



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 25 APRIL 2017**, at 6.00 pm, at which you are hereby summoned to attend. The following business is proposed to be transacted:-

	Pages
1 Minutes	
To sign the minutes of the Extraordinary and Ordinary Meetings held on 21 February 2017 and of the Extraordinary Meeting held on 21 March 2017.	3 - 44
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 13 February 2017	45 - 58
4 Planning Committee - 20 March 2017	59 - 82
5 Planning Committee - Special - 27 March 2017	83 - 88
6 Licensing Committee - 28 March 2017	89 - 92
7 People Scrutiny Committee - 2 March 2017	93 - 96
8 Place Scrutiny Committee - 9 March 2017	97 - 106
9 Corporate Services Scrutiny Committee - 23 March 2017	107 - 118
10 Joint Strata Scrutiny Committee - 16 March 2017	119 - 124
11 Joint Strata Executive Committee - 27 March 2017	125 - 128
12 Executive - 14 March 2017	129 - 134
13 Executive - 11 April 2017 - To Follow	

Office of Corporate Manager Democratic & Civic Support

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14 Notice of Motion by Councillor Packham under Standing Order No. 6

Education Motion

This Council notes the concerns regarding education funding expressed by the Devon Association of Secondary Heads and the Devon Association of Primary Heads. In an unusual letter to County Councillors, Heads from Local Authority schools and academies across Devon have expressed “serious concerns about escalating funding pressures” and describe the situation as “a real crisis in point in the immediate future”.

This Council further notes that the cumulative impact of the “National Funding Formula” and an 8% real terms cut by 2020 means, on average, each Exeter student faces a cut of £420 in annual funding comparing 2015/16 with 2019/20.

This Council notes that the stated aim of the proposed National Funding Formula was to bring fair funding to schools in Devon, bringing funding closer to the national average (Devon currently receives £290 per pupil less). The proposed increase by 2019/20 would increase overall funding for the County by just 0.38%.

This Council notes the further impact of the £2.22 million transfer in the Designated Schools Budget to the High Needs Block to cover a deficit in the budget for children with special educational needs and disabilities which will result in a further reduction in funding of £33 per pupil in every Devon School.

This Council believes that Exeter pupils, and pupils across Devon, deserve better: a fully funded and properly resourced education system.

This Council resolves to write to Justine Greening, Secretary of State for Education, and Nick Gibb, Schools Minister (as requested by the Devon Association of Primary Heads and the Devon Association of Secondary Heads) expressing our concerns regarding the serious funding situation facing Devon schools and academies. Furthermore, this Council demands that the National Funding Formula is revised so that Devon schools no longer fall below the national average, and that central government funding is provided to erase the 8% real terms cut.

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

Date: Wednesday 12 April 2017

Karime Hassan
Chief Executive &
Growth Director

NOTE: Members are asked to sign the Attendance Register

Office of Corporate Manager Democratic & Civic Support			
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THE EXTRAORDINARY MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 21 February 2017

The Right Worshipful the Lord Mayor (Cllr Thompson)
The Deputy Lord Mayor (Cllr Holland)
Councillors Ashwood, Baldwin, Bialyk, Branston, Brimble, Denham, Edwards, Foale, Foggin, Gottschalk, Hannaford, Hannan, Harvey, D Henson, Mrs Henson, Keen, Lamb, Lyons, Mitchell, Morse, Musgrave, Newby, Owen, Packham, Pearson, Prowse, Robson, Sheldon, Sills, Spackman, Vizard, Wardle, Warwick and Wood

12

APOLOGIES

Apologies for absence were received from Councillors Leadbetter and Sutton.

13

COUNCILLOR PAUL BULL

On behalf of the Council, the Lord Mayor paid tribute to Councillor Paul Bull who had tragically lost his fight against cancer on Sunday and that the Members thoughts were with his wife, Councillor Rachel Sutton as well as his family. Paul was a true community champion and having his own interests in theatre and music, his appointment as Portfolio Holder for Communities and Culture, could not have been more fitting.

The Leader stated that Councillor Paul Bull was an excellent Ward Councillor who quietly got on with ward work. He had done a fantastic job as the Portfolio Holder for Communities and Culture and worked well with Councillors from all political parties. He would be very much missed.

This was endorsed by Members.

The Council observed a minutes silence as a mark of respect for Councillor Paul Bull.

14

BUDGET 2017/18

Minute 8 (2017/18 Council Tax Base and NNDR1) of the meeting of Executive held on 10 January 2017 was taken as read and adopted.

The Leader stated that he would be dedicating his budget speech to the memory of Councillor Paul Bull.

The Leader of the Council, moved and Councillor Hannaford seconded the resolution as set out in the agenda and circulated papers in respect of the Council Tax for 2017/18.

The Leader in presenting the budget set the context for this year's budget by stating that the reductions in Central Government Funding received by local authorities like Exeter over the last few years continued to be amongst the most severe cuts the Council had faced in living memory. This Council had a 10.8% reduction in Government Formula Grant for the year 2017/18 on top of equally drastic cuts in previous years. Last year it was a cut of 12.6% and the year before 15.6%.

Between 2010 and 2018 the City Council's government grant had dropped from £12m to £5.2m and the City Council had been proactive in facing this and plan for a future when the money the Council gets from Central Government would have been removed completely.

In the financial year 2016/17 the Council had delivered £1m in savings and additional income on top of £1.4m the previous year. It continued to streamline and modernise the services it offers to residents and businesses by:-

- a new customer platform to interact with the Citizens, providing a more efficient, joined up experience and generating savings of over £250,000 a year from 2020
- continuing to work with its partners in the National Health Services, the voluntary sector and Devon County Council to offer the Integrated Care Exeter project
- working with the Devon Wildlife Trust to transfer the management of the Valley Parks and protect this wonderful green asset.

It was important to stop for a moment and reflect on how far the City has come under this Labour administration.

According to the Centre for Cities Exeter had achieved:-

- fastest rate of population growth of any UK city
- private sector employment growth was among the strongest nationally
- fourth in the country for growth in housing stock providing homes for people
- in top ten (ninth) in the country for growth in workplace wages.

Strong growth, more jobs, more homes for people and better wages was what this Labour Group had helped to deliver.

The Leader stated that in setting a balanced budget for 2017/18 much of the lost formula grant was being replaced by a combination of additional efficiency savings and income. Difficult choices had to be made and for the first time in five years car park charges would rise. The Council had ambitious plans to reduce congestion in the city and a reasonable pricing policy would support these objectives.

The Council continued to build on energy savings projects which included the guaranteed income from the Feed in Tariff payments on solar panels, replacing the inefficient boilers at the Civic Centre and the installation of LED lighting in the offices and car parks. The Energy Strategy was also adopted at the Executive last week. This Strategy would be kept under review to ensure that it aligned with Exeter City Futures strategy to deliver an energy independent City by 2025.

The Council continued to deliver much needed housing:-

- £18million in New Homes Bonus awards since 2011 – delivering 4,887 additional dwellings of which 614 were affordable
- since 2015 alone - 262 affordable homes had been delivered
- planning permissions exist to deliver some 5,000 more homes of which 1,350 were required to be affordable. 747 more affordable homes were already in the pipeline with full planning permission
- about to start building a 53 unit Extra Care facility, the first of its kind in the City

- currently on-site delivering 26 flats for older people next to Rennes House which would be named after Chester Long.

All this is in spite of the Housing & Planning Bill, which had significantly reduced the resources available to the Housing Revenue Account and diminished plans for the future building of council houses.

Exeter's economy had grown by 20% since 2011 with private sector growth among the strongest nationally since 2013. Exeter was one of only five UK cities that had seen real wages return to 2008 levels. The Council was ambitious and determined to ensure that the City achieved its potential and residents receive quality services. This Labour Council had funding to begin a detailed study of the Corn Exchange block to continue the regeneration of the City.

For next year's budget the Council had provided further efficiency savings and income in the region of £1.4m without a reduction in front line services.

The Leader continued that the budget proposed aimed to deliver a balanced budget and protect and maintain the services which the citizens of Exeter need the most. The recommendation set out in the papers would result in the setting of a City Council tax of £145.05 for a Band D property, an increase of £5 a year for a Band D property, less than 10p a week. This would still mean that Exeter had the fourth lowest Council Tax of any district.

A Member of the Opposition commented that Central Government had supported Local Government with the New Homes Bonus monies and the proposed changes to the Business Rates.

Other Members gave their support for the budget noting that there had been no cuts to frontline Council services despite the challenging times that the Council had faced with the reduction of funding from Central Government. This Council was building new homes for local residents, helping the youth of the city with apprenticeships and working in partnership with Exeter City Futures to tackle traffic congestion and to work towards an Energy Neutral City.

Responding, the Leader advised that his party was proud of the achievements that they had brought to the city including the Rugby World Cup, John Lewis, the Radio 1 Big Weekend and the Rugby Sevens.

RESOLVED:-

- 1) That the following, as submitted in the Estimates Book, be approved:-
 - (a) the Revenue estimates for 2017-2018;
 - (b) the Capital programme for 2017-2018;
- (2) that it be noted that, at the meeting of the Executive on the 10 January 2017, the Council calculated the figure of 36,197, as its council tax base for the year 2017-2018 in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 made under Section 33(5) of the Local Government Finance Act 1992;
- (3) that the following amounts be now calculated by the Council for the year 2017-2018 in accordance with Sections 31A of the Local Government and Finance Act 1992:-

- (a) £105,956,285 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2)(a) to (f) of the Act;
- (b) £100,705,910 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3)(a) to (d) of the Act;
- (c) £5,250,375 being the amount by which the aggregate at (3)(a) above exceeds the aggregate at (3)(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its council tax requirement for the year;
- (d) £145.05 being the amount at (3)(c) above divided by the amount at 2 above, calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its council tax for the year;
- (e) Valuation Bands

A	B	C	D
£96.70	£112.82	£128.93	£145.05
E	F	G	H
£177.28	£209.52	£241.75	£290.10

Being the amount given by multiplying the amount at (3)(d) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- (4) That it will be noted that, for the year 2017-2018, Devon County Council, the Office of the Police and Crime Commissioner for Devon and Cornwall and the Devon and Somerset Fire and Rescue Authority have stated the following amounts on precepts issued to the Council, in accordance with Section 83 of the Local Government Act 2003, for each of the categories of the dwellings shown below:-

Devon County Council
Valuation Bands

A	B	C	D
£845.28	£986.16	£1,127.04	£1,267.92
E	F	G	H
£1,549.68	£1,831.44	£2,113.20	£2,535.84

Office of the Police and Crime Commissioner for Devon and Cornwall

A	B	C	D
£117.52	£137.11	£156.69	£176.28
E	F	G	H

£215.45	£254.63	£293.80	£352.56
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Devon and Somerset Fire and Rescue Authority
Valuation Bands

A	B	C	D
£54.38	£63.44	£72.51	£81.57
E	F	G	H
£99.70	£117.82	£135.95	£163.14

- (5) That, having calculated the aggregate in each case of the amounts at (3)(e) and (4) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby set the following amounts as the amounts of council tax for the year 2017-2018 for each of the categories of dwellings shown below:-

Valuation Bands

A	B	C	D
£1,113.88	£1,299.53	£1,485.17	£1,670.82
E	F	G	H
£2,042.11	£2,413.41	£2,784.70	£3,341.64

In accordance with Standing Order 30 a named vote on the Resolution was recorded, as follows:

Voting for:

Councillors Ashwood, Bialyk, Branston, Brimble, Denham, Edwards, Foale, Foggin, Gottschalk, Hannaford, Hannan, Harvey, Keen, Lamb, Lyons, Morse, Musgrave, Owen, Packham, Pearson, Robson, Sheldon, Sills, Spackman, Vizard, Wardle, Warwick and Wood.

(28 Members)

Abstain:

Baldwin, Henson D, Mrs Henson, the Deputy Lord Mayor, Mitchell, Newby, Prowse and the Lord Mayor.

(8 Members)

Absent:

Councillors Leadbetter and Sutton.

(2 Members)

1 Vacancy

The Resolution was carried.

(The meeting commenced at 6.00 pm and closed at 6.50 pm)

Chair

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THE MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 21 February 2017

The Right Worshipful the Lord Mayor (Cllr Thompson)
The Deputy Lord Mayor (Cllr Holland)
Councillors Ashwood, Baldwin, Bialyk, Branston, Brimble, Denham, Edwards, Foale, Foggin, Gottschalk, Hannaford, Hannan, Harvey, D Henson, Mrs Henson, Keen, Lamb, Lyons, Mitchell, Morse, Musgrave, Newby, Owen, Packham, Pearson, Prowse, Robson, Sheldon, Sills, Spackman, Vizard, Wardle, Warwick and Wood

1 **MINUTES**

The minutes of the Ordinary meeting held on 13 December 2016 and the Extraordinary meeting held on 24 January 2017 were moved by Councillor Hannaford and seconded by Councillor Pearson, taken as read and signed as correct.

2 **APOLOGIES**

Apologies for absence were received from Councillors Leadbetter and Sutton.

3 **OFFICIAL COMMUNICATIONS**

The Lord Mayor announced that she was delighted that the City Council had received national recognition as it had won an award for its "Exeter Best Bar None" scheme, which was praised as being the most innovative scheme at the recent awards ceremony in London. The Best Bar None scheme was aimed at reducing alcohol related crime and disorder in the City. The Portfolio Holder for Place congratulated all the officers involved for this award and their joint working with the Police to tackle Anti-Social Behaviour in the city.

The Lord Mayor referred to a letter she had received from the President of Poland thanking the City Council for its continuing commitment to commemorate the Polish Airmen who were stationed at RAF Exeter during the Second World War some of whom lost their lives serving as part of the allied forces. She also brought to Members attention the success of the Holocaust Memorial Day.

The Lord Mayor advised that as a consequence of the Senior Management Restructure five Assistant Directors Richard Ball, Roger Coombes, Bob Norley, Richard Short and Sarah Ward would be leaving on 31 March. On behalf of the Council she recorded her appreciation and thanks for all they had done during their time with the Council, and wished them well for the future.

On behalf of the Council, the Lord Mayor congratulated Bindu Arjoon who had been appointed to one of the new Director posts and Jon-Paul Hedge who had been appointed to the Director of Communications & Marketing post. The remaining two Director posts were to be advertised soon.

4

PLANNING COMMITTEE - 9 JANUARY 2017

The minutes of the Planning Committee of 9 January 2017 were presented by the Deputy Chair, Councillor Lyons, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 9 January 2017 be received.

5

PLANNING COMMITTEE - 13 FEBRUARY 2017

The minutes of the Planning Committee of 13 February 2017 were presented by the Deputy Chair, Councillor Lyons, and taken as read.

In respect of Minute 14 (Planning Application No.16/1390/03 – 2 Lymeborne Avenue, Exeter) and in response to a Member, the Portfolio Holder for Economy commented that as this application was in her ward she was aware of the issues with the built structure, and that as the scheme had been refused there would be further investigation as to what enforcement action could be taken and if the application would be brought back to Planning Committee for consideration.

RESOLVED that the minutes of the Planning Committee held on 13 February 2017 be received.

6

LICENSING COMMITTEE - 7 FEBRUARY 2017

The minutes of the Licensing Committee of 7 February 2017 were presented by the Chair, Councillor Spackman, and taken as read.

RESOLVED that the minutes of the Licensing Committee held on 7 February 2017 be received.

7

PEOPLE SCRUTINY COMMITTEE - 5 JANUARY 2017

The minutes of the People Scrutiny Committee of 5 January 2017 were presented by the Chair, Councillor Wardle, and taken as read.

RESOLVED that the minutes of the People Scrutiny Committee held on 5 January 2017 be received.

8

PLACE SCRUTINY COMMITTEE - 12 JANUARY 2017

The minutes of the Place Scrutiny Committee of 12 January 2017 were presented by the Chair, Councillor Brimble, and taken as read.

RESOLVED that the minutes of the Place Scrutiny Committee held on 12 January 2017 be received.

9

CORPORATE SERVICES SCRUTINY COMMITTEE - 26 JANUARY 2017

The minutes of the Corporate Services Scrutiny Committee of 26 January 2017 were presented by the Chair, Councillor Sheldon, and taken as read.

RESOLVED that the minutes of the Corporate Services Scrutiny Committee held on 26 January 2017 be received.

10 **AUDIT AND GOVERNANCE COMMITTEE - 7 DECEMBER 2016**

The minutes of the Audit and Governance Committee of 7 December 2016 were presented by the Chair, Councillor Vizard, and taken as read.

RESOLVED that the minutes of the Audit and Governance Committee held on 7 December 2016 be received.

11 **STRATA JOINT SCRUTINY COMMITTEE - 16 JANUARY 2017**

The minutes of the Strata Joint Scrutiny Committee of 16 January 2017 were presented by Councillor Lyons and taken as read.

RESOLVED that the minutes of the Strata Joint Scrutiny Committee held on 16 January 2017 be received.

12 **STRATA JOINT EXECUTIVE COMMITTEE - 16 JANUARY 2017**

The minutes of the Strata Joint Executive Committee of 16 January 2017 were presented by Councillor Edwards, and taken as read.

RESOLVED that the minutes of the Strata Joint Executive Committee held on 16 January 2017 be received and, where appropriate, any recommendations contained therein approved.

13 **EXECUTIVE - 10 JANUARY 2017**

The minutes of the Executive of 10 January 2017 were presented by the Leader, Councillor Edwards, and taken as read.

RESOLVED that with the exception of Minute no. 8 (2017/18 Council Tax Base and NDR1), which was considered at the Extraordinary Council Meeting on 21 February 2017 preceding this meeting, the minutes of Executive held on 10 January 2017 be received and, where appropriate, adopted.

14 **EXECUTIVE - 14 FEBRUARY 2017**

The minutes of the Executive of 14 February 2017 were presented by the Leader, Councillor Edwards, and taken as read.

In respect of Minute 19 (Appointment of Director of Communications & Marketing) and in response to a Member, the Leader stated that the business case for this post and those of the other Directors had been the subject of a report that had been considered by Executive and approved by Council. In light of the high use of social media it was essential the Council had a strategic role in respect of both Communications and Marketing.

In respect of Minute 20 (Proposals for the Implementation of a Public Spaces Protection Order) the Leader advised that the Council had received a petition from 38 Degrees with over 1,400 signatures under the banner of 'Don't fine the homeless of Exeter for begging' but in essence the request was 'Remove begging from the list of things police and PCSO's can move people on or fine people for'.

The Leader stated that the prohibition on begging had been removed from the provisions of the proposed PSPO, and had been replaced with a prohibition on aggressive begging.

A Member welcomed the order which would give the Police an extra tool to help keep the streets of the city centre safe.

Members supported the PSPO, commenting that it would provide assurance for city centre residents and visitors and help engagement with vulnerable people living on the city's streets. They considered the petition from 38 Degrees but were of the view that at this stage the Order should not be altered noting that it would be reviewed after six months of operation.

RESOLVED that the minutes of Executive held on 14 February 2017 be received and, where appropriate, adopted.

15

AMENDMENTS TO THE CONSTITUTION INCLUDING THE SCHEME OF DELEGATION & FINANCIAL REGULATIONS

The report of the Corporate Manager Democratic & Civic Support was submitted setting out proposals to amend the Scheme of Delegation to Officers to match operational arrangements, taking particular account of the recent restructure of Senior Management and to update the Financial Regulations.

The Leader moved and Councillor Hannaford seconded the recommendation.

In response to questions from a Member, the Corporate Manager Legal & HR Services stated that an officer from the County Council was informally seconded to the City Council specifically in order to deal with Parking Contravention Notice Appeals.

The recommendation was put to the vote and carried.

RESOLVED to approve:-

- (1) the changes to the Scheme of Delegation to Officers set out in Appendix 1 to this report; and
- (2) the Financial Regulations as set out in Appendix 2 to this report.

16

QUESTIONS FROM A MEMBER OF THE COUNCIL UNDER STANDING ORDER NO. 8

In accordance with Standing Order No. 8, the following questions were put by Councillor Prowse to the Leader.

Question – Given the plethora of applications to construct or convert sites for student accommodation both on and off the campus does the Leader of this Council now agree that it is time to implement a policy that encourages alternative applications for mixed use sites that will at last allow and offer permanent residents to have the opportunity to have their own home?

The Leader responded that he had made reference to the number of houses that had been built and were planned to be built in his Budget Speech. Whilst, some

Councillors had voted against proposals for student accommodation, the Council does need to bring forward further purpose built accommodation on suitable sites such as Streatham Campus and in the City Centre to reduce the imbalance in some residential areas.

Question – How many units of Social Housing have been built since January 2010 by the council?

The Leader replied that 21 units of council housing had been built by the Council since January 2010. A further 26 were currently under construction with a further 53 due to start later this spring. The Council had a further 25 units with planning consent which had not commenced due to borrowing restrictions in the Housing Revenue Account.

In case, Councillor Prowse wanted to know the total number of affordable homes delivered across the city since January 2010, this equated to 666 units to date which included the Council new build homes, homes built by housing associations and Section 106 transfers to housing associations (and the Council).

Question – The Council will recall my questions regarding the situation where the Council had leased/contracted car parks to a private parking company. Station Road CP (7.3.13) & Flowerpot Lane (16.1.14) respectively. These questions were tabled at Economy Scrutiny. The PH responded.

