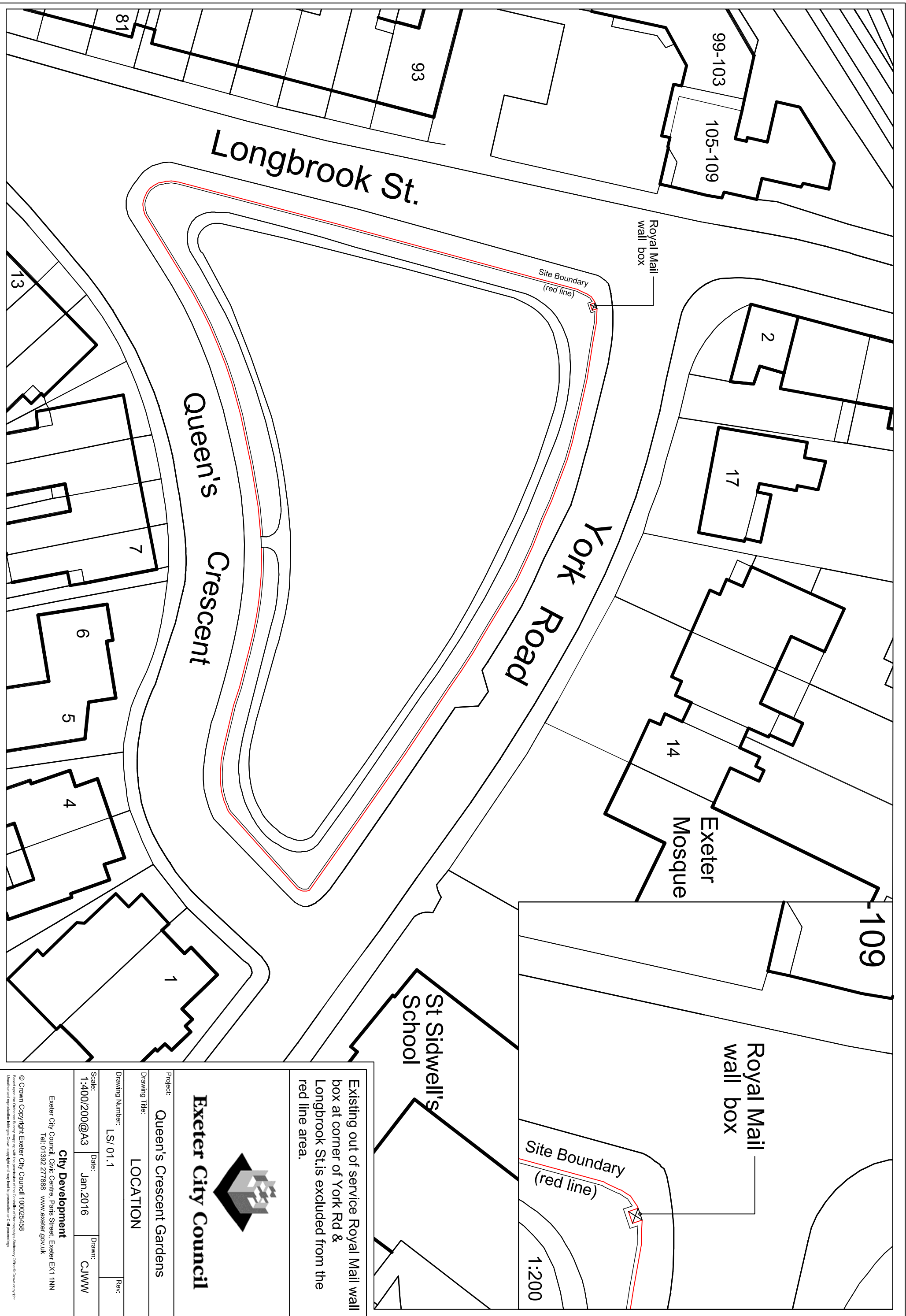
Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275

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Existing out of service Royal Mail wall box at corner of York Rd & Longbrook St is excluded from the red line area.

Exeter City Council

Project: Queen's Crescent Gardens

Drawing Title: LOCATION

Drawing Number: LS/01.1

Scale: 1:400/200@A3

Date: Jan. 2016

Drawn: CJWW

Rev:

City Development
 Exeter City Council, Civic Centre, Paris Street, Exeter EX1 1NN
 Tel: 01392 277888 www.exeter.gov.uk

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By virtue of paragraph(s) 1, 2, 3, 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

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