It transpires that we have since continued to treat other car parks and areas of land in our ownership with the same process. It is believed that we have continued with the same private parking company.

The County of Devon became a Civil Parking Enforcement area with effect from 5th May 2008. Exeter City Council DID NOT seek the Secretary of States approval for dispensation to treat its car parks and land in a different way. In fact if it had done the likelihood is that it would have been refused. This said what is clear is that land and car parks in the ownership of this Council is not PRIVATE land. I repeat is NOT private land.

On the 16th September 2014 the Secretary of State for the Dept. for transport wrote to this Council clearly setting out that land owned by a Council is not private and that where used for car parking it should be regulated by a Traffic Order (TRO) or Parking Places Order (PPO). The purpose of this is that where infringements may occur drivers have the right to full statutory protection in the appeals system under the Traffic Management Act 2004.

Can the Leader confirm that immediate action has taken place to withdraw/suspend the private parking regime.

Can the Leader explain the consequences of all those motorists who have received tickets from the private parking company on land which they had no authority to "Police".

The Leader stated that the Portfolio Holder for Economy would respond to this question.

The Portfolio Holder for Economy replied that the provision of car parks by the private parking company in these circumstances complied with the provisions of the Road Traffic Regulation Act 1984. Action would not be taken to withdraw or suspend enforcement at these car parks.

It was intended that the car parks at Flowerpot Lane and Station Road would be incorporated into Exeter City Council's Parking Places Order later this year when the leases come to an end. Enforcement would then be carried out by Exeter City Council.

In response to Councillor Prowse's supplementary question the Portfolio Holder for Economy clarified that Flowerpot Lane and Station Road car parks were leased to a third party and were not regulated by the Parking Places Order. These leases were ending shortly and the Council would look to incorporate them into the Parking Place Order.

Question – Penalty Charge Notice Appeals. (PCNs)

I have received information and subsequently confirmed by Devon County Council that since April last year this Council has used a member of Devon County Council (DCC) to process all appeals whether formally or informally made by driver's/keepers of vehicles who have received PCNs in our car parks. Records show this amounts to several hundred. This authority is obliged by law to carry out its statutory duties in respect of this function.

We are further required to account by way of an audit trail the issue of each ticket and its ultimate disposal.

The Chief Executive of the County Council has confirmed that any agency agreement that previously allowed this function to be performed by them ceased to exist in March 2014.

The Leader is asked to respond to the following:

- a) Who sanctioned this?*
- b) Can the Leader confirm that this role is referred to in our Constitution that would normally allow a member of ECC staff to conduct this role.*
- c) Can the Leader confirm that no qualified member of the ECC staff exists to do this duty.*
- d) Is the leader aware that by employing a member of DCC staff to perform this role it can only be lawful if an agency agreement exist. As one does not then explain how this has happened*
- e) Section 10.16 of the Secretary of State's Statutory Guidance to Local Authorities on Civil Enforcement of Parking Contraventions to have a person who has no authority to decide upon representations. We have breached this as an authority. Can the Leader explain this breach in FULL.*
- f) As this authority has breached our statutory requirement to comply with our duty to deal with appeals as prescribed can the Leader explain what he will do to rectify this serious position?*
- g) Disregarding whether any of those who did appeal were successful or not there has been a very serious procedural impropriety in how their appeals have been dealt with. Given that records show this is in the hundreds it is apparent that in respect of those who lost their appeals informally, formally or at the Traffic Penalty tribunal we will have to repay those amounts. What is the Leader's view on this dire position?*
- h) Does the Leader agree that an internal enquiry should be held to establish what went wrong?*
- i) The County of Devon become a Civil Parking Enforcement area on the 5th May 2008. This includes Exeter. This Council ceased to delegate its authority to Devon County Council to deal with PCN appeals in MARCH 2014. How or who decided it was still lawful to do so?*

The Leader stated that the Portfolio Holder for Economy would respond.

The Portfolio Holder for Economy replied as follows:-

- a) The secondment of an officer from Devon County Council to Exeter City Council was agreed by the Assistant Director – Public Realm. The Constitution makes it very clear that Assistant Directors are enabled ‘To take all necessary action for the economic, efficient and effective day to day management, administration and supervision of [their] service...including authorising the filling of posts.’
- b) There is no legal requirement for the role to be set out in the Council’s Constitution, although I accept that we could be more closely aligned with the guidance.
- c) The officer seconded to Exeter City Council from Devon County Council is suitably qualified to undertake the role.
- d) I do not agree with you. There is no requirement to have an agency agreement in place, particularly where an officer has been seconded to work for the Council.
- e) It is accepted that the scheme of delegation should identify the specific person or persons authorised to cancel PCNs. This will be rectified.
- f) I do not agree that the Council is in breach of its statutory obligations. There is no breach of an Act of Parliament. I accept that the Council has not followed the guidance on this point. The only issue to be complied with is to clarify the post which deals with appeals against Penalty Charge Notices.
- g) I do not agree that there is any procedural impropriety in the way appeals have been dealt with. Therefore no repayment will be made.
- h) Nothing went wrong. No inquiry is required.
- i) Devon County Council has never dealt with Exeter City Council’s appeals.

In response to Councillor Prowse’s supplementary question the Portfolio Holder for Economy clarified that an officer was informally seconded to Exeter City Council from Devon County Council to process appeals.

17

CIVIC SERVICE

The Lord Mayor reminded Councillors that they were all invited to the Civic Service which would take place at St Michael & All Angels Church, Pinhoe on Sunday 5 March at 10.30am.

(The meeting commenced at 6.50 pm and closed at 7.54 pm)

Chair

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THE EXTRAORDINARY MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 21 March 2017

The Right Worshipful the Lord Mayor (Cllr Thompson)
The Deputy Lord Mayor (Cllr Holland)
Councillors Baldwin, Bialyk, Brimble, Denham, Edwards, Foale, Gottschalk, Hannaford, Hannan, Harvey, D Henson (part meeting) , Mrs Henson, Keen, Lamb, Leadbetter, Lyons, Mitchell, Morse, Musgrave, Newby, Owen, Packham, Pearson, Prowse, Robson, Sheldon, Sills, Spackman, Sutton, Vizard, Wardle, Warwick and Wood

15

APOLOGIES

Apologies for absence were received from Councillors Ashwood, Branston and Foggin.

16

IN ACCORDANCE WITH STANDING ORDER NO.1 A REQUISITION DULY SIGNED BY FIVE MEMBERS OF THE COUNCIL HAS BEEN RECEIVED TO CALL AN EXTRAORDINARY MEETING OF THE COUNCIL

The requisition is as follows:-

'The reason is to ask you as Leader to make a full statement in respect of and explaining what is happening regarding the new Swimming Pool and the re-development of the Bus Station Site, including the closure of Paris Street (although not restricted to this) and all items pertaining to the project and its environs and its reported delay and escalating costs. Also, to allow the Opposition Parties and others to question you.'

Signed by

Councillors Leadbetter, D Henson, Mrs Henson, Prowse and Newby.

The Leader made the following statement that the Council had agreed to start construction on the state-of-the-art new leisure complex St Sidwell's Point, and a new Exeter Bus Station, at the end of March. Completion was due in December 2018.

The spades going in the ground was the end of a decade's worth of debate, scrutiny and transparency at every level. The project had full planning permission and a fully allocated budget, all scrutinised and passed by this very Council. That debate over the scheme had come and gone and was won.

The only change in the past couple of weeks was the nature of the tender returns coming in over budget. Officers needed more time to conclude the procurement process. Having asked for more time it would be irresponsible not to give it. That meant not closing the bus station as planned at the end of March and operating it as normal until further notice.

Just to reiterate, the tendering process was taking longer than the Council had predicted because of the nature of those returns. That did not negate the scrutiny the scheme had already gone through, the budget it had been allocated or the will of the people who were looking forward to it. The Council would not sign contracts

or appoint contractors until it was absolutely sure that it would be getting the best deal for Exeter.

17 **QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER 8**

(a) In accordance with Standing Order No. 8, the following questions were put by **Councillor Newby** to the Leader.

(1) How much have we spent on this project and from what budget has it come from?

The Leader replied that as of 7 March 2017, the Council had spent £3.4m on the Leisure Complex project and £0.762m on the Bus Station. They had been spent from the approved Leisure Complex £26m budget and Bus Station £6.25m budget.

(2) How long do you think the old bus station will remain in operation?

The Leader replied that it was not clear yet.

(3) How many people on this project have had their services dispensed with since the press release came out and at what financial cost to this council?

The Leader replied that the Arcadis team were no longer working on the Project, which had consisted of up to six consultants on a part-time basis. The dispensing of these services were at additional cost to the Council.

(4) As this is a new building concept and has only been around since 2011 in Germany will there be contractors in the UK and more so locally that can undertake this type of build?

The Leader stated that the Passivhaus Standard was not a new building concept, but the City Council had built 30 houses and so had some experience of this method. It was a rigorous energy standard which had been in existence for over 25 years and could be applied to any type of building in the same way that the BRE AAM Standard was applied. The standard had been adopted in the UK over the last 10 years and there were an increasing number of contractors that had experience of working to the standard. Constructing to a passivhaus standard would not require any specialised skills or qualifications over and above the skill set a contractor or sub-contractor would already have.

In response to the supplementary question, the Leader confirmed that there were no other passivhaus leisure centres in this country. He had accompanied the Design Team on a visit to Germany to look at four passivhaus pools. He had received information which showed energy costs were 70% less than swimming pools in this country. If the energy costs go up and energy savings of 70% could be made over the next 30/40 years this would be a great way forward.

(5) Have there been tenders from bus companies to supply the bus service for the new bus depot and if so how many have applied?

The Leader replied that the Council had not reached the tender stage yet.

(6) Why did we go for such a high cost build of the swimming pool which we don't know fully if it will achieve its proposed potential when we could have built a lower cost unit that is tried and tested and spent the difference on housing?

The Leader replied that the budget cost for the swimming pool was comparable with similar facilities in terms of size, complexity and location. A 10% premium would be applied to take account of the environmental factors of the new facility, namely it being low energy, climate ready and healthy. The 'pay back' for this capital uplift was 11 years and the facility would benefit from a minimum 70% energy saving per annum from day one.

There were slightly higher costs associated with building a new facility on a tight inner-city location with interface implications with adjoining developments and this was reflected in the budget costs. He welcomed a landmark building would bring energy efficiencies and referred to the recent examples of passivhaus housing which enjoyed energy bills of under £50 a year.

The passivhaus standard was tried and tested and there were plenty of post-monitoring reports to support this, including for swimming pools. The City Council had been building new homes to this standard for the last nine years and these buildings continued to perform to exceptional low energy. Indeed, 60% of tenants had not needed to use any spare heating in their homes for the last eight years.

(7) Is it right that we look to send traffic past a school and through an area of tight corners when at this moment in time it runs in a rough straight line?

The Leader replied that the traffic alterations were considered within the Outline Planning Application approved in January 2016. They were subject to review by appropriate technical parties from the Highways Authority.

(8) Once a contractor has been found what penalty clauses will be included?

The Portfolio Holder Sport Health & Wellbeing advised there would not be penalties. The new leisure contract was being drafted to include a payment and performance monitoring mechanism, on the basis that failure to meet standards would result in financial charges for failure to meet performance standards.

(b) In accordance with Standing Order No. 8, the following questions were put by **Councillor Mitchell** to the Leader.

(1) When this administration embarked on this project I asked whether the lessons had been learned from the multi-million pound RAMM overspend and I was assured yes. In light of the latest issues to this project is the Leader still confident the lessons have been learned?

The Leader responded and agreed that lessons had been learned, and that in house staff were used on the RAMM project, the Council had used specialists for this project. There was a strict project control process in place. It was because of this strict control process that the Council were doing further work on the Contract now before it commits to a Contractor.

(2) When did the Leader become aware of the 'indefinite delay' to this project?

The Leader responded and stated that there was no indefinite delay to the project. The Council had tendered the building works and was currently working through the

complexities of the tender returns. The overall development remained on programme for completion May in 2020. The tenders were returned on 20 January 2017.

In response to the supplementary question, the Portfolio Holder Sports, Health & Well-being confirmed that the results of the tender opening which had taken place with officers and Councillor Edwards and himself were not as expected. There had been a number of meetings, and they had requested the Design Team to re-examine the project, and although the information had to remain confidential, there had been no secrecy or conspiracy. The work would not commence until the Council had ensured it had achieved the best possible deal for the city and the Council would ensure a full and transparent debate.

(3) Are the financial figures allocated for the Swimming Pool and Bus Station project's within the budget papers presented to Council on the 21 February still accurate or are they subject to change due to this 'indefinite delay'?

The Leader responded and confirmed that all expenditure had to be approved by Full Council, therefore the figures provided in the budget on 21 February 2017, represented the absolute limit that Officers and Members could spend. If any changes were required to any aspect of the budget, these would have to be presented and approved by Full Council, prior to any additional expenditure being committed.

In response to a supplementary question, the Leader responded that the Council was still negotiating the detail of the tenders at the time of the Budget Meeting and had nothing to report at that time.

(4) Brexit has been quoted as a reason for the delay in this project. If he agrees with this statement can he please explain in greater detail how Brexit has effected this project?

The Portfolio Sport Health & Wellbeing referred to the consequences of Brexit, and issues such as the fall in the pound and the effect on the construction industry, which were reported as risks to the Leisure Complex and Bus Station Programme Board in September 2016. Opposition Members were invited to the meetings and advised of the risks. The Portfolio Holder said that he was aware of a number of projects in the country that were experiencing costs higher than originally planned, including building projects in Plymouth, Bristol and further afield in London. This was not unique to Exeter and the outcome of Brexit had contributed to an escalation of contractor's costs, but every effort was being made to negotiate the tender to get the best deal for Exeter and take the project forward.

In response to the supplementary question, the Portfolio Holder Sport Health & Wellbeing stated that, rather than condemning the impact of Brexit, he had been appointed to see the project through and he would do so until his colleagues advised him otherwise.

(5) Were tenders advertised for this project, if so when and can the Leader confirm how many tenders were received?

The Leader confirmed that the works were tendered through the City Council's EXseed Contractors Framework which itself was fully OJEU (Official Journal of the European Community) compliant. Tenders were invited from all the contractors within Lot C.

The results of the tendering process were currently commercially sensitive in terms of tender return numbers.

In response to a supplementary question, the Leader stated that he was confident about the future and the Council would carry on until it achieved the right answer.

(6) The administration has often stated a key element of the Swimming Pool plans is its 'Passivhaus standard'. Has this aspect of the project created a stumbling block and is the Leader still committed to its inclusion?

The Portfolio Holder City Development responded that the passivhaus standard was a rigorous energy standard, but familiar to all the tendering contractors. Indeed all the EXseed Framework Contractors approached the City Council to be considered for the Framework given their wish to construct energy efficient sustainable projects. The passivhaus standard had not so far proved to be a stumbling block and the Leader and the administration continued to be committed to delivering a new development that was financially viable, environmentally responsible in its low-energy approach and socially responsible in providing truly healthy facilities for its users.

(7) It has come to light the Council have parted company with its design team Arcadis, who were a key member of the project team. Can he please explain why and when this occurred?

The Leader responded and clarified that Arcadis were not the design team, and the Council had not parted company with its design team, AFLS&P and Arup. The whole design team remained committed and engaged in delivering this development.

The Consultant Project Managers and Cost Consultants from Arcadis had been advising on the project budget.

In response to the supplementary question, the Leader confirmed that no other members of the team delivering the project had changed.

(c) In accordance with Standing Order No. 8, the following questions were put by **Councillor Musgrave** to the Leader.

(1) Why was an in house model for the operation of the new leisure centre not considered?

The Portfolio Holder for Sport Health & Wellbeing stated that the delivery of the Leisure Centre was discussed at the Leisure Complex Programme Board in 2014 and a continuation of an established outsourcing approach was agreed. The Council's view was that it would prefer to have the operations in-house, but it became clear that the Council did not possess the skills in house or the capacity to turn this around at present. The Portfolio Holder had been involved in trade unions for over 40 years and wanted to ensure the best deal for those who worked in the organisation as well as for the residents of Exeter. The outsourcing approach would secure future staff employment rights, including paid holidays, the living wage and Trade Union representation. He was confident that the Council would provide a good facility for the city.

In reply to a supplementary question, the Portfolio Holder for Sport Health & Wellbeing stated that it was misguided to say that the Council did not have the appetite to deliver an ambitious project for the city. The Council wished to make sure everything was right with the project.

(2) Does the administration accept that Legacy Leisure is not running our existing facilities in the way in which the Council would like with particular reference to staff and maintenance of our facilities? If so, how can the administration explain the decision to pursue further outsourcing?

The Portfolio Holder for Sport Health & Wellbeing responded and stated that a Task and Finish Group had been established to take an ongoing look at operator performance. The current contract with Legacy Leisure was managed by a Council officer, and the Legacy Leisure Working Group made up of a number of Members to ensure robust governance. An invitation had been made to Members to attend those meetings and tour the current leisure facilities. It was important to have a rigorous structure and there was now an opportunity to go forward with the new Leisure Centre with a new contract, the operator would be able to develop a new strategy to deliver the way forward.

(3) How much has the administration spent, both in legal expenses and officer time, defending freedom of information request into the publication of the business case for this development?

The Leader confirmed that a reply in respect of legal fees was being addressed in another reply.

In reply to a supplementary question, the Leader repeated his response that the reply on legal fees would be given in another reply and he confirmed that he was not aware that officer time was recorded directly against every activity undertaken by the Council in its daily routine.

(4) What conveyance[s] of ECC land have already been undertaken in relation to the whole development site?

The Leader responded and stated that there were none, pending the Development Agreement going unconditional. The freehold ownership would remain with the City Council.

(5) Has there been a report published giving feedback on the consultation(s) undertaken with community interests over the development of the leisure centre?

The Leader declared that the reports were published at the time and were included as part of the planning application process.

(6) In addition to the passivhaus house standard what renewable technologies will be included in the building - esp solar on the roof to export to the grid or to allow community ownership of these?

The Portfolio Holder for City Development advised that renewable technologies like solar PV were not a requirement of the Passivhaus standard and were not as successful in reducing the energy demand as passiv, fabric first design strategies. In comparison, even if the entire roof was fitted with solar photovoltaic (PV) this would only achieve 5-8% of the energy savings achieved with Passivhaus. The team focussed on Passivhaus design strategies which provided a significantly shorter payback time and therefore economic benefits for the Council.

In reply to a supplementary question, the Portfolio Holder for City Development referred to her earlier reply and said that at this time the project did not include solar PV.

(7) Has the Pyramids swimming pool site been sold or subject to any contract?

The Leader confirmed that the Pyramids site had not been sold and was not subject to any contract.

(8) If the leisure centre doesn't proceed, will the bus station redevelopment go forward? If not, what plans will the administration put in place for the modernisation of existing bus station?

The Leader declared that the existing Bus Station was long past its best. There was a dire need for the city's infrastructure to be improved and the Bus Station was a fundamental part of the infrastructure. The funding for the new Bus Station had been approved by Council without the help of Devon County Council as the Transport Authority and also the LEP (Local Enterprise Partnership) and it was the intention to proceed with this important redevelopment.

(9) What level of CIL and/or S106 is the site developer contributing to the scheme? If not, why not, and will the administration seek this?

The Leader confirmed that no CIL was liable. There had been no Section 106 contributions as Crown Estates were undertaking their own highway works and there was no legal reason for the Council to seek a Section 106 contribution.

(10) Is the bus station and leisure centre contract being let as one or two contracts?

The Leader stated that there would be one contract.

(11) What use is being made by the Council of, for example the social value act to ensure that the construction contract will provide jobs for local people as part of the contract, and how many apprenticeships for local people will be created?

The Leader confirmed that the tender documents required all tendering contractors to demonstrate how they would deliver social value by way of greater opportunities for Exeter residents, educational improvements to the local schools, colleges and university, supply chain initiatives, local recruitment and training, apprenticeships and work placements. The tendering contractors had responded individually on what their bid provided and these were being analysed alongside the cost returns.

In reply to a supplementary question, the Leader referred to a more formal approach to apprenticeships in the building trade. There would be labour from other parts of the country, but it was important to keep local jobs for local people, where possible.

(12) Will the council be offering an open tender under the OJEU process?

The Leader confirmed that the building works were tendered through the City Council's EXseed Contractors Framework – this framework was fully OJEU compliant.

(13) The administration included a promise of free swimming for children - is that accounted for in the business plan?

The Portfolio Holder for Sport Health & Wellbeing stated that an aspiration for swimming lessons for children up to the age of seven years had been included in the Manifesto, to encourage a healthy lifestyle from an early age. It was the intention to look to include targeted free children swimming lessons into the contract.

(14) Who undertook an independent review of the business case for the project - both the capital and revenue forecasts and risk assessment?

The Leader responded and confirmed that the Business Case for the Accommodation Mix for the design was undertaken by Continuum Sport and Leisure who were specialist Sports and Leisure Consultants. This work was undertaken in tandem with SLM Ltd, an Operator Consultant with specialist skills in Leisure Facilities Management. Max Associates reviewed the Risk Register for operator procurement – which included business risks.

(15) What significant qualification or advice was received as a result of this review?

The Leader responded and said that they had spent a great deal of time talking to residents. The consultant who reviewed the Risk Register for operator procurement (Max Associates), did not suggest any amendments or revision as the document appeared to be comprehensive.

(16) Has any third party placed any contract penalties on ECC should the leisure centre, bus station go ahead or for some other reason the project not proceed such as the closure of Paris Street?

The Leader confirmed that there were none.

In reply to a supplementary question the Leader reiterated that there were no contract penalties on the Leisure Centre or Bus Station.

(17) When will Exeter have an agreed and publically consulted on sports strategy for the city? Does the Council believe that such a strategy would bring investment in swimming into the city? (and should that money only go into the pool or elsewhere?)

The Portfolio Holder for Sport Health & Wellbeing responded that the Council was currently putting together a Sports Strategy, which was desperately needed and also working on a Facility Strategy. The Council was discussing the requirements with Sport England, the Football Association, Exeter City Football Club and Exeter Chiefs. He also confirmed that a meeting of the Exeter Playing Pitch Strategy Steering Group was due to be held on 24 April, to which a number of sporting bodies represented in the city were due to attend.

In reply to a supplementary question, the Portfolio Holder Sport Health & Wellbeing was not able to offer a date as to when the strategy would be completed and formally published, but the consultation would include a wide range of groups and partners and he looked forward to their participation on the Sport Strategy as this was an opportunity for the city.

(18) Why is the council proposing to hand over control of our new leisure centre and not keep all the benefits/profits in the public purse?

The Leader responded that the City Council would retain the freehold of the site and this had been addressed in an earlier question.

(19) Aside of election results, how has the administration measured public support for this project?

The Leader confirmed that they had consulted a wide range of stakeholders, held public consultation events at the Corn Exchange, as well as other public meetings. Meetings had also been held with bus groups such as Stagecoach. The Council had adequately consulted the residents of the city and the feedback was that the residents wanted a new Bus Station and pool. The aging Pyramids pool had been built during World War II and continued spending on it could no longer be justified.

In reply to a supplementary question, the Portfolio Holder for Sport Health & Wellbeing confirmed that the trade unions would be consulted at the appropriate stage, the Council would ensure that all the relevant consultation would take place with regard to the operation of the new complex.

(20) Has there been an independent assessment for the financial viability of the proposed build? If it all goes wrong, who will pay for what might be an expensive mistake?

The Leader stated that an independent assessment of the financial viability and business case had been covered in previous answers. The performance of the leisure centre would be a shared risk with the operator. The Council would receive a share of the profits with a sharing of the risks.

The Council had looked at every aspect of the development and considered what to expect in the future. The days were long gone when a Local Authority could build a pool and continually spend money subsidising it.

In reply to a supplementary question, the Leader stated the Council did not know who the operator would be yet or what the charges would be. Members of the Council would be consulted on such details including any potential risks.

(d) In accordance with Standing Order No. 8, the following questions were put by **Councillor Holland** to the Leader.

(1) The press release from the City Council dated the third March stated that there would be a delay in the Bus Station Development. Will the leader of the Council explain why Newsletters from the Labour Party – delivered over the weekend 18th-19th March herald a start date of the 3rd April. Would the leader of the Council agree that this is misleading the residents of Exeter and reflects badly on the City Council as a whole?

The Leader responded and said that he did not agree. A press release was issued at the first opportunity after telling Members and stakeholders. Even that morning the team were working to get to a point where the public could be told.

(2) The first Passivhaus leisure facility was built in Germany during 2011. Therefore only guaranteeing a five year life-cycle at present. Could the Leader of the Council please explain how the Council can claim that the swimming pool is going to be 'future-proof' when the technology hasn't been around long enough to stand the test of time?

The Portfolio Holder for City Development confirmed that the first two Passivhaus pool projects were completed in 2011. These projects were developed using the same technologies, design strategies and modelling tools as any other Passivhaus

project completed since 1990. As with any other building type, the heating demand of a swimming pool building was reduced by improved air tightness, high levels of insulation, high quality triple glazed windows and doors, controlled ventilation with heat recovery and an optimum solar orientation. Today these design strategies were well understood and scientific research on numerous Passivhaus projects (abroad and in the UK – also include Exeter City Council’s own Passivhaus schemes which formed part of a successful two year building performance study) from the last 25 years had proven that these technologies and design tools would reliably meet the energy design targets. The two Passivhaus pools in Germany had also been monitored for the last five years and had exceeded the considerable expectations of them.

On the St Sidwell’s Point Project, the design team had not only relied on the Passivhaus methodology to future proof the building but also applied best practice to design in climate resilience. With help from experts from Exeter University, future probabilistic climate data developed under Exeter University’s Prometheus project was used on this project to model the building up to 2080 to ensure optimum comfort even under changing future climate conditions.

(3) The orientation of a building with Passivhaus technology is incredibly important. Solar gains make a significant component of heat gains available during the winter months and windows are like ‘room radiators’, effectively making the building self-sufficient. However, in the summer months there is a risk of overheating. Whilst landscaping (deciduous trees) around the Centre may alleviate this to some degree could the leader of the Council explain how this will work before the trees grow to maturity?

The Portfolio Holder for City Development responded that Passiv Houses were well known for their excellent comfort. In addition to energy targets to meet the Passivhaus standard, good indoor comfort needed to be achieved during winter and summer. South facing glazing needed to be carefully sized to optimise beneficial solar gains without increasing the risk of overheating. The Member was correct and passive strategies like external shading, ventilation and thermal mass helped to further reduce this risk. The St Sidwell’s Point Project would not rely on trees for solar shading. The internal layout would locate the warm pool areas along the south side and the areas that required cooling along the north side. Pool halls would be operated at 32 Celsius, so in a UK South West climate, the pool areas would require heating all year round even when summer solar gains would be beneficial. Integrated Environmental Solutions (IES) had a dynamic modelling of the St Sidwell’s Point designs that demonstrated that up to 40% glazed area of the south façade were beneficial without increasing the risk of overheating. The pool areas would be protected from direct sunlight by roof overhangs that block out the high summer sun but let in the lower winter sun. Additional protection from glare would be provided via internal louvres.

The German Passivhaus pools had a similar glazing ratio to that proposed for the St Sidwell’s Point Project. In-use monitoring in 2014-2015 of comfort conditions of these pools had demonstrated that stable internal temperatures were maintained with minimal fluctuations of 1-2 degree Celsius even during summer heat waves. It should be noted that the summer climate in Germany features significantly warmer temperatures (in excess of 30degree C) than the South West.

The design for St Sidwell’s Point Project would be more resilient against overheating than the two pools in Germany. As part of the client’s brief the designs had been developed to allow the building to adapt to increasing temperatures predicted under future climate scenarios up to 2080. Rather than using standard

climate data, future climate data developed by Exeter University had been used to develop the designs. The IES dynamic modelling for the St Sidwell's Point Project demonstrated that even under potentially significantly hotter future climate scenarios the building design would provide good summer comfort.

(4) Passivhaus buildings require good air tightness in order to reduce the demand of heating and to prevent warm moisture from entering the building fabric. This can only be achieved by installing an airtight membrane or barrier around every building element. Where the building has an opening such as a window or a door, the barrier is interrupted. Can the Leader of the Council explain what steps are being taken to mitigate this?

The Portfolio Holder for City Development responded and stated that over the last 25 years a wide range of components had been developed specifically for the use in Passivhaus projects including Passivhaus certified windows and doors that would meet the stringent air tightness requirement. On the St Sidwell's Point Project, such components had been specified that would comply with the highest air tightness standards.

(5) Although no longer working with the City Council the Project Manager for Arcadis advised that the swimming pool would have to carry out summer purging if the building exceeds a certain temperature. This basically means that all of the heat needs to be released from the building by opening all of the windows and doors during the night hours. This does generate a security risk as well as an extra expense due to more staff needing to be employed to carry out this task. My concern is that this project is going to end up putting our City Council into unimaginable levels of debt. Will the Council Leader please explain what steps are being taking to minimise these costs and state where the money for this activity will come from in the years ahead?

The Portfolio Holder for City Development stated that the building would be purged mainly via the mechanical ventilation system specified which had been suitably sized.

(6) I understand that there was some conflict between Arcadis and the Development Team. A member of the Development Team is quoted as saying 'I wouldn't use this system (Passivhaus) as there is a maintenance requirement such as changing the filter every year. The expense is extortionate and I don't think it is worth it'. Can the Leader of the Council reassure the residents of Exeter that they will not be burdened by ongoing costs if the Passivhaus system is adopted?

The Portfolio Holder for City Development responded that the the Council were not aware of any conflict within the Project Team, the views expressed do not concur with those from the St Sidwell's Point Team who were 100% committed to delivering a building to the certified passivhaus standard.

A filter would be required to protect the mechanical ventilation system and to improve the internal air quality. This was not a passivhaus feature but standard for all air handling plant. The same filters exist on very 'normal' pool building. The intervals and costs for changing the filters would be no different to a standard pool.

(7) Having carefully studied the plans it appears that there is no back up heating system. Could the leader of the Council please explain what will happen to the Leisure Centre should the system shown on the plans fail?

The Portfolio Holder for City Development replied that St Sidwell's Point had two heating systems. An air source heat pump as the main heating system and a gas boiler as back up and to assist with temporary peak demands.

(8) Is the leader of the Council confident that the build will be completed as planned? The Passivhaus system requires a great amount of expertise from contractors. Will the leader confirm that there are sufficient skilled people in the United Kingdom who may be able to start work and complete the work in a timely fashion or will we be facing further delays?

The Portfolio Holder for City Development confirmed that the Passivhaus Standard was not a building concept, it was a rigorous energy standard. It had been in existence for over 25 years and could be applied to any type of building in the same way that the BREAAAM Standard was applied.

The standard had been adopted in the UK over the last 10 years and there had been an increasing number of contractors that had experience of working to the standard. Of the contractors tendering for St Sidwell's Point, all with the exception of one had delivered certified passivhaus projects, including very large scale developments. Constructing to a passivhaus standard did not require any specialised skills or qualifications over and above the skill set a contractor or sub-contractor would already had.

(e) In accordance with Standing Order No. 8, the following questions were put by **Councillor Mrs Henson** to the Leader.

(1) Can the Leader of Council confirm that the City Council has engaged with The ASA and Sport England to provide grant funding for the Public Leisure facility and if not who is going to fill any funding gap.

The Portfolio Holder for Sport Health & Wellbeing confirmed that the Council had engaged with the Amateur Swimming Association (ASA) during the design of St Sidwell's Point, however the ASA did not provide grant funding. The Council had also engaged with Sport England to seek funding. The Sport England facilities fund was heavily oversubscribed and did not award funds to this fully funded project. However, the Council continues to engage with Sport England to seek funds to meet the city's sporting and physical activity aspirations for the benefit of the people of Exeter.

(2) Can the Leader of Council confirm that a fixed price has already been obtained for the construction contract in light of the procurement risk on many other factors which could have a big impact on final costs?

The Portfolio Holder for Sport Health & Wellbeing stated that they were currently in discussions with the bidders to obtain a fixed price lump sum contract for the construction contract. It was important that the Council ensured that the costs did not spiral. The Council had learnt the lessons of the RAMM and would try and tie down the contract all in the one deal. There were tried and tested ways that the council tax payers of Exeter would want the Council to follow.

In response to a supplementary question, the Portfolio Holder for Sport, Health & Wellbeing referred to his earlier reply and stated that the tenders had been opened on 20 January 2017. He had apologised for the delay at a recent meeting of the Leisure Complex and Bus Station Steering Group but reiterated that only a number of officers from the project team and Councillor Edwards and himself had been aware of the tender detail, which had been treated in the strictest confidence. He

said that even if Members had been made aware, there was little that could be done and the advice had been not to disclose the information.

(3) Will the Leader of Council confirm it is nothing but a delay and not turn out to be a failure to deliver the complete project?

The Leader responded that the Council had every expectation that the project would be delivered.

In respect of a supplementary question, the Leader stated that at the last Council meeting on 21 February 2017, Members had not been misled and he could, with confidence, support the reasons for maintaining confidentiality.

(4) Can we ensure that we update our Corporate Risk Register as per the Council's Code of Governance?

The Portfolio Holder for Support Services advised that the Risk Register was updated on a quarterly basis and reported to the Audit and Governance Committee.

(f) In accordance with Standing Order No. 8, the following question was put by **Councillor Lamb** to the Leader.

(1) How unusual is it for budgets of big projects to increase in Exeter?

The Portfolio Holder for Sport, Health & Wellbeing replied that a lot of projects across the country had come in over budget so the City Council was not unique to have to deal with this issue. It was important that the Council got the right deal for Exeter.

(g) In accordance with Standing Order No. 8, the following question was put by **Councillor Brimble** to the Leader.

(1) Did the Conservatives try to focus the last election on a single issue, the pool, and what did people think about it?

The Leader replied that they had one issue and that was to turn down a £100 million investment for the city and leave the Bus Station as it is. The residents of Exeter had spoken by the election of 30 Labour Councillors out of 39 seats last May.

(h) In accordance with Standing Order No. 8, the following question was put by **Councillor Sheldon** to the Leader.

(1) Is the LEP funding this scheme?

The Leader stated that the Local Enterprise Partnership (LEP) had put no funding into the project and Devon County Council had not put any monies towards the Bus Station. Somerset, Taunton and Plymouth had received funding from the LEP but the City Council had received very little funding from the LEP.

In response to a supplementary question, the Leader stated that it would be beneficial if the City Council had representation on the LEP.

(i) In accordance with Standing Order No. 8, the following question was put by **Councillor Morse** to the Leader.

(1) Are companies currently in discussion with Crown Estates to come to Exeter?

The Portfolio Holder for Economy stated that the Crown Estates development was very much part of the wider commercial development of the city centre. There was a real risk to the city centre viability if this overall development was not delivered and there could be the potential for out of town shopping centres to come forward.

- (j) In accordance with Standing Order No. 8, the following question was put by **Councillor Robson** to the Leader.

(1) Why don't you just build a cheap leisure centre?

The Portfolio Holder for Sport, Health & Wellbeing stated that he was disappointed that this question should be asked. The Council needed to bring an anchor point to this complex which would attract people to the city. This was a great opportunity to secure a building to ensure that Exeter was a city that people wanted to visit.

- (k) In accordance with Standing Order No. 8, the following question was put by **Councillor Wood** to the Leader.

(1) As a comparatively new Council Member, I was not involved in development of the project unlike the Members opposite. My understanding is that the opposition has been involved from the start and have seats at every Scrutiny Committee as well as the Executive of the Council. What new information can possibly be raised tonight that is not already known?

The Portfolio Holder for Sport, Health & Wellbeing replied that all Members and public were invited to attend the Leisure Complex & Bus Station Programme Board meetings but usually only two or three people attended. This was the group that discussed all the details with regards to the project. The agendas and minutes were available on the Council's website.

- (l) In accordance with Standing Order No. 8, the following questions were put by **Councillor Denham** to the Leader.

(1) What project governance arrangements were put in place for this project to ensure transparency and accountability?

(2) Have opposition Councillors raised concerns about the project management or contractor procurement arrangements, either through the Programme Board or Scrutiny Committees?

(3) Have all Councillors had access to reports and documents associated with the project?

The Leader stated that the Leader of the opposition was invited to the Leisure Complex and Bus Station Programme Board meetings but he had not attended. The current two opposition Members had been coming along to the meetings and asked challenging questions. Members had access to the Board's reports and could come to the meetings to ask questions.

- (m) In accordance with Standing Order No. 8, the following question was put by **Councillor Lyons** to the Leader.

(1) How much will Exeter taxpayer's rates rise to fund the bus station and leisure centre development?

The Leader stated that none of the council tax rise would go towards the Bus Station and Leisure Centre development. The Council had put up council tax by £5, this year the maximum allowed by Central Government, although this Council still had the fourth lowest council tax rate in the Country. This Council had been prudent with its New Homes Bonus monies, £8 million of which had been allocated for the complex.

- (n) In accordance with Standing Order No. 8, the following question was put by **Councillor Warwick** to the Leader.

(1) How will the proposed leisure complex enhance the city's green credentials?

The Portfolio Holder for City Development reported that the Council had won the Environmental Council of the Year at the Local Government Chronicle awards last year for its solar panels on the John Lewis and Mary Arche's car park. This Council had already built its own Passivhaus council houses which were cheaper to run, healthier to live in and better for the environment. Passivhaus had been operating since 1990. Once built, the complex would be a great place to visit and swim and would include a café. This Council was forward thinking and ambitious for its residents.

- (o) In accordance with Standing Order No. 8, the following question was put by **Councillor Pearson** to the Leader.

(1) How does the provision of a new city centre leisure complex fit with the aims of Active Exeter/ Active Devon?

The Portfolio Holder for Sport, Health & Wellbeing replied that the Council was consulting with Active Devon, Active Exeter, local sporting community groups and Sports England to deliver a fit for purpose Sports Strategy going forward.

- (p) In accordance with Standing Order No. 8, the following question was put by **Councillor Hannaford** to the Leader.

(1) Why is it important for the prosperity of the city to have the leisure complex in the current proposed location?

The Portfolio Holder for Economy replied that not everyone had access to a car and this location was very accessible. It was important the city centre had a range of services and facilities to cater for a wide audience. The National Planning Framework recognised the need to ensure the viability of town centres by offering a range of facilities.

- (q) In accordance with Standing Order No. 8, the following questions were put by **Councillor Vizard** to the Leader.

(1) According to Young Minds, the UK's leading charity committed to improving the emotional wellbeing and mental health of children and young people, many aspects of today's society can be bad news for the mental health of children and young people in the UK. As they grow and develop, children have to navigate a complex and ever-changing world, facing challenges and pressures in numerous aspects of their lives.

The Portfolio Holder for Sport, Health & Wellbeing commented that the Council was engaging with a number of groups with special needs to make sure that the facilities

on offer took into full account the wide spectrum of everyone in the city regardless of disability.

(2) We know that scientists have discovered that exercise makes your brain release chemicals that make you feel good - the same chemicals that you get from antidepressants. For mild depression, research shows that physical activity can be as good as antidepressants or psychological treatments like cognitive behavioural therapy (CBT). How are we engaging with local schools to ensure we support the mental and physical health and wellbeing of our future generations?

The Portfolio Holder for Sport, Health & Wellbeing replied that the Exeter Health and Wellbeing Board and its Partners would be engaging with schools to promote the benefits of exercise.

(r) In accordance with Standing Order No. 8, the following question was put by **Councillor Wardle** to the Leader.

(1) When did the current Leisure Services Contract commence and under what political party leadership? What, if any, changes to the current Leisure Services Contract would Exeter City Council be seeking to incorporate into any new contract?

The Leader stated the current Leisure Services Contract commenced under the Liberal Democrat administration. Any new contract would be overseen by a panel of Members to ensure that it provided value for money and a facility for all residents.

(s) In accordance with Standing Order No. 8, the following questions were put by **Councillor Harvey** to the Leader.

(1) What are the advantages to the City of the new leisure complex and bus station?

The Portfolio Holder for Economy commented that the wide range of benefits had already been addressed. This complex would replace the Pyramids Pool and help Exeter to become the most active city in the South West bringing with it economic benefits to the city.

(2) What will the charge be for a family or a single parent and child to swim in our new pool and how does this compare to commercial establishments across the City?

The Leader stated that, until an operator had been appointed, the charges would not be known but it was important that the charges were affordable for all citizens.

(t) In accordance with Standing Order No. 8, the following question was put by **Councillor Packham** to the Leader.

(1) Is Cllr Edwards aware that Exeter University men's first rugby team won their British students semi-final last Wednesday and are returning to Twickenham on the 30th March to defend the trophy they won last year? And would the Leader agree that the Leisure Centre would continue to build on Exeter's name as a great sporting destination?

The Portfolio Holder for Sport, Health and Wellbeing commented that it was important that Exeter continued to support first class sporting talent.

(u) In accordance with Standing Order No. 8, the following question was put by **Councillor Sills** to the Leader.

(1) In light of the fact that it is the responsibility of the County Council to provide provision for transport in our city, can the leader confirm that we, as a district authority, have received no funding whatsoever from the Conservative run Devon County Council to help fund the crucial re-development of Exeter's outdated, 50 year old bus station?

The Leader stated that Devon County Council had not provided any funding for the Bus Station although they had said they were going to build a new bus station in the city. The Council may have to look to the CIL monies for additional funds for the project.

(v) In accordance with Standing Order No. 8, the following question was put by **Councillor Gottschalk** to the Leader.

Not forgetting the delays and issues that it incurred before construction, could the Leader remind the council the value of the jobs and further investment that the Princesshay development has brought to Exeter. Does he agree with me that for this crucial redevelopment of this City centre site not to go ahead would risk the emergence of "out of town" shopping centres, risking the jobs and economic prosperity that Exeter is so proud to boast?

The Portfolio Holder for Economy commented that yes she did agree this development was important for the viability city centre which would create 500 jobs. It would be a disaster for the city centre if an out of town development was to be built.

(w) In accordance with Standing Order No.8, the following questions were put by **Councillor Leadbetter** to the Leader.

(1) When was it envisaged the original contract to build the Swimming Pool Complex would be awarded? When was it envisaged the original contract to build the Bus Station would be awarded?

The Leader replied that February 2017 had been envisaged as the date to award the contract. Although now he could not give a specific date. He did not know when the Crown Estate would begin their scheme.

(2) Has the Council Considered the needs of its constituents in terms of Sporting provision for the City? What was the outcome of the Consultation?

The Portfolio Holder for Sport, Health & Wellbeing commented that the Council was preparing a Built Facilities Strategy which would include consultation with a wide range of groups including Active Exeter and Active Devon. This was still in the development stage.

(3) Does the Council have an adopted Sports Strategy? What does it say about Swimming Pool Provision?

The Portfolio Holder for Sport, Health & Wellbeing replied that Sport England would be consulted on the strategy. The consultation would assess what demands there were for various sporting activities including swimming. A key element of the draft Built Facilities Strategy was the delivery of modern, fit for purpose new swimming pools within the leisure complex at St Sidwell's Point.

In answer to a supplementary question, the Portfolio Holder for Sport, Health & Wellbeing stated that the Pyramids Pool needed to be replaced. Scrutiny Committee had received a report in relation to the position with the Riverside Leisure centre. The Council had to ensure that they got the right replacement for the Pyramids which was coming to the end of its life.

(4) What is the anticipated borrowing, from who and at what rates? What will the total cost of the borrowing be and over what term?

The Leader stated that the current Council resolution was that no additional borrowing would be incurred as a result of the project.

(5) Please state where the rest of the money is coming from – eg New Homes Bonus etc

The Leader responded that the Council did not know what would be required. When more details were known these would be brought to Members for consideration.

(6) Please list the developments in the City contributing CIL or Section 106 monies to the project

£8 million from CIL had been allocated for the scheme. When the Council had more detail with regards to any additional funding requirement it may ask Council for additional monies from CIL.

In answer to a supplementary question the Leader stated that the City Council may need to assess the amount of CIL monies it paid to the County Council as the County Council had not contributed to the Bus Station.

(7) Has the Section 151 Officer been consulted on the borrowing and is he in agreement?

The Section 151 Officer gave his professional opinion on the Council budget requirements.

(8) Are Stagecoach or any private operators contributing towards the build cost?

No

In reply to a supplementary question, the Leader commented that any bus operators would be required to pay the Council rent.

(9) What is the estimated revenue over the next five years? How has this been estimated?

The Portfolio Holder for Support Services stated there was a detailed Business Case for the Leisure Complex and it showed a profit.

In response to a supplementary question, the Portfolio for Sport, Health & Wellbeing replied that appropriate information about the Business Case was available on the Council's website.

(10) How much revenue will the Council lose whilst Paris Street is being redeveloped? How will this money be recovered?

The Leader stated that the Council did not have any properties in Paris Street. The leases for properties in Paris Street was a matter for Crown Estates and these leases were short term.

(11) Has the council paid any Business money to vacate their lease early and/or move?

The Portfolio Holder for Support Services commented that the leases for properties in Paris Street was a matter for Crown Estates.

(12) How many people per year pay to swim at the Pyramids Swimming pool? How many people pay to swim at the Riverside Swimming Pool?

The Leader stated that Pyramids was used by 79,500 – Inclusive of swimmers, lessons and aqua fit and Riverside was used by 128,500 - Inclusive of swimmers, lessons and aqua fit.

(13) How many people do you anticipate will use the new Swimming pool per annum?

The Leader stated that the projected figures were in the business case.

(14) Will the swimming club be able to use the pool?

Yes, the Council were committed to providing water space for the city's swimming, triathlon and water polo clubs.

(15) Will the pool be big enough for the Water Polo Club to use/play matches?

Yes, the main pool would accommodate training and match facilities for the city's thriving water polo club.

(16) Will the clubs that currently use Pyramids have to pay more in the next five years?

Prices had not yet been agreed. The Council would do its best to ensure that the prices would be affordable.

(17) Will the Pool still have movable floors?

Yes.

In response to a supplementary question, the Leader confirmed that there would be improved seating to that at the Pyramids.

(18) Will the changing rooms be single sex? Will there be a facility for family changing?

The Leader clarified that there would be a communal changing village with individual cubicles for use by anyone, including larger cubicles for family use. There would also be separate single sex team changing rooms and changing rooms for groups and schools.

(19) Will Exeter residents be entitled to a discount to use the Pool?

The Leader stated that favourable rates for Exeter residents would be examined.

(20) What compensation will be paid to traders in Sidwell Street that are losing trade?

The Leader replied that traders could apply to the valuation office for a reduction in Business Rate if they could demonstrate that trade had been severely affected.

(21) DCC is losing money whilst the parking bays are closed. What compensation will be paid to DCC?

The Leader replied that Devon County Council, as the highways authority, approved the works and this had included the loss of income as part of the interim bus arrangements.

(22) What is the estimated cost of the New Bus Station?

The Leader stated that the estimated cost of the New Bus Station was commercially sensitive information, however he confirmed that the estimated cost was one of the cost headings within the approved budget, which included the cost of build, interim arrangements and consultancy costs.

(23) How much money will Stagecoach receive from the council over the next 3 years?

The Leader replied that stagecoach would receive nothing.

(24) What will Stagecoach pay to use the bus station?

The Leader commented that the future operator, whoever that is, would pay rent.

(25) Has stagecoach received any compensation payment now or in the future?

The Leader clarified that the contract with Stagecoach was commercially sensitive, however nothing had been paid to date.

(26) Where will Coaches/National Express/Megabus vehicles park to drop off Customers?

The Leader responded that National Express, Megabus and other long distance coaches would use Bampfylde Street, as per the Outline Planning submission approved in January 2016. Touring coaches would use South Street, again as per the Outline Planning submission which was approved in January 2016.

(27) Will a waiting room be provided?

The Leader stated that the Council were currently exploring this possibility.

In answer to a supplementary question, the Leader stated that the bus operator and County Council had confirmed that bus station provision was sufficient.

(28) Do the council have any more pending legal actions or tribunals?

The Leader confirmed that the council does not have any more pending legal actions or tribunals relating to the leisure complex.

(29) Does any council member or officer have a relationship with anyone involved with the pool or bus station?

The Leader - Not as far as I know. The Member's Register of Interest was published on the Council's website.

(30) Has any Councillor declared any Conflict of Interest in respect of any part of the project?

The Leader responded no.

(x) In accordance with Standing Order No.8, the following questions were put by **Councillor Prowse** to the Leader.

The decision to build a pool/leisure centre to Passivhaus standard has been highly questionable.

(1) The cost of the project is around the £26 million pound mark. Does the Leader agree this is a sound investment?

The Leader replied that yes it was a sound investment and would provide value for money. RAMM was an example of a great facility.

In response to a supplementary question, the Leader stated that there were other 50 metre pools in the Country. The proposed centre would be a family facility with a state of the art Bus Station.

(2) The visit to Germany by both Officers and Labour Cllrs were I believe warmed to this technically advanced proposal. How many such Passivhaus centres existed in Germany at the time of the visit?

The Portfolio Holder for City Development replied that Passivhaus schemes had been around since 1990 and the Council had sought the advice of experts. Exeter City Council had been developing homes to the Certified Passivhaus Standard for the last eight years and were therefore familiar and confident with this tried and tested standard. As there were no passivhaus swimming pools in the UK, a study trip to Germany had been arranged to visit two completed passivhaus pools/leisure centres. At that time, there were two such facilities in Germany. Members had been accompanied by the Project Consultancy Team.

(3) The visit to Germany convinced the group that such a development in the centre of this City was viable. Was there a report of the visit?

The Portfolio Holder for City Development stated that the trip to Germany provided an opportunity to see the passivhaus standard applied to a swimming pool / leisure centre use. Members had talked to the people running the centre which provided strong evidence with regards Passivhaus builds. Each visit required every attendee to complete a feedback report on the observations of the visit and the findings of this were compiled into a report which helped shape the Client Brief.

(4) Can the Leader explain the plaudits of a Passivhaus system given that no other Council or private initiative has built one in the UK? How does it work?

The Portfolio Holder for City Development replied that the Council had been developing all their new homes to the certified passivhaus standard for the last eight years. There were many other Councils and Private Developers that were now

developing passivhaus buildings and the numbers had increased year on year. Across Europe, and globally, the passivhaus standard was one of the fastest adopted building standards and she understood that there were now entire regions that mandate the standard, such as Brussels, Vancouver, Frankfurt and parts of Dublin in Ireland. The standard was a rigorous energy standard that could be applied to any building type or use (including retrofit and refurbishment).

The core focus of the passivhaus standard was to dramatically reduce the requirement for space heating and cooling, whilst also creating excellent indoor comfort levels. This was primarily achieved by adopting a fabric first approach to the design, by specifying high levels of insulation to the thermal envelope with exceptional levels of airtightness and the use of mechanical ventilation, with no need to leave windows open.

Passivhaus buildings do not require heating or cooling systems on conventional scales, meaning that money that would have gone towards these expensive systems could be spent instead on higher quality components. Add to this the long-term energy savings passivhaus buildings bring and it became clear that passivhaus buildings were a good investment. Especially in the face of dwindling energy resources and rising energy costs, the passivhaus standard exemplifies sustainable affordability.

In response to a supplementary question, the Portfolio Holder for City Development commented that the project team had considered all the relevant information to ensure that they understood the technology and how repairs and maintenance operations would be undertaken.

(5) Considering that such a building has to be 'Fabric First Approach' does this reflect in the sky high cost?

The Portfolio Holder for City Development stated that the cost plan made provision for an uplift in costs for adopting the passivhaus standard, this equated to approximate 10% of the total build cost. The Council had built over 30 Passivhaus homes so the Council had tried and tested this model.

(6) Is it correct if we go ahead that most of the fabric of the building is not going to be sourced locally?

The Portfolio Holder for City Development replied that the materials for the building were not particular to it being passivhaus, the materials adopted reflect the aesthetic design aspirations for the building and its context, its functional requirements and the planning requirements. The palette of materials would be sourced locally and installed by locally employed sub-contractors/suppliers.

(7) There is an assertion that the building will be 70-80% efficient. To achieve this, the building has to be airtight, certified by a qualified technician who is accredited and it is now apparent that the scale of the building project has found that it's 'too risky'. As no Councillor on this Council has no knowledge of this system on what report did the Leader rely on to convince his group of its merits?

The Portfolio Holder for City Development commented that she was not aware that anyone from the project team had said the project was too risky. The building had been designed to be at least 70% energy efficient by adopting the passivhaus standard. This standard was tried and tested and the Council had first-hand experience of using the standard over the last eight years for all of its new council housing stock. The Council received Government Funding to undertake two years

of post-completion monitoring on the Council's first passivhaus developments so had definitive evidence on the effectiveness of the Standard. A copy of this report was in the public domain and was readily available to any Member.

With regard to specific knowledge and evidence of completed passivhaus swimming pools and leisure centres, Members and Officers (as well as the Project Consultancy Team) visited two completed passivhaus facilities in Germany and attended a workshop with the Passivhaus Institute in Frankfurt where the post monitoring findings of these facilities were presented. The Passivhaus Institute were also consultants to the Project Team and had worked closely with the Design Team to ensure that the design conformed to the standard and would be certifiable.

In response to a supplementary question, the Portfolio Holder for Sport, Health & Wellbeing replied that this was an economically sound project and not too risky.

(8) Can the Leader advise on the amount that Sport England contributed to the funding?

The Leader stated that the Council had approached Sport England for funding at every opportunity.

(9) Did the Leader not consider engaging either Exeter University or Exeter College, or both into entering into a joint venture?

The Leader commented that, whilst this was not a joint venture, the University had been involved with the passivhaus design element.

(10) What considerations were given to tapping into the District Heating Infrastructure?

The Leader stated that provision had been made to connect the new facility into the District Heating System in the future which could also include the RD & E Hospital and the Civic Centre.

(11) In the Labour groups manifesto leaflet dated April 2016 it states that free swimming lessons for children will be offered. Was this budgeted for?

The Leader stated that it was important that children got the chance to learn to swim when young and the Council would talk to any potential contractor regarding the free swimming lessons for children.

(12) The number of gym stations has increased from 100 to 150. Planning approval was given for this on 20th January 2016. Pursuant to this date, this council via planning committee has approved a significant number of other gyms. Some of these are 24 hours. In other cases they are integral to new student accommodation sites. How are we to encourage any users members to our site?

The Portfolio Holder for Sport, Health & Wellbeing stated that this has been considered when the planning application went to Full Council as part of the business case. Some of the 24 hour gym facilities were in student accommodation and not open to the public. The Council wanted to provide a facility for everyone.

(13) *At a meeting held on the 12th September at which I was present a report clearly stated "Due to the limited supply of available contractors in the SW construction market, and uncertainty due to the UK's decision to leave the European Union, the tender prices are returned higher than the current budget allows."*

- A) *What was the date of the EU referendum?*
- B) *By how is the tender too high?*

If the answer to b above is not publicly available then by what percentage is it too high?

The Leader replied:-

- A) 23rd June 2016
- B) The tender returns were commercially confidential at present
- C) A percentage could not be provided for commercially confidential reasons.

(14) *At the meeting on the 22 October 2015 I asked why no solar panels were to be installed on the vast roof of this pool. We were told a report would be forthcoming. Where is that report?*

The Portfolio Holder for City Development stated that this had already been covered in a response provided earlier. Renewable technologies like solar PV were not a requirement of the Passivhaus standard and were not as successful in reducing the energy demand as passiv, fabric first design strategies. In comparison, even if the entire roof would be fitted with PV this would only achieve 5-8% of the energy savings achieved with Passivhaus. The team focussed on Passivhaus design strategies which provided significantly shorter payback times and therefore economic benefits for the councils.

That said, the St Sidwell's Point Project used renewable technology like, for example, a heat pump to cover the remaining heat load. A roofing system had been specified which also allowed for retrofitting PV in the future should this be desired. Future savings on energy could then be re-invested to install PV.

(15) *The express and echo of 9th March featured on article on a pending hearing at Exeter Magistrates Court on Monday 13th March whereby this Council was seeking to overturn a decision issued by the Information Commissioner directing this Council to release to a member of the public details of this Council's business case for the pool.*

As the opposition member on the pool & bus station committees why should I learn of such action via a newspaper?

The Leader replied that there was no secret, it was part of routine work. The newspaper article was not instigated by Exeter City Council officers.

(16) *How many other FOI requests exist in relation to this entire development? (including others that may have been made as above)*

The Leader stated 5.

(17) *Does the Council have any more pending legal actions or tribunals regarding the development?*

The Leader replied no.

(18) Since the press release of 23rd February 2017 regarding the developments delays are there any indications that any legal actions are possible pursuant to the dispensing of services of those involved in the development?

The Leader replied no.

(19) Given the fact that I attended court 3 at the Court on 13th March I was surprised at the level of Officer Representation. Just how much has this legal challenge cost this council?

The Leader stated that the level of officer representation changed through the day as required to facilitate the tribunal – not just for the part of the morning Councillor Prowse attended. To date, the Council had spent £4,050 on barrister costs (with a further invoice for £3,870 still to be paid).

(20) Who authorised the challenge to the Information Commissioners decision?

The Leader responded that it was the Deputy Chief Executive of Exeter City Council.

(21) It has always been the case that the threat of closure of the upper Paris Street has only been the desire of the Developers. Did the Labour members as a group have a full briefing on the likely impact of the proposed alternative route before they voted on the 20th January 2016?

The Leader confirmed that Labour Members had not been briefed.

Adopted Local Plan Policy KP3 guided that development on the site should “improve permeability and the safety and convenience of pedestrian access to the site especially across Paris Street.”

(22) WSP acting on behalf of the developers have prepared an alternative route which on the face of it was acceptable by Devon County Council as Highways Authority. However, it was only acceptable with a dearth of mitigating factors. Were any members of this Council invited to be given a demonstration of this route prior to the vote on 20th January 2016?

The Leader reconfirmed that Planning Permission had been granted by Full Council and he did not see the point in continuing to discuss such matters.

(23) Were any of the Labour group briefed prior to the vote of the 20th January 2016 about any evidence of traffic modelling to demonstrate the effects of the traffic impact on the alternative route if Paris Street was shut?

The Leader clarified that Planning Permission had been granted by Full Council.

(24) In a press release from this Council on 28th June 2016 it states, “Paris Street will become pedestrianised once redevelopment is completed.” On account that the advert for this proposal was not placed until 18th January 2017 (six months later) how did such a misleading statement be approved and by whom?

The Leader clarified that Planning Permission had been granted by Full Council.

(25) It is a stated pre condition by the application (Crown Estates) that upper Paris Street should be shut to make their scheme viable. Is it expected that all of the traffic which this street services will go via the alternative route?

The Leader commented that Paris Street use to have two way traffic. Car drivers would find alternative routes around the city. It was important that pedestrians could walk safely around the city centre.

In response to a supplementary question, the Portfolio Holder for Economy stated that it was best practice that pedestrians and cyclists had the most direct routes with good public transport links. The closing of Paris Street would encourage walking and cycling and discourage driving into the city centre.

(26) The Transport assessment for the bus station re-development bases usage on current date. Was any data available for projected usage?

The Leader stated it was based on projections, rather than data.

(27) Does the Leader believe that the bus station is future proofed for expansion, given the housebuilding approvals by our neighbouring authorities?

The Leader stated that an additional route capacity could be accommodated and measured such as flexible allocations stands. Long term, the design of the bus station would allow the concourse to be extended if the Coop Supermarket site were to come forward for development. No contribution had been made from the County Council for the bus station.

(28) The original planning application for the entire site was circulated for public consultation on 23rd July 2015. In other words the summer holiday period. The closure date was the 28th August. Still the summer holidays. Was this by design or default?

The Leader stated that there had been plenty of opportunity for the public to comment.

(29) Did the Leader avail himself of the opportunity to read all 247 registered objections? (Either before or after the 20th January 2016)

The Portfolio Holder for Sport, Health & Wellbeing commented that there was an opportunity for Members to read all objections and they were given the chance to ask questions when the application was considered.

In response to a supplementary question, the Portfolio Holder for Sport, Health & Wellbeing replied that Members had all the information before them to consider as part of the planning application.

(30) In letters seen by me to our Member of Parliament and between the Head of Planning, (Highways, Devon County Council) and concerned constitutions to the entire development is it clear that only the applicant (Crown Estates) require the closure of upper Paris Street. Given this fact and the suggested alternative route via busy narrow residential streets to what extent was the Leader involved in these discussions?

The Leader clarified that all these issues were considered when the application was granted planning permission by Full Council.

(31) Given that the alternative route is via busy narrow residential streets would the Leader confirm that this Council via its planning dept. did consult with all those households that will be directly affected?

The Leader stated that all the evidence was considered when the application was considered by Full Council.

(32) The planning report to the Full Council of the 20th January 2016 states that the applicants NO2 concentrate readings were 15% below than that predicted. Given that reading sites is at the front gates of the local infant's school does the Leader agree that re-directing all of the Paris Street traffic past this point is ill conceived?

The Leader stated that the comments of the County Council on this matter would have been taken into account when the application was considered by Full Council.

In response to a supplementary question, the Leader confirmed that he would write to the Member with regards to the school children objections on the application file.

(33) Given the importance of promoting our City as a visitor destination does the Leader believe the offer of two spaces in South Street as an alternative to the existing coach station is adequate?

The Leader responded yes and that a full consultation had been undertaken.

(34) Considering that one of these spaces is for continental left hand drivers we are only offering one space to UK coaches. Is this adequate?

The Leader considered that two spaces would be adequate, particularly as there was coach parking at Haven Banks.

(35) Sidwell St., interim works took effect on 9th January 2017. The fencing was not removed until; 13th March. During that period there were a significant number of days where no work took place. Takings of the shops that were fenced off were dramatically reduced. Were the shop holders kept informed of delays?

The Portfolio Holder for Sport, Health & Wellbeing stated the Council had decided to use a temporary bus station arrangement because a further option of the Triangle car park had not been supported by residents. This was a compromise situation. This temporary arrangement would start when the Council released the site. The Council had put in place arrangements to make sure the project was on time and the Council was ahead of the game. The Portfolio Holder confirmed that he had visited the business in Sidwell Street to address their concerns. If traders on Sidwell Street had felt that they had lost business due to the on-going works, there was process they could apply to for possible business rates compensation. He suggested that the money that the County Council took from their parking meters on Sidwell Street could be used into improving the infrastructure in Sidwell Street.

In response to a supplementary question, the Portfolio Holder for Sport, Health & Wellbeing replied that the Council was below its budget for the installation of temporary bus stops.

(36) How many units of social or affordable housing have been allocated on the re-development site?

The Leader stated that there would be no housing proposed on the Bus Station Redevelopment Site. The City Council had a proud record of delivering affordable housing across the City.

In response to a supplementary question, the Leader stated that this Council had built more social housing than any other district council in Devon and provided new Council housing for its residents. The Princesshay development had provided city centre residential accommodation.

(37) The City Council is the freeholder of the Bampfylde Street car park. Given that as a freehold site that earns a substantial amount of income (on account that as an asset has very little overheads) why on each are we allowing it to be built on?

The Leader stated that this was discussed and debated at the time, the whole of the city could not be car park.

(38) Is this another developer demand?

The Leader stated that this was part of the overall development to bring £100 million investment to the city and provide 500 jobs.

(39) This would have been the most ideal car park to facilitate all of those wanting to use our prestigious new facilities whose only means of travel is the car. Does the Leader agree?

The Portfolio Holder for Economy stated that a review of the city's car parks had been undertaken and the development of this car park was an essential part of the project of the site.

(40) This Council is the freeholder of the site on which this city's fourth cinema will be built. This is a developer idea? Can the Leader detail any communications undertaken by this Council prior to this decision whereby a theatre option was tested as a joint venture?

The Leader stated that currently there was a £75,000 feasibility study for an entertainment venue at South Street.

(The meeting commenced at 6.00 pm and closed at 9.35 pm)

Chair

PLANNING COMMITTEE

Monday 13 February 2017

Present:

Councillor Sutton (Chair)
Councillors Lyons, Bialyk, Denham, Edwards, Foale, Gottschalk, Harvey, Mrs Henson, Morse, Newby, Prowse and Spackman

Also Present:

Assistant Director City Development, Principal Project Manager (Development) (PJ), Project Manager (KW) and Democratic Services Officer (Committees) (HB)

10

DECLARATIONS OF INTEREST

Councillors Gottschalk and Sutton declared disclosable pecuniary interests, the former having enrolled on the University of Exeter's Graduate Budget Business Partnership and the latter as an employee of the University of Exeter and withdrew from the room whilst Minute 11 was discussed.

11

PLANNING APPLICATION NO. 16/1232/01 - UNIVERSITY OF EXETER, EAST PARK, STREATHAM CAMPUS

The Principal Project Manager (Development) (PJ) presented the application for outline planning application to build student accommodation (up to a maximum of 35,700 square metres) ancillary central amenity facilities (up to a maximum of 1,500 square metres) with associated infrastructure and landscaping (all matters reserved).

Following the original submission proposing up to 39,500 square metres revised plans had been produced, the changes relating to the proposed future siting and height of the buildings within the site and, as a consequence, the overall quantum of development had reduced from 39,500 square metres to 37,200 square metres, with a re-estimation of student bed spaces from 1,300 to between 1,150 and 1,220. The main changes were the reduction of the building heights close to the boundaries of the site and a reduction in the developable area alongside the western boundary together with a series of reductions in storey heights the various reduction being 12 to 8 storeys, 8 to 6 storeys, 7 to 5 storey, 6 to 3 storeys and 6 to 5.5 to 3 storeys but with an increase in height within the central section of the northern part of the site from 3/4 to 5 storeys.

There would be no parking available for students other than provision for disabled students and drop off spaces, which was anticipated to equate to approximately 60 spaces across the site.

The Assistant Director City Development set out the Policy background with reference to the Exeter Local Development Framework Core Strategy, the Exeter Local Plan First Review 1995-2011, the Development Delivery Development Plan Document (Publication Version) 2015 and the University of Exeter Streatham Campus Masterplan Framework. The Masterplan adopted by the City Council in

2010 had identified East Park for up to 26,400 square metres for development and had been prepared in the context of the University's 2006-16 Estates Strategy to provide guidance on provision of accommodation for students including the opening of Duryard, Birks and Lafrowda that opened between 2010 and 2012. In that context, the Masterplan had reserved on-campus sites primarily for further academic expansion, with East Park expected to be a long term site. However, the City Council did flag up that there might be a need to consider at a later date whether some of the land identified for future development on campus should be devoted to more student housing and, when approving the Plan in December 2010, it wished to ensure that sufficient purpose built student accommodation continued to come forward.

The Assistant Director indicated that the development of significant further student accommodation at East Park was necessary to ensure good performance against the target of 75% or more of students in purpose built student accommodation to meet University aspirations that first year and overseas students have the opportunity of a campus experience and to reduce the impact of students imbalancing communities in popular student areas.

Members were circulated with an update sheet - attached to minutes.

Councillor Owen attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- hundreds of objections have been received to this development and the reductions in heights and reduced number of blocks still do not justify this proposal. Academic or other buildings on this or larger scale would also be unacceptable;
- objections come from a wide range of people both from the immediate neighborhood and from further afield and include academics and other employees of the University, two thirds of their objections relating to the scale and massing and to the high rise development being inappropriate for East Park;
- the development will lead to the loss of green space and the destruction of a green lung in the north east of the City;
- the University description on its website of the campus as beautiful with lakes and wooded areas and its description that the scheme will prove a positive contribution to the area and complement the wider area of the University does not square with this proposal;
- with eight and six storey blocks still proposed this is not a sustainable development;
- the Exeter Local Plan First Review 1995 to 2001 Policy E4 requires that development will only be acceptable if the character and setting of the campus is protected - this development does not protect the campus. Similarly, the Development Delivery Development Plan Document (Publication Version) 2015 requires development to respect and contribute positively towards the character and appearance of the area - again the proposal fails to do this;
- information in respect of ceiling heights should have been included in the report and not reported verbally;
- the University cannot back up its statement that expansion will continue in next five years with firm evidence - the demand for places may be affected by other issues, for example, Brexit;
- University staff state that there are other requirements on campus such as improved academic facilities, extending the library for students etc. which would be preferable to accommodation;

- landscape and visual assessment and the balloon test were taken before the revised proposal was put forward and did not include the five storey block at the top of the central ridge. Therefore, this new element should also be subject to consultation and a further balloon test;
- the balloon test was taken on a windy day reducing the overall height of the balloons and therefore the heights are misrepresented;
- 1,220 students will increase noise and light pollution. The mitigation measures proposed by the University to reduce noise are dubious as noise emanating from the campus currently causes problems; and
- accepting this proposal at outline stage, with only reserved matters to be considered at a later date will change the character of the area for ever.

Councillor Mitchell attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- represent hundreds of objectors and endorse comments of Councillor Owen;
- objectors do not object in principle to further development and many support accommodating students on campus in accordance with Local Plan First Review Policy E4, providing the character and appearance of the campus is protected. However, there has been an increase from a proposed 26,400 square metre development as set out in the 2010 Campus Master Plan to 37,200 square metres, which is a 40% increase;
- scale and massing is excessive and will have a detrimental impact on the character and setting of the campus and is contrary to Policy H5A which states that the scale and intensity of use should not harm the character of the building and locality and is also contrary to the Development Delivery Development Plan Document (Publication Version) published in 2015;
- the density of the development will be detrimental to the ecological, amenity and landscape setting of the area. Devon Wildlife Trust state that species will be affected by the close proximity of the envisaged buildings and sought a wider buffer area of wildlife friendly habitat, separating buildings from these boundaries, in order to allow scope for the avoidance of disturbance to legally protected species; and
- with a large number of purpose built student accommodation such as at the Football Club, Honiton Inn and the Bus Station, the argument that still further accommodation on the campus is necessary in order to exceed the 75% level is not accepted. Further, with the Article 4 designation covering many areas in the City there will be a limit on houses that can be converted to houses in multiple occupation which can be occupied by students.

Councillor Holland attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- the development will exacerbate parking difficulties in the St James, St David's and Pennsylvania areas of the City where parking of student cars is an increasing problem with specific problems likely for fire engines in negotiating tight corners;
- a fractured relationship exists between Pennsylvania residents and the University. Although the University produces many documents on transport, future plans etc. it is slow to respond to public concerns The University took five months to respond to my views on the University's Sustainable Transport Plan;
- in the 1980's student numbers were in the region of 5,000 but this has now quadrupled to 20,000 which is one fifth of the City's population which could increase to a quarter of the population if expansion continues, bringing with it an escalation of current problems. There has been no improvements to roads and car parks to match this growth;

- of a student population of 20,000, 3,000 bring cars to the City and this development will see at least an additional 200 cars who will park in roads not covered by residents' parking or restrictions. These will add to the problems of pollution and lead to increased parking in residential areas - cars along the streets can already be identified as connected with university students. Other Universities such as Cambridge, Loughborough and Nottingham insist that students do not bring cars but Exeter only advises;
- a £20,000 financial contribution is sought towards a review of the existing residential parking zones, the making and implementation of traffic orders and meeting costs of design, road markings etc. This is seen by many residents as a stealth tax. Furthermore, its introduction of residents' parking in one area will push the problem parking to other streets such as Upper Rosebarn Lane;
- circulated photographs show the parking problems with one being of an empty street taken during vacation time. Research has shown that some vehicles are not taxed but abandoned in this area;
- because of the parking problems bus sizes have been reduced with congestion leading to the termination of one service. This service was used by students of St Peter's and parents now use their cars for the school run leading to further congestion;
- other objections referred to include increased noise, light pollution – lights in the stairwells will be on 24/7 - loss of green open space and visual impact across the wider area; and
- believe that a line should be drawn and the development resisted.

Mr Hayes spoke against the application. He raised the following points:-

- two photos of East Park, a highly valued communal green space used by thousands of people, not just local residents were circulated;
- the site had been earmarked for development primarily for low rise academic buildings. It was acknowledged that there was pressure to house more students on campus;
- the Masterplan, approved by this Council, defines how this historic park should be treated with three clear directives of respecting the distinctive landscape setting and high visibility from surrounding areas, retaining and enhancing the biodiversity of the Taddiforde and Hoopern Ponds Valleys and the need for "a light touch" and not detract from the enjoyment, layout and setting of this park. The development does not meet these directives. It is 40% bigger than agreed, has no academic space and now has 13 tower blocks of five storeys or more. It is a radical departure from the agreed Masterplan. Priorities may have changed but the site has not;
- the report states that a development of this magnitude needs careful consideration due to its significant impact;
- if there has been such consideration why is the highest building now located at the top of the hill and on which there has been no balloon test, no consultation, no design review and no landscape and visual assessment;
- there has been no traffic modelling for a huge site, in natural bottleneck, on an already over-crowded campus and no environmental impact assessment;
- corridors between densely populated tower blocks cannot promote the public realm, health and well-being benefits require by policy;
- the concerns about buffer zones from Devon Wildlife Trust have not been addressed;
- valid objections such as noise and light pollution have been shelved as "conditions". Are Members convinced that a noise survey will provide ways to mitigate the noise from 1,200 students living so near to so many residents;
- without answers and key details, a scheme of this enormity cannot be approved;

- critical objections cannot be dealt with at reserved matters as there is no certainty that they will be adequately addressed and almost 70% of the objections relate to the scale of the project being decided now, not at the reserved matters stage;
- in conclusion, this is not about being anti-student, quite the opposite since people freely recognise the economic benefits that the student population brings to Exeter. The decision is about good stewardship of the beautiful campus, respecting a treasured green space, balancing economic and environmental needs, and maintaining the integrity of the planning process; and
- we urge the Council to refuse this application.

He responded as follows to Members' queries:-

- the tabled information showed a photograph taken in the summer of 2016 and an accurate artists 3D impression of how the student residences would look from the east; and
- believe that the conditions do not address the objections.

Mr McCann spoke in support of the application. He raised the following points:-

- the University of Exeter is one of the top 100 research Universities in the world and within 1% overall and wishes to encourage more students, for which additional living space is required;
- East Park has been identified for a potential development since the 1970's;
- provision of student accommodation on campus will reduce pressure for housing in areas of the City traditionally occupied by students and residential provision which accords with Policy E4 Exeter Land Plan First Review 1995 - 2011;
- on campus residential provision is a requirement of the students themselves and the University in particular wishes to provide such accommodation for first year students;
- the development will protect the landscape with additional planting and linear planting in the centre, with 70% of the site remaining as green open space;
- cycling and walking routes through the site will be provided;
- following a balloon test and, in light of general concerns, revised plans were submitted with the heights of the blocks reduced; and
- the proposal is a good addition to the campus and will add to its existing character.

He responded as follows to Members' queries:-

- the public will be able to access this site in the same way as the rest of the campus;
- as set out in the Masterplan, the existing campus layout has the academic and social/administration buildings located within central areas with purpose built student accommodation concentrated to the western and eastern boundaries;
- the only figure of future student numbers that can be provided at present is that of the 1,400 - 1,500 additional students numbers anticipated. The University is a dynamic institution and it is difficult to assess future post graduate and international student numbers;
- the University wishes to be sustainable and, in respect of heating, looks to achieve the highest standard. Whilst unable to link to the District Heating programme and therefore unable to contribute towards decentralised energy infrastructure the University is looking to a BREEAM excellent standard for a combined heat and power system. Other heating systems would also be investigated;

- the change from identifying this site from academic to student accommodation is necessitated by the addition of new students; and
- the University aim is to use the campus as efficiently as possible.

Responding to Members' queries in respect of comments that there are enough purpose built student flats and there is no need for further accommodation of this type in the City, the Assistant Director City Development stated that the Core Strategy Policy CP5 provides the strategic context which supports additional student accommodation to meet housing need. Whilst there were existing planning consents for a substantial commitment to additional student bedrooms, further student accommodation at East Park was necessary to ensure good performance against the target of 75% or more of students in purpose built student accommodation. He set out the current statistics which backed this position. He also advised that in the Article 4 Direction areas there were also a number of small flats which were used as student accommodation legitimately within the policy.

Members referred to the absence of comments from both the Police Liaison Officer and the Fire Service and that the revised plans had not been put to the Design Review Panel.

The recommendation was for approval, subject to the conditions as set out in the report.

RESOLVED that, the application for outline planning permission to build student accommodation (up to a maximum of 35,700 square metres) and ancillary central amenity facilities (up to a maximum of 1,500 square metres) with associated infrastructure and landscaping (all matters reserved) be **DEFERRED** to provide an opportunity reconsideration of the quantum of development and parameter plans within a revised outline application for consultation with local Members and the community to achieve a more acceptable design.

12

PLANNING APPLICATION NO. 16/1488/03 - ARTHUR ROBERTS HOUSE, 121 BURNHOUSE LANE

The Project Manager presented the application for the demolition of existing building, erection of 46 new apartments, together with car parking, cycle parking, access road and landscaping. - Revised description and revised design.

Mr Gould spoke in support of the application. He raised the following points:-

- the 46 apartments will contribute a much needed regeneration to this area of the city and will give many young people the chance to get on the housing ladder due to the location of the scheme;
- the purchase price of the land was a fair market value proved by both the viability study and a letter from the selling agent confirming this fact. Some of the other offers were very close but were for an alternative use for which the council would receive no CIL and no affordable housing;
- the last scheme of 40 units included a refurbishment of an existing building and although viable did not provide affordable housing. This was due to the structure of the existing building and other various costs. Full costings were identified by the Taylor Lewis Partnership as required by the planning department. Their costs had been accepted by both parties;
- the existing building had now been replaced by new, providing the opportunity to improve the development and create a further six units all of which had been allocated to affordable housing. The applicant was not looking to profit from this amendment and this whole development could be deemed affordable housing;

- even before purchasing the site, the applicant worked with an open book policy and had agreed a Section 106 Agreement under the Town and Country Planning Act 1990 for affordable housing; and
- an open evening was held for local residents to discuss the plans which went down well resulting in five letters of support with all from immediate neighbours and there were no letters of objection.

The recommendation was for approval, subject to the conditions as set out in the report.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and County Planning Act 1990 regarding the provision of Affordable Housing, planning permission for the demolition of existing building, erection of 46 new apartments, together with car parking, cycle parking, access road and landscaping be **APPROVED**, subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 17 November 2016 and 25th January 2017 (*Dwg. Nos. 897,81 - 04A; 897,81-08E; 897,81-09F; 897,81-12F; 897,81 - 13C; 897,81-13B; 897,81 - 17B; 897,81 - 51A; 897,81 - 52; 897,81 - 53; 897,81 - 54 ;897,81 - 55; 897,81 - 56 and 897,81 - 57*, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) **Pre-commencement Condition:**
Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason for Pre-Commencement Condition: To ensure that the materials conform with the visual amenity requirements of the area.
- 4) C37 - Replacement Planting
- 5) No part of the development hereby approved shall be brought into its intended use until the vehicular and secure cycle parking facilities have been provided and maintained in accordance with the requirements of this permission and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 6) Travel Plan measures including the provision of sustainable transport welcome packs, shall be provided in accordance with the details hereby approved by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.
Reason: To promote the use of sustainable transport modes, in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.
- 7) **Pre-commencement condition:**
No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
 - a) There shall be no burning on site during demolition, construction or site

preparation works;

b) Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;

c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance;

d) Details of access arrangements and timings and management of arrivals and departures of vehicles.

The approved CEMP shall be adhered to throughout the construction period.

Reason for Pre-commencement condition: In the interests of the occupants of nearby buildings.

- 8) The existing building should be assessed for possible bat interest prior to works to the roof being carried out. This should involve inspection of the roof to be removed for potential roosting opportunities. If bats are found to be using the roof, the advice of a bat consultant should be sought to prevent disturbance / injury to bats which would constitute an offence.
Reason: To comply with the Wildlife and Countryside Act 1981 and amended by the Countryside and Rights of Way Act 2000
- 9) In order to mitigate and compensate for the ecological impacts as a result of this development, mitigation and compensation measures shall be carried out and implemented as stated in Appendix 4 of the Preliminary Ecological Appraisal Report dated December 2016.
Reason: In the interests of preservation and enhancement of biodiversity in the locality.
- 10) No part of the development hereby approved shall be brought into its intended use until the bellmouth access onto Burnthouse Lane is provided, the redundant accesses on Burnthouse Lane are reinstated to a full height kerb and a facility to prevent uncontrolled discharge of water over the footway on Burnthouse Lane has been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
Reason: To provide a safe and suitable access, in accordance with Paragraph 32 of the National Planning Policy Framework

13 **PLANNING APPLICATION NO. 16/1543/03 - 36 HIGHER SHAPTER STREET,
TOPSHAM, EXETER**

The Assistant Director City Development presented the application for the demolition of existing dwelling and construction of new two storey dwelling.

Members were circulated with an update sheet - attached to minutes.

Mrs Frost spoke against the application. She raised the following points:-

- speaking on behalf of some of the residents;
- it is the duty of the planning department to retain and protect existing buildings within a conservation area. There is no alternative but to demolish if it is beyond repair and any rebuild should enhance this historic area. Concerned about both the demolition and the rebuild;
- place importance on the production of a comprehensive and binding Method Statement for both the demolition and new build, which should be made available for all to view before a decision is finally made;

- impact upon daily routines, quality of life, wellbeing and for those who work from home the ability to earn a living will be severe;
- there are older properties in the street that will be vulnerable to the impact of heavy traffic flow and the vibration could be a serious risk to their stability. The work will attract contractors and their vehicles. Removal of old and delivery of new materials will be necessary on a daily basis for a considerable period of time. Access into the street is very narrow so size and weight of vehicles needs to be limited. There is no on or off street parking in the street so alternative parking arrangements for contractors needs is essential;
- the new build is significantly bigger than the existing building, particularly the roof height in comparison to the existing property and would overshadow the neighbouring houses causing loss of daylight;
- the rebuild does not reflect the character of the conservation area and the heritage of Topsham;
- building materials proposed could be more sympathetic to the existing building;
- the existing building is making a positive contribution to the conservation area and it's loss will cause harm to the area. To help mitigate its loss the new build could be sympathetic to the existing building in relation to size and style so that it too could make a positive contribution;
- due to the unique circumstances it is essential that the Method Statement be adhered to by all involved. It will also allow the Council to monitor the contractors performance and compliance with the agreed plan;
- Devon County Council's recommendations supports some issues but feel further consideration is required; and
- expect the Council to confirm that adequate insurance is in place and that a Historic Building Specialist is employed.

Responding to a Member's query, she emphasised the current difficulties with ongoing renovation works to other properties with associated parking of vans etc. which made access difficult especially for emergency vehicles for elderly residents and confirmed that the proposal could be supported if the applicant could sign up to meeting the issues set out in a proposed Method Statement.

Mr Humphries spoke in support of the application. He raised the following points:-

- the application results from an extensive dialogue between the planning team and the applicant and was carefully assessed against all material planning considerations. The application complies positively with relevant National, County and Local Plan Policies and officers support the application;
- the application is to be a family home;
- the plans reflect input from some of the neighbours and comments of a non - material planning nature have also been taken on board;
- at the site inspection it was noted that the condition and the evidence submitted confirmed the building cannot be retained and that there is nothing within the building of any historical importance to merit retention;
- will seek to demolish and rebuild as quickly as possible to assist the immediate neighbours who are most affected by the scaffolding on their property mindful of the need not to cause inconvenience particularly to the neighbours at the end of the cul de sac. The adjoining neighbours have indicated their desire for demolition and rebuild;
- there is a general presumption for development in the National Planning Policy Framework Government Advice; where the proposal is sustainable - Economically, Environmentally and Socially and in such cases development should go ahead, without delay;
- the recommendation is subject to nine conditions which the applicant is happy to accept; and

- request approval of the application.

Responding to a Member's query, he advised that the new property will be set back slightly from the pavement which will enable materials to be delivered directly to the front of the property and parallel to the road then immediately lifted up into the middle of the build or transferred to the yard through the garage to the rear for storage

The recommendation was for approval, subject to the conditions as set out in the report.

RESOLVED that planning permission for the demolition of existing dwelling and construction of new two storey dwelling be **APPROVED**, subject to the addition of an informative to ensure that the applicant engages with local residents to agree a construction, management and environment plan prior to submission to comply with condition 3 and subject also to the following conditions:-

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 29 November (*dwg. no(s). T.01, S.01, A.02, A.03, A.04, A.05*), as amended by the revised plan received by the Local Planning Authority on 06 January 2017 (*dwg. no. A.01*) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) **Pre-commencement condition:** A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.
Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.
- 4) **Pre-commencement Condition:** No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
Reason for Pre-commencement Condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development prior to demolition of the building.
- 5) **Pre-occupation Condition:** No part of the development hereby approved shall be occupied until the on-site car parking space and cycle storage facility, as indicated on *Drawing number 16-703 Rev 2*, and a facility to prevent uncontrolled discharge of water onto the highway have been provided in accordance with details that shall

previously have been submitted to and approved in writing by the Local Planning Authority.

Reason for Pre-occupation Condition: To ensure that adequate facilities are available for the traffic attracted to the site.

- 6) C75 - Construction/demolition hours
- 7) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.
- 8) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO² Emissions including a 44% CO² emissions rate reduction from Building Regulations Part L 2006 as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason - In the interests of sustainable development.
- 9) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 1995 (and any Order revoking and re-enacting that Order with or without modification), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-
Part 1, Class A (extensions and alterations)
Part 1, Class B (roof addition or alteration)
Part 1, Class D (Porch)
Reason: In order to protect the visual and residential amenities and to prevent overdevelopment.
- 10) C75 - Construction/demolition hours
- 11) The demolition hereby approved shall not be carried out until a building contract has been entered into for the erection of the replacement building permitted by planning permission no. 16/1543/03 and satisfactory evidence to that effect has been produced to the Local Planning Authority.
Reason: In the interests of the appearance of the Conservation Area.

14

PLANNING APPLICATION NO. 16/1390/03 - 2 LYMEBORNE AVENUE, EXETER

The Assistant Director City Development presented the application for the retrospective application for first floor extension to garage/outbuilding (revisions to approved scheme ref. 15/0976/03). He reported that the applicant was seeking to regularise a range of aspects of the current as built structure which did not accord to the approved details of the scheme. The amendments sought in relation to the massing of the outbuilding collectively represent a marginal increase in the overall size and visibility of the structure. The proposed French windows were to obscure glazed and fixed shut.

Mr Hanson spoke against the application. He raised the following points:-

- issues of concern are integral to the planning process as there had been a misinterpretation of the plans by the planning department;
- existing approval was very contentious when permission was granted in November 2015 and although the current retrospective application seeks marginal increases in dimensions the current structure exceeded the original plans with continual increases in the structure which is wider, higher and larger than the original planning permission;
- infringement of privacy through the addition of French windows overlooking bedrooms;
- because of the previous infringements of the planning permission and the continual increase it is not believed that the applicant will insert obscure-glazed and fixed shut French door windows at first floor level on the south west elevation as applied for;
- overlooking and loss of privacy;
- overshadowing and loss of sunlight; and
- inappropriate design and impact upon character of the area.

The recommendation was for approval, subject to the conditions as set out in the report.

RESOLVED that planning permission for the retrospective application for first floor extension to garage/outbuilding (revisions to approved scheme ref. 15/0976/03) be **REFUSED** on grounds of the proposal is contrary to Policies DG1 and DG4 of the Exeter Local Plan First Review and the Residential Design Supplementary Planning Document because its height, scale, materials and elevational treatment would be unsympathetic and visually incongruous to the detriment of the established character of the area and the full length windows within the front elevation would have a detrimental impact on the amenities of the occupiers of adjacent residential properties by reason of overlooking and loss of privacy.

15 **PLANNING APPLICATION NO 16/1391/03 - 3 LYMEBORNE AVENUE, EXETER**

The Assistant Director City Development presented the application for the retrospective application for first floor extension to garage/ outbuilding (revisions to approved scheme ref. 15/0976/03). He reported that the applicant was seeking to regularise a range of aspects of the current as built structure which did not strictly accord to the approved details of the scheme. The amendments sought in relation to the massing of the outbuilding collectively represent a marginal increase in the overall size and visibility of the structure. The proposed French windows were to obscure glazed and fixed shut.

Mr Palmer spoke against the application. He raised the following points:-

- support comments of Mr Hanson;
- has been a contentious issue in the area with objections received from Chard Road, Sweetbrier lane, Lymeborne Avenue and Nicolas Road;
- inappropriate materials - should be block render instead of timber, cladding which is very distracting during the day because of the “glare” and clear glazing instead of obscure glazed; and
- construction should have been stopped permanently rather than for a six week period; and
- the structure is the size of a house.

The recommendation was for approval, subject to the conditions as set out in the report.

RESOLVED that planning permission for the retrospective application for first floor extension to garage/outbuilding (revisions to approved scheme ref. 15/0976/03) be **REFUSED** on grounds of the proposal is contrary to Policies DG1 and DG4 of the Exeter Local Plan First Review and the Residential Design Supplementary Planning Document because its height, scale, materials and elevational treatment would be unsympathetic and visually incongruous to the detriment of the established character of the area and the full length windows within the front elevation would have a detrimental impact on the amenities of the occupiers of adjacent residential properties by reason of overlooking and loss of privacy.

16

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

17

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

18

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 7 March 2017 at 9.30 a.m. The Councillors attending will be Denham, Lyons and Newby.

(The meeting commenced at 5.30 pm and closed at 9.35 pm)

Chair

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PLANNING COMMITTEE

Monday 20 March 2017

Present:

Councillor Sutton (Chair)
Councillors Lyons, Bialyk, Denham, Edwards, Foale, Gottschalk, Harvey, Mrs Henson, Morse, Newby, Prowse and Spackman

Also Present:

Assistant Director City Development, Principal Project Manager (Development (HS), Project Manager (Planning) (KW), Highways Development Manager and Democratic Services Officer (Committees) (HB)

19

MINUTES

The minutes of the meetings held on 9 January and 13 February 2017 were taken as read and signed by the Chair as correct.

20

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

21

PLANNING APPLICATION NO. 17/0121/01 - LAND ADJ. WEST OF ENGLAND SCHOOL, TOPSHAM ROAD, EXETER

The Assistant Director City Development presented the outline application for up to 123 houses and associated infrastructure with all matters reserved except for access.

Members were circulated with an update sheet - attached to minutes.

Councillor Robson attended the meeting and spoke on this item under Standing Order No. 44. She made the following points:-

- circulated photos of the applications site showing its beauty;
- additional car journeys generated by the development will increase pollution – a recent House of Commons Committee inquiry being informed that some 40,000 deaths a year result from pollution and a recent air quality survey near Poppies on Topsham Road show pollution levels to be at a dangerous level in this area;
- two special needs schools are located in this area including the West of England School and pollution problems will add to the difficulties experienced by the children; and
- evidence provided by a consultant professor at the RD&E Hospital confirms that high pollution levels impact adversely on the health of children.

Councillor Hannan attended the meeting and spoke on this item under Standing Order No. 44. She made the following points:-

- the statement from the the applicants in the visual and landscape assessment supporting the scheme which concludes that “development on this site will not have any substantial effects upon landscape resources and

visual amenity within the local or wider area, including the strategically important Ludwell Valley Park is not correct”;

- the Valley Park is greatly valued by residents for physical/mental wellbeing, with volunteers having planted over 250 trees for the benefit of future generations;
- the development will prevent the desire of residents to nurture a semi wild area which enhances the value of the Valley Park;
- the RSPB state that the application site is an integral party of the Valley Park and recommend that all Valley Parks should be enhanced and maintained for green infrastructure purposes;
- the proposed mitigation measures of additional hedgerows and trees will not compensate the destruction of this area;
- will do unacceptable harm to visual amenity;
- local residents were not consulted;
- the Council acknowledges the importance of the Park as whole and has refused repeated applications.

Councillor Wardle attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- endorse the above comments;
- the Government in recent years seems to have provided a developers’ charter to encourage unacceptable developments such as this;
- accept that recent appeal decisions must be taken into account with regard to the housing supply situation. Equally, there is a need to take into account the impact of all developments along Topsham Road which are impacting adversely on traffic and resulting in increased pollution. The cumulative impact is not sustainable and will adversely affect the future of this area for the next 20 years; and
- will lead to the loss of an important landscape area, visible from many parts of the City, and it is important to protect what little remains in the City of green field areas.

Councillor Leadbetter attended the meeting and spoke on this item under Standing Order No. 44. He made the following points:-

- some 3,000 additional properties have been provided in this area which is one of the most extensively developed parts of the City with new developments in the Newcourt area etc. which cannot accommodate further development;
- adverse impact on the Ludwell Valley Park, which should be kept for future generations;
- the adjoining estates have only one access in and one out and the roads themselves are restricted served by one set of traffic lights;
- the County Council’s Development Management Committee did not support the scheme; and
- identical applications have been refused in the past.

Mrs Keatt spoke against the application. She raised the following points:-

- speaking on behalf of many people to urge rejection of the planning application for this site and keep it from becoming a blot on the landscape. It is part of Ludwell Valley Park that people first see on their approach in to Exeter and if this field is built on then it will alter the skyline forever;
- Ludwell Valley Park is unique as its undulating hills offer significant views of the City, of the Haldon Hills and by looking across this field; the estuary from Topsham winding out to the sea at Exmouth;

- the prominence and importance of the Ludwell Valley Park is clear from the Council's Riverside and Ludwell Valley Park Master Plan. This looks to increase the use of the Park, whilst protecting biodiversity and enhancing natural wildlife habitats. As the population grows, it is important to ensure that Exeter's future development will protect its wildlife and give it space to thrive;
- the Council's 'Wild City' partnership with Devon Wildlife Trust is creating new habitats to encourage birds but is at odds with allowing this application to go ahead as it would destroy a field that, for almost 25 years, has been included in the Ludwell Valley Park designation;
- places like Ludwell Valley Park improve the quality of life for people in Exeter (physically, emotionally and mentally) and help attract visitors to Exeter. It is vital to protect Ludwell Valley Park at a time of continued growth of the city as people of all ages need open spaces to explore and enjoy;
- the field should be protected for future generations to enjoy the beauty and wildlife within Ludwell Valley Park. Allowing this development, with all the extra pollution, buildings, noise and traffic, will not help this to happen.

Mr McMurdo spoke in support of the application. He raised the following points:-

- the principle of development is not in doubt and some changes have been made to the layout;
- the scheme reduces the amount of land taken from the Valley Park in comparison with the earlier scheme and the financial contribution of £250,000 is offered towards mitigation measures;
- only 0.003% of the City's population are objecting which should be taken in the context of the housing shortage in the City
- the application must be judged in light of recent Appeal and High Court decisions that confirmed that the City does not have a five year supply of deliverable housing sites;
- there are no highways grounds to refuse the application as confirmed by Devon County Council Highway Engineers; and
- there are no ecological grounds on which to refuse the application.

He responded, as follows, to Members' queries:-

- the contribution of £250,000 for mitigation measures was requested by the City Council;
- can not advise of precise location of the access for construction traffic but use of the access onto the M5 from the A379 was requested by officers; and
- no highway reason to withhold planning permission.

Members requested that their concern in respect of the stance of the County Council, which is set out below, be recorded.

The County Council's Development Management Committee had debated this recommendation in July 2016 and considered a highway objection by reason of safety and congestion; however this was withdrawn on the advice from the County Solicitor. Consequently, County Members had voted on agreeing the Officer recommendation of no objection. This motion was voted on and lost. Members then took a second vote, in light of the above and resolved that Exeter City Council be advised that the Committee is not able to submit any view on this application. Following a request from a local County Councillor the revised application was taken back to the County's Development Management Committee in March 2017 to consider the Highway Authority's response. The minutes state that "the Chairman reminded Members that this Committee on 20 July had considered this matter as

the Highway Authority and it had been resolved 'that Exeter City Council be advised that the Committee is not able to submit any view on this application'" Subsequently the application had been refused by the Exeter City Council and was now the subject of an appeal. The new revised application received by the Exeter City Council was unchanged in highway terms and the officers would respond in the normal way reflecting the Committee's previous considerations'.

The recommendation was for approval, subject to the conditions as set out in the report.

RESOLVED that planning permission for up to 123 houses and associated infrastructure with all matters reserved except for access be **REFUSED** as the proposal was contrary to the National Planning Policy Framework 2012, Exeter City Council Core Strategy 2012 CP16, Exeter Local Plan First Review 1995-2011 Policies L1 and LS1 because:-

- (a) it would prevent the potential opportunity for informal recreation of the site in association with the Ludwell Valley Park designation; and
- (b) the proposal would harm the landscape setting of the City through development of Valley Park land.

22

PLANNING APPLICATION NO. 16/1576/01 - HOME FARM, PINHOE

The Assistant Director City Development presented the outline application for the phased development of up to 120 dwellings (C3) with associated infrastructure and open space (all matters reserved for future consideration apart from access)

He detailed the planning background including the decision of the Inspector allowing an appeal in respect of an earlier application, legal agreements relating to affordable housing, open space and highway matters including the agreement of the applicant to offer a 35% provision in respect of the former and the legal position relating to a Section 73 application.

Dr Garnett spoke against the application. He raised the following points:-

- am a professional ecological consultant with 10 years consultancy experience with serious reservations about the development due to completely inadequate dormouse and bat surveys;

Bats

- the bat report provided by Acorn Ecology in late 2012 had a number of shortcomings according to best practice guidelines;
- only three surveys were conducted in respect of the lesser horseshoe and barbastelle bats when there should have been six, one a month from April to September, for this medium sized development. All three surveys were less than two hours when they should have been three hours and should have included the night time and dawn rather than just evenings. All three surveys were in Autumn when they must be spaced between Spring, Summer and Autumn;
- only three static detectors were deployed when there should have been six, one a month from April to September;
- all static work was done in Autumn which is bad for barbastelle which can move around seasonally according to radio-tracking evidence;
- no assessment of tree roost potential as the survey only looked at farm buildings;

- the survey did not follow appropriate guidance;
- the Inspector appears to have taken these reports at face value; and
- planners have a legal duty to properly consider biodiversity.

The Dormouse

- no proper dormouse survey has ever been done, despite excellent potential for this species in an extensive network of species-rich hedgerows in the area. A report mentioned some hand-searching for nests but this is inadequate and unlawful;
- there had been three recent records of dormouse within the 1 to 1.5km to the southeast, and two others in connected habitat to the north of Exeter which is almost certainly an underestimate of their distribution as dormice are nocturnal, arboreal and reclusive and are under-recorded;
- disagree that there would be no impacts - any dormouse on site would be affected by construction works affecting hedgerows and future residents altering/breaking up hedges;
- distribution and numbers needs to be established, and then, if present an appropriate mitigation plan put in place; and
- both species have not been properly considered as demanded by the Natural Environment and Rural Communities Act 2006.

Responding to Members, he confirmed a breach of the Wildlife and Countryside Act 1981 and the identification of dormouse in close vicinity.

Responding to Members, the Assistant Director City Development stated that the total area was 7.7 hectares with 4.7 allocated for open space, including the drainage ponds, which was in excess of the 10% requirement. It was noted, in respect of the County Council request for an education contribution to mitigate the impact of the development, no commitment in this regard had been made by the City Council. It was not considered that there was any justification based on the information available to reach a different conclusion to the Inspector on ecological matters.

The recommendation was for approval, subject to the conditions as set out in the report.

RESOLVED that, subject to completion of an appropriate Section 106 Agreement under the Town and Country Planning Act 1990 to secure the provision of 25% affordable housing, highway improvement/travel plan contributions and open space provision/maintenance outline planning permission for the phased development of up to 120 dwellings (C3) with associated infrastructure and open space (all matters reserved for future consideration apart from access) and the revocation of 15/1176/03 be **APPROVED**, subject also to the following conditions:-

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason:- To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
Reason:- To ensure compliance with sections 91 - 93 of the Town and Country Planning Act 1990.

- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
Reason:- To ensure compliance with sections 91 - 93 of the Town and Country Planning Act 1990.
- 4) In respect of those matters not reserved for later approval the development hereby permitted shall be carried out in accordance with the proposed access scheme shown on plan no. 3007/001 Rev C.
Reason:- To ensure that an appropriate vehicular access is provided to serve the development.
- 5) Any trees and hedges on or around the site shall not be felled, lopped, or removed without the prior written consent of the Local Planning Authority.
Reason:- To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the tree protection plans numbered 03893 TPP, appended to the Arboricultural Impact Assessment Report dated 18/06/2013, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
Reason:- To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.
- 7) Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved Plan and programme of implementation.
Reason:- In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 8) Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
Reason:- In the interests of the amenity of occupants of nearby buildings.
- 9) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide for:
- i) Timing and management of arrivals and departures of vehicles and site traffic;
 - ii) measures to control the emission of dust, dirt and noise during construction;
 - iii) temporary measures to deal with surface water associated with the site during the construction process;
 - iv) the phasing and timing of work;
 - v) the parking of vehicles of site operatives and visitors;

- vi) wheel washing facilities;
- vii) a procedure for handling and investigating complaints.

Reason:- In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

- 10) If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. Any remediation details shall be implemented as approved.

Reason:- In the interests of the amenity of the occupants of the buildings hereby approved.

- 11) Prior to the commencement of development a detailed scheme for traffic calming works to Church Hill, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings.

Reason:- In the interests of highway safety within the vicinity of the site.

- 12) Before commencement of development the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

Reason:- In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

- 13) The development shall not be carried out otherwise than in accordance with a surface water drainage scheme, which shall include details of the means of attenuation and disposal of surface water from the site, including through the use of sustainable drainage systems. Details of the scheme, a timetable for its implementation and details of its future management, shall be in general compliance with the principles within the Flood Risk Assessment (Report Ref. 386/FRA2 V2) dated 21/11/2016, and shall be submitted to and approved in writing by the LPA prior to the commencement of development. The scheme shall be implemented in accordance with the approved details and timetable for implementation.

Reason:- To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

- 14) C57 - Archaeological Recording

23

PLANNING APPLICATION NO. 16/1562/03 - BUILDERS YARD, LOWER ALBERT STREET, EXETER

The Project Manager (Planning) (KW) presented the application for the demolition of existing buildings and redevelopment with student residential accommodation and associated landscape works (Revised Plans reducing from 3 storeys to 2 storeys).

Members were circulated with an update sheet - attached to minutes.

Councillor Vizard attended the meeting and spoke on this item under Standing Order No. 44. She made the following points:-

- understand the need to accommodate an ever-growing student population in the city with the preferred method being purpose-built accommodation to alleviate the dominance of HMOs in the residential housing market, but this is the wrong proposal in the wrong place;
- there are 75 objections, followed by another 16 to revised plans. Already subject to an imbalance in the community make up due to the high number of HMOs in Portland Street as well as the surrounding areas. Residents are subjected to a number of anti-social behavior issues, from littering to loud music, student parties and general late night noise. Adding a further 15 students to the area will tip the balance over the edge;
- imbalance in relation to Policy H5 can only be considered in relation to the wider ward rather than an individual street. The relation of HMOs may not be imbalanced when considering the whole area, but the sheer number of large, dominant purpose-built accommodation either built or approved for development combined with the high level of HMOs in Portland Street, leave the local residents feeling hemmed in and overwhelmed;
- other student developments include The Kingfisher, Printworks and the Picturehouse with approval for the Bus Station site, Honiton Inn and Heavitree Road with an expectation in respect of Heavitree Police Station and the Pyramids sites;
- properties on Portland Street are not currently permitted to be turned into HMOs on the basis of creating an imbalance so it should not be possible to change a commercial property set within the same residential area and likely to create the same issues;
- despite the reduction in height, this development is too tall for a two storey building, too large for the space and too close to neighbouring properties and the residents of neighbouring properties still feel that there are irreconcilable issues to do with massing and scale compared to surrounding properties;
- the scale of the development and the effect on neighbouring dwellings is unacceptable. The development does not form a natural extension to the flats in Newton Close;
- overlooking was considered enough of a problem to reject a similar application in 1990 for residential purposes but the current proposal also reverts to overlooking the rear gardens/windows of the properties in Portland Street;
- with the distance between properties limited to just over 9 meters (rather than the recommended 22 metres required in planning law) there is a real concern that the new development would overlook the rear gardens and bedroom windows. The minor amendment to feature slanting windows does not solve the issue of overlooking;
- with no contextual images it is very difficult to fully appreciate the negative impact that the development will have on the overall scene of the area;
- the revised plans for the development have taken away the communal area that was in the previous three storey plans. This will cause the students to congregate outside the property and in the nearby Belmont Park with possible increase in antisocial behaviour in the area;
- rather than having a professional warden in situ to manage these issues, as is the case in other purpose-built accommodating, the warden would be a student;
- the local plan states that “75% or more of additional student numbers should be accommodated in purpose-built student housing.” However, it goes on to say that “New purpose built student housing should be located on, or close

to, the University Campuses or in the City Centre.” The site on Lower Albert Street fulfils neither criteria; and

- if HMOs are not allowed due to the large proportion of existing HMOs in the vicinity, then how is it possible to erect a purpose-built accommodation block which will have a similar effect as they are so close to neighbouring properties.

She responded as follows to Members queries:-

- great concern from residents regarding the high level of anti-social behavior experienced in the Newton area especially during Freshers week; and
- the site is close to an area of social housing in Clifton Road and Newton Close and in addition there is also a significant amount of families and older people in the vicinity.

Mrs White spoke against the application. She raised the following points:-

- representing the community of Newtown which is felt to be at tipping point. being eroded by developments affecting the demographic of the ward;
- 75 objections to this development when original plans were submitted, followed by an additional 16 when plans were revised. The development is still too tall and too large for the space, too close to neighbouring properties, and doesn't follow the traditional building forms of the area;
- impressions of the area were circulated showing how the new development may look from the rear gardens of Portland Street;
- a planning application has been previously rejected on this site due to overlooking and lack of privacy;
- the distance between facing windows in the development and the rear windows of Portland Street, is only 9.5 metres, even though planning guidance states that a minimum distance between facing windows should be 22 metres. Some Portland Street residents will have a building as tall as the three-storey Newtown Close flats, and as close as just two small car lengths away from their rear windows;
- because of its proximity, 19 windows from the proposed development would directly overlook the gardens, bedrooms and bathrooms of Portland Street. The angled windows will not address these privacy issues due to the proximity of this building;
- concerned that the scale of this building is disproportionate to the surrounding area of Portland St and Clifton Road and natural light will be severely diminished for some existing properties. The line drawings submitted by the developer do not show the building in the context of its surroundings;
- the 24 hour warden will be a student resident who will not have the authority to control behaviour. This will not work within a residential area and is a vastly different service to a permanently staffed front desk such as provided at the Printworks;
- regarding Article 4, it is felt that an imbalance is already occurring. Councillor Branston suggests that the amount of students on just Portland Street exceeds the 30% figure supplied by the City Council and is closer to 60-65%;
- Newtown is already accommodating a transient population from the Printworks and Kingfisher developments and the bigger the transient population, the fewer people will be invested in the community; and
- the development will affect the quality of life, including that of children. Please support the families and long-standing residents of Newtown and reject this proposal.

Mr Gray spoke in support of the application. He raised the following points:-

- the applicant has read all the letters, acknowledged concerns and made amendments to the scheme but had been unable to engage with local residents to respond to their concerns because of delays in negotiations with the owner of the builder's yard;
- dramatically reduced the size of the scheme to minimise the impact on the community, the key changes being reduction of the building from three to two storeys, changing the type of accommodation to solely studio rooms which favour mature and returning students and discouraging anti social behaviour found in cluster flats and omitting outdoor communal areas so there are no opportunities for students to congregate and cause disturbances to its neighbours;
- the developer was born in Exeter and has lived his whole life here, has a proven track record in delivering high quality schemes in the city and will operate this site. It is not the case of an outside national developer backed by an investment fund with no sense of care or responsibility for the city or neighbourhood;
- the proposal supports the involvement of a local contracting team and a local supply chain as well as CIL contributions;
- the University of Exeter is expanding and this development satisfies all the criteria set out in the core strategy and the National Planning Policy Framework. The only subjective matter however is whether the proposal creates an imbalanced community. There is no definition in the NPPF as to what constitutes a community in terms of catchment area. The report suggests Portland Street, Clifton Road and Newtown Close have a 12.9% concentration of students not the suggested figure of 32%. If a singular street is to be chosen then it should be the street the site sits on and Lower Albert Street and Newtown Close have 0% students;
- the statement " an over concentration of students in any one area is created and so therefore undermines the balance and well being of a neighbourhood and community detrimentally" is not the case here. The site is previously developed land, in a sustainable location in very close proximity to the student campuses;
- the massing and scale of the proposals do not impact on the character of the area. The scheme is modern in appearance but is predominantly brick in construction; the proposal creates no overshadowing of neighbouring properties and does not cause any neighbouring properties to suffer any loss of privacy; and
- this proposal is part of a movement of new build student accommodation that in turn is forcing improved quality of HMO's which is slowly seeing landlords revert to permanent private accommodation therefore helping address housing shortage across the city.

He responded as follows to Members' queries:-

- 15 units will be provided which, it is believed, will attract mature and overseas students; and
- with the rooms some 30% bigger than those in cluster flats, the likelihood of students congregating to socialise and disrupting residents is reduced.

The Project Manager (Planning) confirmed that the distance from neighbouring residents was between 12.5 and 13 metres.

Members expressed concern at the close proximity of student accommodation to private residential dwellings, noting that the site was immediately adjacent to residential dwellings in Newtown Close and Portland Street. Because of the existing number of students currently residing on Portland Street, it was felt that the addition of student accommodation would change the character of the neighbourhood and create an imbalance in the local community. It was suggested that arterial routes offered preferable locations for students developments.

The recommendation was for approval, subject to the conditions as set out in the report.

RESOLVED that, planning permission for the demolition of existing buildings and redevelopment with student residential accommodation and associated landscape works (Revised Plans reducing from 3 storeys to 2 storeys) be **REFUSED** as the scale and intensity of use would harm the character of the building and locality and would cause an unacceptable reduction in the amenity of neighbouring occupiers. It would create an overconcentration of the use in any one area of the city which would change the character of the neighbourhood and create an imbalance in the local community contrary to Policy H5 (A) and (B) of the Exeter Local Plan First Review.

24 **PLANNING APPLICATION NO. 17/0053/03 - BRITISH HEART FOUNDATION, 1 CHEEKE STREET, EXETER**

The Principal Project Manager (Development) (HS) presented the application for the demolition of existing building and construction of a seven-storey building, with a basement, to provide student accommodation (Sui Generis) and associated works and improvements and the provision of a new coach passenger waiting room (Sui Generis).

He reported that a day to day operational management plan for the coach passenger waiting room would be required and that the Police would continue to be consulted in the details of the management arrangements but it was not the intention for the allocated office for this purpose to be glazed with views into the passenger waiting room as it was not expected that the management responsibility would cover the waiting area as had been requested by the Police. In response to Members' questions, he advised that a disabled wheelchair accessible sized studio flat was provided on each floor of the building and that as part of the fire strategy refuge areas would be provided on each of the seven floors which could be used for those with disabilities in event of fire and that this had been reviewed by building control. The scheme had been amended and the cycle facilities would be provided to cater for residents and visitors to adopted Supplementary Planning Document standards.

A Member referred to previous undertakings that comprehensive consultations would take place with interested parties on the provision of the new coach passenger facilities as well as the new bus station itself and sought reassurances that this had occurred. As Chair of the Leisure Complex and Bus Station Steering Group he was concerned that the Group had not been kept adequately apprised on the consultation undertaken to date. The Principal Project Manager explained that the application had been advertised and that responses had been received from transport groups. The Member asked that the Steering Group be apprised of the feedback to date from interested parties.

The Principal Project Manager detailed the locations of the informal pedestrian crossings existing in the areas as well as those sought by the Highway Authority which were considered appropriate for the bus flow through this area. He also

advised that toilet facilities and a fully enclosed concourse would be available in the new Bus Station and that these would be open longer and be more easily accessible than those in the current bus station.

Members were circulated with an update sheet - attached to minutes.

Mr Brownbridge spoke against the application. He raised the following points:-

- speaking as a member of the Exeter and District Bus Users Group;
- in light of the open ended delay in the proposed re-development of the current Bus Station and the subsequent unknown delay in the move of coach passenger drop off and pick up to Bampfylde Street, I trust Councillors will make every effort to ensure that the coach passenger waiting room is included in this proposed development; and
- the lack of toilet provision is noted.

He responded as follows to Members' queries:-

- it had been estimated by the Chair of the Bus Users Group that the waiting room for coach journeys would be one third the size of that in the existing bus station; and
- the waiting room in the existing bus station is well used and passengers also wait outside the room in the concourse near the bus bays.

Mr Harris spoke in support of the application. He raised the following points:-

- representing Barton Willmore on behalf Exeter SPV Limited who seek to develop purpose-built student accommodation which has been subject to pre-application discussions to ensure a high quality, well designed and policy compliant scheme is presented, including a presentation to the Design Review Panel;
- the scheme comprises the removal of an unsightly building, particularly relevant when in light of the significant development and investment works at the Bus Station and Coach Depot sites;
- building will front the corner of Cheeke Street and Bampfylde Street and is of a high quality and distinctive design which responds to the local context through its articulation and material selection. It will be a positive and attractive addition to this part of the City Centre;
- the scheme has been designed in accordance with policies relating to the location of student accommodation and height constraints;
- other policy credentials are the provision of a sustainable development within a City Centre location to provide high quality student accommodation, boosting supply in the City and further releasing pressure on the housing market, delivering a building operated and managed by a specific student accommodation operator and the provision of active ground floor frontages on both streets that the building faces including the building's entrance and a new integrated/covered coach waiting area to be managed by the Council;
- a compliant level of cycle parking will be provided to encourage use of non-car modes by residents and visitors;
- a Travel and Management Plan will be devised and agreed before occupation to ensure the management of student drop-offs and pick-ups on Stover Court at the beginning and end of academic terms is achieved without any impact on the highway and local amenity;
- enhanced pedestrian permeability through the provision of a crossing on Cheeke Street to link with the Bus Station site and wider City Centre;

- scheme designed to appropriately relate to surrounding residential properties and ensures no loss of amenity.
- request approval

Responding to Members' queries, he advised that consultations on the travel plan had taken place.

The recommendation was for approval, subject to the conditions as set out in the report.

RESOLVED that subject to:-

- (1) the Leisure Complex and Bus Station Steering Group being appraised at its next meeting on 22 March 2017 of the level of and response to consultations undertaken in respect of the new coach passenger waiting room as well as the wider bus station proposal; and
- (2) conditions, which may be varied, amended or supplemented as appropriate, and to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure:-
 - a District Heating Contribution of £25,228;
 - the completion of a Student Management Plan;
 - off-site highway works (including crossing improvements); and
 - Traffic Order costs.

the Assistant Director City Development or his successor, subject to prior consultation with the Leader of the Council, the Chair of the Leisure Complex and Bus Station Steering Group and the Chair of this Committee, be authorised to **APPROVE** planning permission for the demolition of existing building and construction of a seven-storey building including basement to provide student accommodation (Sui Generis) and associated works and improvements; and the provision of a new coach passenger waiting room (Sui Generis) subject also to the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received on 6 January 2017 and as superceded by revised details received on 28 February 2017 by the Local Planning Authority and as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

- 3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform to the visual amenity requirements of the area.

- 4) A detailed scheme for landscaping and ecological enhancement of the site, including the planting of trees and/or shrubs, the use of surface materials and opportunities for wildlife (such as nesting bricks or boxes) shall be submitted to the Local Planning Authority and the development shall not be brought into use until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping and ecological enhancement measures shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 5) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 6) No development related works, with the exception of demolition works, shall take place until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

- 7) No development approved by this planning permission (excluding demolition), shall take place until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The scheme shall include the following components:

a) A preliminary risk assessment which has identified: All previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect human health and controlled waters.

- 8) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect human health and controlled waters.

- 9) No development activities, including demolition or earthworks, shall take place on site until a Construction and Environment Management Plan (CEMP) for those activities has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:

- There shall be no burning on site during demolition, construction or site preparation works;
- Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
- Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
- Site hoarding shall be kept clear of graffiti and fly-posting.

An approved CEMP shall be adhered to throughout the demolition and construction period.

Reason: In the interest of amenity of nearby occupiers.

- 10) The level of noise emitted from the site shall not exceed the limits presented in table 1, as measured on the specified boundary of the site and specified time of day. Further, plant items associated with the development should be controlled to a 'rating' level of not more than 50dB LAr,1hr during the daytime (0700-2300hrs) and 45dB LAr,1hr during the night-time (2300-0700hrs) outside any openable study/bedroom windows of the proposed development itself. The developer shall demonstrate by measurement compliance with this level prior to occupation of the development and as requested by the LPA thereafter.

Table 1. Plant Noise Limits at Nearby Existing Residences

Location	Recommended Plant BS4142 Rating Noise Limit		
	Day (0700-1900hrs) dB LAr,1hr	Evening (1900-2300hrs) dB LAr,1hr	Night (2300-0700hrs) dB LAr,15min
Existing Residences	51	47	44

to Southwest of Site			
Proposed Residences to Southeast of Site	48	45	44
Existing Residences to North of Site	43	40	39

Reason: In the interests of residential amenity.

- 11) Notwithstanding condition no. 3 no works other than demolition shall commence under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority in so far as they relate to that phase and the following shall thereafter be provided in accordance with such details:

- a) Detailed layout(s) of any plant room(s) associated with the provision of heat and hot water to the building.
- b) The entrance canopy.
- c) The Fire Access door onto Stover Court

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

- 12) Prior to commencement of the development (excluding demolition), details of visitor and resident cycle parking provision for the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be occupied until the secure resident cycle parking facilities have been provided in accordance with the submitted details.

Reason: To provide adequate facilities for sustainable transport.

- 13) The student accommodation hereby approved shall be constructed with heating systems that have been designed and constructed to be compatible with a low temperature hot water District Heating Network in accordance with the CIBSE guidance "Heat Networks: Code of Practice for the UK". The layout of the plant room, showing provision for heat exchangers and for connection to a District Heating Network in the Highway shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site unless otherwise agreed in writing.

Reason: In accordance with the requirements of policy CP13 of the Exeter Core Strategy 2012 and in the interests of sustainable development.

- 14) Unless otherwise agreed in writing by the Local Planning Authority student accommodation hereby approved shall achieve an overall BREEAM scoring of "excellent" (70 percent or greater). Prior to commencement of development, excluding demolition, the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, the score expected to be achieved. Where this does not meet the above requirements the developer must provide details of what changes will be made to the development to achieve that standard, and thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of any such building hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.

Reason: To ensure that the proposal is in accordance with the aims of Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

- 15) Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

- 16) No development (with the exception of demolition) shall take place on site until an air quality assessment has been carried out in accordance with a programme and methodology to be agreed in writing by the Local Planning Authority and the results, together with any mitigation measures necessary, have been agreed in writing by the Local Planning Authority. The development shall not be occupied until the approved mitigation measures have been implemented.

Reason: In interest of the amenity of future occupiers of the development.

- 17) A Management Plan for the Coach Waiting Facility shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority before that facility is first brought into use. The operation of the Coach Waiting Facility shall only be carried on in accordance with the terms of the Management Plan. The Management Plan shall include provisions for maintenance, security, cleaning and the provision of information to Coach Passengers.

Reason: In the interests of ensuring the facility is maintained for the purposes of a Coach Passenger waiting room.

- 18) No development shall take place on site until an investigation has taken place to determine the risk posed by Unexploded Ordnance and the results, together with any further works necessary, have been agreed in writing by the Local Planning Authority. The approved works shall be implemented in full and a completion report shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development.

Reason: In the interest of public safety.

- 19) The applicant shall submit a scheme for protecting occupiers of the development from noise. This shall be submitted to and approved by the Local Planning Authority before construction (excluding demolition) commences and shall be implemented before any part of the residential accommodation is first occupied.

Reason: In the interests of the living conditions of future occupiers.

- 20) The windows to stairwells and corridors in the Northwest elevation shall be constructed as obscure glazed, as shown on the approved plans, and maintained as such thereafter.

Reason: In the interests of the amenity of neighbouring occupiers.

- 21) No part of the development hereby approved shall be brought into its intended use until secure cycle parking spaces and vehicular spaces as indicated on “GA Plan Ground Floor Plan 0787-JSA-XX-00-DR-A-02001Rev P3”, have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

Reason: To provide safe and suitable facilities for the traffic attracted to the site.

- 22) No part of the development hereby approved shall be brought into its intended use until the redundant dropped kerbs have been reinstated on Stover Court have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

Reason: To provide safe and suitable access and adequate facilities for traffic attracted to the site

- 23) No part of the development hereby approved shall be brought into its intended use until the informal pedestrian crossing on Cheeke Street has been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

Reason: To provide safe and suitable access and adequate facilities for traffic attracted to the site.

- 24) Travel Plan measures including the provision of sustainable transport welcome packs and details of the arrangements of how student pick up/drop off will be managed, shall be provided in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.

Reason: To promote the use of sustainable transport modes and in the interest of highway safety, in accordance with paragraphs 32 and 36 of the NPPF.

25 **PLANNING APPLICATION NO. 16/1560/03 - 16 MOWBRAY AVENUE, EXETER**

The Project Officer (LC) presented the application for the change of use to Sui Generis (seven bed HMO) and replacement of rear conservatory and store.

Members were circulated with an update sheet - attached to minutes.

Members noted the objections of the Exeter St James Forum but felt that, with only an increase from six to seven bedrooms and the significant number of additional students that could result from permitted development in the area, approval would be appropriate.

The recommendation was for approval, subject to the conditions as set out in the report.

RESOLVED that planning permission for the change of use to Sui Generis (seven bed HMO) and replacement of rear conservatory and store be **APPROVED**, subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 2 December 2016 (*dwg. no(s). 82-P01, 82-P02, 82-P03, 82-P04, 82-P04 and 82-P05*), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) Prior to the occupation of the dwelling as a Sui Generis HMO secure cycle parking for 7 bicycles will be provided in accordance with the details provided on *dwg.no. 82-P04A* received by the Local Planning Authority on 09 January 2017.
Reason: To encourage sustainable travel.

26

**PLANNING APPLICATION NO 16/0318/03 - LAND ADJ PINHOE HOARD,
PINHOE ROAD, EXETER**

The Assistant Director City Development presented the application for the erection of part three, part four storey building comprising 39 retirement living apartments with associated communal facilities, car parking access and landscaped grounds.

He detailed the history of the site and referred to the outcome of a number of negotiations with the applicant in respect of a contribution in lieu of affordable housing. This had now been agreed at £900,000.

Members welcomed the provision of retirement homes for which there was a high demand in Pinhoe. The improvements to the cycleway as part of the wider cycle network was also welcomed.

The recommendation was for approval, subject to the conditions as set out in the report.

RESOLVED that, subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990, to secure:-

- a contribution of £900,000 in lieu of affordable housing;
- connection to District Heating; and
- the land to be part of the public highway.

planning permission for the erection of part three, part four storey building comprising 39 retirement living apartments with associated communal facilities, car parking access and landscaped grounds be **APPROVED**, subject to the following conditions:-

- 1) C05 - Time Limit – Commencement
- 2) C15 - Compliance with Drawings
- 3) **Pre-commencement condition:** If not otherwise agreed with Local Planning Authority in writing samples of the materials that are intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason for pre-commencement condition: To ensure that the materials conform with the visual amenity requirements of the area.

- 4) **Pre-commencement condition:** No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
- a) There shall be no burning on site during demolition, construction or site preparation works;
 - b) Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
 - c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
 - d) Site hoardings shall be kept clear of graffiti and fly-posting.
- The approved CEMP shall be adhered to throughout the construction period.
Reason for pre-commencement condition: In the interests of the occupants of nearby buildings.
- 5) **Pre-commencement condition:** No part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site (if not otherwise agreed in writing by the Local Planning Authority) to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the LPA and retained for the construction period.
Reason for pre-commencement condition: To minimise obstruction of and damage to the adjacent highway, in the interest of public safety.
- 6) **Pre-commencement condition:** No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.
Reason for pre-commencement condition: In the interests of the amenity of the occupants of the building hereby approved.
- 7) **Pre-commencement condition:** The applicant shall undertake a noise assessment to identify whether any sound insulation measures are required to protect future residents from noise from road and rail traffic. The assessment should be submitted for approval in writing by the LPA prior to commencement of the development. If, following the assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme for protecting the proposed development from noise. This shall be based on the results of the above assessment and shall be submitted to and approved by the Local Planning Authority before development commences. All works that form part of the scheme shall be completed before any of the permitted development is occupied.
The applicant should aim to achieve at least the standards for internal and external noise levels specified in BS8233:2014 Sound Insulation and Noise Reduction for Buildings.
Reason: Insufficient information has been submitted with the application and in the interests of residential amenity.
- 8) **Pre-commencement condition:** Before the commencement of any development here by approved, an updated Habitat Survey (under The Conservation of Habitats and Species Regulations) shall have been submitted to the Local Planning

Authority, to establish the absence of reptiles, badgers and other protected species.
Reason for pre-commencement condition: In the interest of conservation of habitats and species.

- 9) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO₂ emissions including a 44% CO₂ emissions rate reduction from Building Regulations Part L 2006 as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.
Reason: In the interests of sustainable development.
- 10) **Pre-commencement condition:** Prior to commencement of development the developer shall submit to the Local Planning Authority an assessment to show how the requirements of condition 10 above will be met. The measures set out in that assessment shall subsequently be implemented prior to the occupation of development.
Reason for pre-commencement condition: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.
- 11) **Pre-commencement condition:** A detailed scheme for landscaping to increase biodiversity and the amenity quality of the site, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason for pre-commencement condition: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of biodiversity and amenity.
- 12) **Pre-commencement condition:** Development details of the pedestrian access onto the shared cycle and pedestrian lane on Pinhoe Road and chamfer/taper to provide some visibility for pedestrians shall be submitted to and approved in writing by the Local Planning Authority, and no development shall take place until the LPA have approved the details. No part of the development hereby approved shall be occupied until the pedestrian access have been implemented in accordance with the approved details.
Reason for pre-commencement condition: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of highway safety for pedestrians and cyclists.
- 13) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the LPA.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity and overlooking.

- 14) A detailed scheme for lighting including fixtures and time of use shall be submitted to the Local Planning Authority and work shall not be carried out on this scheme until the LPA have approved the scheme. The lighting scheme shall thereafter be implemented in accordance with the approved scheme if not otherwise been agreed with the LPA.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 15) No part of the development hereby approved shall be occupied until the vehicular parking facilities (as indicated in the proposed site block plan) have been provided surfaced and marked out in accordance with details that shall be approved in writing by the Local Planning Authority and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 16) Unless otherwise agreed with Local Planning Authority in writing construction/ demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the occupants of nearby buildings.
- 17) Prior to occupation of any dwelling hereby approved place until details of provision for nesting swifts has been submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.
Reason: In the interests of preservation and enhancement of biodiversity in the locality.
- 18) The buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy (district heating) network. Prior to occupation of the development the necessary on site infrastructure shall be put in place for connection of those systems to the network at points at the application site boundary agreed in writing by the LPA.
Reason: To ensure that the proposal complies with Policy CP13 of Council's Adopted Core Strategy and paragraph 96 of the NPPF and in the interests of delivering sustainable development.
- 19) Prior to occupation of the development hereby permitted, a Travel Pack shall be provided informing all residents of walking and cycling routes and facilities, and public transport routes and timetables, car sharing schemes, and the location of local and central shopping and leisure facilities, the form and content of which shall have previously been approved in writing by the Local Planning Authority.
Reason: To ensure that all occupants of the development are aware of the available sustainable travel options.
- 20) No part of the development hereby approved shall be occupied until secure cycle parking facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site and to ensure that cycle access and cycle parking is provided, in accordance with Exeter Core Policy CP9, Local Plan Policy T3 and Sustainable Transport SPD 2013.

- 21) No building hereby permitted shall be occupied until sustainable surface water drainage works (SuDS) have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, National Planning Policy Guidance and the Department for Environment, Food and Rural Affairs Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority.

The submitted details for the sustainable drainage scheme shall:

- i. show how the rainwater falling on roofs and other surfaces are managed to restrict both the flow rate and the volume surface runoff;
- ii. show how the SuDS scheme is achieving a flow rate and a volume surface runoff approximate to the site greenfield response;
- iii. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- iv. show how the SuDS scheme is integrated in the landscape scheme and contributes to biodiversity;
- v. include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure the satisfactory sustainable drainage of the development.

- 22) Each unit of the residential home hereby permitted shall be occupied only by:
- persons of state pensionable age;
 - persons living as part of a single household with such a person or persons;
 - persons who were living as part of a single household with such a person or persons who have since died.

Reason: The scheme is designed for a specific age group and is not suitable for unrestricted occupation.

- 23) Prior to the occupation of each unit hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications. If not otherwise agreed in writing by the Local Planning Authority.

Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the National Planning Policy Framework.

- 24) Prior to occupation of any dwelling hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.

Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Assistant Director City Development was submitted.

RESOLVED that the report be noted.

28

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

29

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 11 April 2017 at 9.30 a.m. The Councillors attending will be Councillors Harvey, Mrs Henson and Edwards.

30

RICHARD SHORT

The Chair reported that this would be the last Planning Committee meeting of Richard Short, Assistant Director City Development, and thanked him for his hard work and contribution to the work of the Council and this Committee over many years. Members thanks him and wished him happiness in his retirement.

(The meeting commenced at 5.30 pm and closed at 9.02 pm)

Chair

PLANNING COMMITTEE

Monday 27 March 2017

Present:

Councillor Sutton (Chair)
Councillors Lyons, Bialyk, Denham, Edwards, Foale, Gottschalk, Harvey, Mrs Henson, Morse, Newby, Prowse and Spackman

Apologies:

City Development Manager, Principal Project Manager (Development) and Democratic Services Officer (Committees) (HB)

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

32

PLANNING APPLICATION NO. 16/1616/02 - EXETER BUS AND COACH STATION RE-DEVELOPMENT AREA, PARIS STREET, EXETER

The Principal Project Manager (Development) (HS) presented the application for approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping for: Paris Street (Parcel P) and commercial developments (Parcel C).

Members were circulated with an update sheet - attached to minutes.

The Principal Project Manager (Development) reported the reserved matters for which approval was sought being means of access, appearance, landscaping, layout and scale. He stated that scale and layout of the development had been substantially established at outline stage as set out in the approved parameters plan and advised that a Traffic Order relating to extinguishment of vehicular rights and stopping up of highways including the upper part of Paris Street was the subject of separate applications to the Secretary of State.

He detailed the proposals for the five new blocks of development (named Block A to E), varying between two and three commercial storeys (between 12.0 and 23.0 metres) arranged around a terraced central open amphitheatre space and pedestrian routes that connect the space directly with surrounding streets and the public space in Paris Street (between Dix's Field and High Street). Details of three single storey kiosk units in Paris Street were included, as were details of the formation of a service yard at the rear of existing buildings on Sidwell Street accessed via Bampfylde Street from its junction with Cheeke Street.

He responded as follows to issues raised by Members:-

- whilst cycle usage through the newly provided pedestrian area at the upper part of Paris Street as well as the rest of Paris Street would be permitted, the

central area would be pedestrian only, details to be secured by means of a Section 278 agreement;

- wheelchair access to the terrace overlooking the amphitheatre would be possible with sufficient space at the end of the seating area;
- issues raised by Living Options, such as the size of lifts serviced by the development and the nature of the handrails, could be achieved through building regulations;
- further discussion to take place on the final detail of the Dix's Field/Paris Street/Exeter Community Transport Association facilities;
- the importance of an appropriate finish to the lower Paris Street frontage, including the Cinema, was recognised, given its gradient and the challenge of providing suitable window dressings for the lower floor. There was, however, only limited outlook onto this frontage;
- a suitable electric and water supply for the amphitheatre area would be provided together with further thought on the nature of the grassed area; and
- Local Plan Policy T2 referred to in the January 2016 report, but not this one.

Mrs Lant spoke against the application. She raised the following points:-

- there are huge difficulties experienced by those with little or no sight in navigating city centre landscapes and it is important therefore to have regard to the practicalities and daily experiences of this cohort in visiting this new development;
- many aspects of the design present practical difficulties such as curved buildings, obstructive street furniture and the absence of features to assist those with poor or no eyesight;
- grey paving and furniture are difficult to see and reflective sunlight off glass and metal poles etc. also cause difficulties as do metal hand rails which can be very hot on sunny days. Guide dogs operate more effectively when they can identify straight lines and drainage surfacing should be user friendly for this group;
- consideration should be given to providing modern and innovative sound and smell related landmarks, additional white lines and tactile surfacing;
- have discussed issues with the architect but believe that more needs to be done to remove a lot of street "clutter" hindering the movement through the site as many people will simply be unable to access the buildings;
- an example of an exciting innovation are "talking" toilets introduced in Cornwall;
- consideration should be given to ensuring the lifts are of adequate size to accommodate all designs of wheelchair; and
- urge Councillors to undertake awareness training to appreciate the difficulties experienced by those with little or no sight.

She responded as follows to Members' queries:-

- happy for representatives of disabled groups to discuss further with the developer appropriate designs, use of street furniture etc. to avoid the missed opportunities at Princesshay and the Central Library;
- proper delineation between the pavement and road areas is necessary to avoid the situation in the High Street where individuals with their guide dogs are unable to identify the kerbs. Getting the design right first time can avoid the need to train dogs; and
- some measures are easy to introduce such as tactile paving and sound landmarks and many are just common sense.

Mr Grinnell spoke in support of the application. He raised the following points:-

- representing Crown Estates and TH Real Estate, proven deliverers of high quality retail/leisure schemes across the UK;
- the application is for a package comprising the closure of part of Paris Street, public realm works, a new Leisure Centre and a commercial scheme brought forward after working with the Council and other stakeholders;
- there has been a focus on communication and meaningful engagement with interested parties, there being significant support for the regeneration of the bus station site including from the Chamber of Commerce and the Exeter BID;
- the development of this high quality quarter furthers the Council's vision for the Bus and Coach station site and is in accord with development plans including the Development Delivery (DPD) and the Bus and Coach Station Area Development principles, representing a £75 million regeneration of the area;
- the development will deliver 750 new jobs in the retail, leisure and construction industries;
- it comprises active street frontages throughout, including the terrace area overlooking the amphitheatre with restaurants with the Cinema and Leisure Centre together providing a key landmark for the rest of the City Centre;
- development includes high quality public realm; and
- the amphitheatre is at the heart of the development meeting the need for a flexible, interesting and inviting area as well as a potential performance space.

He responded as follows to Members' queries:-

- already work with the Princesshay management on the public realm appearance of that development and will do so for this development including examining options for the green open space to be a mix of natural and artificial grass to avoid need for re-turfing;
- have engaged with groups and individuals concerned about the welfare of less abled including the visually impaired as well as Living Options and will continue to do so to take on board their on-going feedback;
- a balance is necessary in reaching final agreement on materials and the detailed design, but confirm that the engagement process on these matters continues;
- consideration can be given to the required features for power and water provision etc. in order to facilitate performance elements and will be included in the tendering package for the amphitheatre area;
- the scheme is predicated on the closure of the upper part of Paris Street and there is no alternative plan should the Secretary of State refuse this closure; and
- the area outside the Exeter Community Transport Association office has been redesigned to facilitate a turning area for Park and Ride buses, a new cycle parking area and a re-ordered parking bay for the Association.

A number of Members welcomed the proposal as an important addition to the City Centre which would help ensure its future vibrancy and competitiveness and combat further pressure for out of town developments which, when permitted in other Cities, had led to the decline in fortunes of City Centres, one Member remarking that, as shown elsewhere in the City, a street closure to facilitate pedestrianisation was unlikely to cause noticeable disruption in traffic flows. A Member welcomed the opportunity to re-develop an area of the City in need of regeneration through a

significant investment which would also bring extra jobs opportunities. She thanked the public speaker for her positive contribution on behalf of those with little or no sight and hoped that these ideas such as tactile surfacing would be taken on board by the developer. She also hoped that biodiversity issues raised by the Devon Wildlife Trust could be incorporated into the scheme and that a condition be added to ensure an appropriate design at the Paris Street/Dix's Field junction to accommodate the flow of buses and cycles as well as arrangements for the ECTA office.

A Member, in supporting the application and picking up on the responses of the public speakers, asked that consideration be given to ensuring that the lifts within the scheme were of the appropriate size to accommodate all users and that layout, materials and design issues, as well as the provision of stands for electric cycles, would be further discussed with the applicant to meet the needs of all members of the public.

Members asked that the progress on the additional elements discussed and supported for inclusion in the scheme be reported to the Planning Member Group.

A Member referred to the request of the University to participate in the planning of facilities for cyclists within the development to include linkage to the overall cycling network and this was supported by another Member who, whilst referring to issues regarding the closure of the upper part of Paris Street, suggested that cyclists might feel uncomfortable with additional buses running along Sidwell Street. Members agreed that consultations be held with the University, as requested.

The Principal Project Manager (Development) confirmed that conditions would be added regarding the provision of appropriate lifts and on the detail of the junction at the bottom of Paris Street near the Exeter Community Transport Association office and that the details requested in respect of design and materials would be included in an existing proposed condition. He also advised that further consultations would take place with the applicant on the provision of electric bike stands as well as the long term maintenance of the amphitheatre and the associated grassed area as well as discussions on design and materials in general.

The recommendation was for approval, subject to the conditions as set out in the report.

RESOLVED that planning permission for approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping for: Paris Street (Parcel P) and commercial developments (Parcel C) be **APPROVED**, subject to the following conditions, which may be varied or supplemented:-

- 1) Unless otherwise agreed the means of access, landscaping, appearance, layout and scale of development hereby approved shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 13 March, 14 March and 15 March 2017, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 2) Notwithstanding condition no. 1, before the respective Blocks referred to in the sub-parts below are first brought into use the following specified details shall have been submitted to and approved in writing by the Local Planning Authority and implemented on site:

1. The detailed design of the junction between Block D and the Bus Station building, or the eastern elevation of Block D
2. The detailed design of the junction between Block E and the Leisure Centre building, or the northern and eastern elevations of Block D.

Reason: Additional details on these matters, which are dependent on the timing of delivery of the adjoining development, will be required in the interests of visual amenity.

- 3) No part of the development hereby approved shall be brought into its intended use until a strategy for the planting of 3 trees in the vicinity of the site and on land in the control of the applicant, the City Council or the Highway Authority has been submitted to and approved in writing with the Local Planning Authority.
Reason: In the interest of sustainable development.
- 4) Prior to the commencement of superstructure works to Block A, plans and elevations of the north-west stair core showing separation from the glazing shall be submitted to and approved by the local planning authority.
Reason: To secure the detail of the design of this prominent element in the interests of visual amenity.
- 5) Prior to the installation of the cladding to the Paris Street elevation of the cinema, new elevations at a scale of 1:200, along with 1:20 detailed drawings of the cladding detail and method of installation shall be submitted to and approved by the local planning authority.
Reason: To secure the detail of the design of this prominent element in the interests of visual amenity.
- 6) Notwithstanding the submitted details, prior to the installation of each kiosk, detailed elevational drawings at a scale of 1:100 shall be submitted to and approved by the local planning authority, the kiosks shall thereafter only be constructed in accordance with the approved details.
Reason: In the interests of amenity and public safety.
- 7) Detailed drawings of the Block B ground floor elevations fronting Paris Street (South) shall be submitted to and approved by the local planning authority. The approved details shall be installed prior to the first operation of the retail unit to which they relate and retained thereafter unless otherwise agreed in writing.
Reason: In the interest of visual amenity.
- 8) Detailed drawings of the Block B lower ground floor (street level) restaurant elevation fronting Paris Street shall be submitted to and approved by the local planning authority. The approved details shall be installed prior to the first operation of the restaurant unit to which they relate and retained thereafter unless otherwise agreed in writing.
Reason: In the interests of visual amenity.
- 9) The staff and visitor cycle parking shown on Drawing HED.1132.510 received on 13 March 2017 shall be installed and made available for its intended use in accordance with an agreed phasing plan, and shall in any case shall all be installed before any more than 50% of the floorspace to which this approval relates has first been brought into use.
Reason: To maximise the opportunities to promote and enhance use of sustainable modes, in accordance with Section 4 of the NPPF.

- 10) Notwithstanding the approved plans, the service yard shall not be brought into operational use until details of the design, layout and surface treatment of Bampfylde Street between the service yard gates and the junction with Cheeke Street have been submitted to and agreed in writing by the local Planning Authority and subsequently implemented on site.
Reason: In the interests of amenity and public safety.
- 11) Notwithstanding the approved plans, the service yard shall not be brought into operational use until 1:20 detailed drawings of the service yard gates on Bampfylde Street have been submitted to and approved by the local planning authority and subsequently implemented on site.
Reason: In the interests of amenity and public safety.
- 12) Notwithstanding condition no (1), full details of the lift shown as part of Block E shall be submitted to and approved in writing by the Local Planning Authority and the lift shall thereafter be provided in accordance with the approved details and maintained as such thereafter.
Reason: To ensure that the design of the lift is suitable for use with mobility scooters.
- 13) Details of the layout of Paris Street, including its junctions with High Street and Dix's Field, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
Reason: In the interest of highway safety.

In accordance with Standing Order 43, Councillors requested their names be recorded as having voted as follows:-

Voting for:

Councillors Bialyk, Denham, Edwards, Foale, Gottschalk, Harvey, Lyons, Morse, Sutton and Spackman.

(10 Members)

Abstain:

Councillors Mrs Henson, Newby and Prowse.

(3 Members)

Additional Information Attached after Agenda Dispatched - circulated as an appendix

(The meeting commenced at 5.30 pm and closed at 7.18 pm)

Chair

LICENSING COMMITTEE

28 March 2017

Present:

Councillor Roger D Spackman (Chair)

Councillors Sheldon, Brimble, Foale, Hannan, D Henson, Holland, Owen and Pearson

Apologies:

Councillors Branston, Newby and Sills

Also present:

Environmental Health and Licensing Manager, Litigation Solicitor, Solicitor, Acting Principal Licensing Officer and Democratic Services Officer (Committees) (MD)

1 **Minutes**

The minutes of the meeting held on 7 February 2017 were taken as read and signed by the Chair as a correct record.

2 **Declarations of Interest**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

3 **Update to the policy amendments to Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators**

The Environmental Health & Licensing Manager presented the report seeking to introduce amendments to the current policy relating to Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.

He reminded Members that the item regarding the installation of passenger facing digital information screens in Licenced vehicles, had been deferred from the previous meeting. Members had requested additional health and safety information and a representative from DigiCAB Media to attend. The acting Principal Licensing Officer reported that the conditions outlined in Appendix R would be included if the digital screens were approved.

Mr R Shilleto of DigiCAB Media attended and presented Members with a working model of the digital screens built into a head rest. In response to questions from Members, he provided the following responses:

- The screen would be a standard tablet installed into the headrest as shown in the model provided. All content would be uploaded onto the screen by DigiCab media and be safety tested. There would be no audio from the screens with adverts and images on a silent loop;
- The screens would be installed on the passenger side only. The head rests would be wired in to follow safety mechanisms;

- Displayed advertising would be follow strict rules and regulations to ensure appropriate and ethical content. The content would also adhere to the British Board of Film Classification (BBFC) standards;
- There would be an on and off control for the driver, however passenger control could be also be added. At present passengers would have to ask the driver to turn the screens off;
- The screens would not be touch screen or have a speaker system installed. A touch screen digital screen was being developed;
- The drivers of licenses vehicles had a choice on whether they would have the screens installed. It would not be forced on them.

The Acting Principal Licensing Officer referred to the conditions for internal advertising for screen controls, explaining that the inclusion of passenger control for the screens would be essential for approval.

Councillor Pearson referred to the condition that stated “the mute/volume control must be accessible from the nearside and offside passenger seats”. He moved that the condition be amended so that sound be excluded and could only be video content. The motion was seconded by Councillor Owen. The policy amendment was approved by unanimous vote.

RESOLVED that the Committee accepts the updated compilation of Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators be approved with the policy amendments be adopted.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

4 Application for the grant of a 12 month consent on Manaton Close, Marsh Barton, Exeter

The Acting Principal Licensing Officer presented the report advising the Committee that, Miss C was seeking approval consent to trade at Manaton Close, Marsh Barton selling hot food from a purpose built catering trailer. Miss C had applied to trade for a 12 month period and had previously traded in this area, as she had worked for the previous consent holder.

The Acting Principal Licensing Officer advised no representations had been received and the previous owner had a five rating for food hygiene. He explained that Miss C had a level two certificate in food hygiene, which was a basic qualification and national benchmark for food handling. Certificate holders were recommended to go for higher levels.

In response to questions from Members, the Acting Principal Licensing Officer informed that the trailer would be driven to the site daily and be parked there each day and moved in the evening. He confirmed that litter within 100m of the business was the responsibility of the applicant.

RESOLVED that the application be approved with the following conditions:

- a) That all of the conditions contained within Appendix A of the Street Trading Policy dated June 2015 should be included on the consent;
- b) That the consent holder will provide a bin for customer use and t ensure that any rubbish in the vicinity (within 100m) of the business, is cleared away at regular intervals;
- c) The use of A boards and flags was prohibited;

d) The consent holder will not undertake fly posting.

5 **Application for the grant of a roving consent (excluding the Quay and Castle Street) for a period of 6 months**

The Acting Principal Licensing Officer presented the report advising the Committee that Mrs C was seeking the approval for a roving consent (excluding Castle Street and the Quay) to sell ice cream from a purpose built ice cream van. Mrs C had applied to trade for a 6 month period which would commence on 1 April 2017. No representations had been received and there was only one other roving consent to sell ice cream in Exeter.

Mrs C was in attendance.

Mrs C informed Members that the ice-cream was made locally by an established producer using local and fresh ingredients. The ice-cream van was in good condition and had received a food hygiene certificate. She explained that she would only be selling ice-cream in parks or suburban areas, where parents would be the potential customers to buy on behalf of children and would not be selling near to schools. Mrs C had an 18 year old daughter attending Exeter University who would be able to provide support during university breaks. Both she and her daughter had obtained food hygiene certificates this month.

The Environmental Health and Licensing Manager advised the applicant would not be required to undertake a DBS check. He explained that, even though the Committee could exclude certain areas for selling it would be difficult to enforce. However, any complaints received to the licensing authority could lead to withdrawal of the consent. Any business expansion or more vans would need to be presented to the Committee.

Mrs C left the room for the Committee to deliberate.

In response to a Member's enquiry, a condition could be added to ensure chimes were not active while the vehicle was in motion. Members held a discussion on the appropriate distance the vehicle could go to school grounds and having a condition on the drop off and pick up times. The Litigation Solicitor informed that the council had the power to prescribe standard conditions under

Schedule 4 paragraph 7(4) of the Local Government (Miscellaneous Provisions) Act 1982 which stated that the Council may attach such conditions to it as they consider reasonably necessary. Paragraph 7 (5) states without prejudice to the generality of paragraph 7 (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent:

- Obstruction of the street or danger to persons using it; or
- Nuisance or annoyance (whether to persons using the street or otherwise).

RESOLVED that the application be approved with the following conditions (amended text highlighted in italics):

- a) That all of the conditions contained within Appendix A of the street trading policy dated June 2015 should be included on the consent including the condition that the consent holder shall not cause any obstruction of the highway;

- b) That the consent holder will provide a bin for customer use and that the consent holder will ensure that any rubbish in the vicinity (within 100m) of the business, is cleared away at regular intervals;
- c) The use of A boards and flag was prohibited;
- d) The consent holder will not undertake fly posting;
- e) The consent holder must ensure that no chimes are operated whilst the vehicle used to trade is in motion.

6 Assistant Director Environment - Robert Norley

The Environmental Health and Licensing Manager requested an addendum to the minutes to express both the Licensing Teams and the Licensing Committees thanks to Robert Norley, the Assistant Director Environment, for all his hard work and leadership over the last ten years. He highlighted notable achievements under the Assistant Director Environment's leadership, which included:-

- a) Improvements to the street trading policy which now covers the whole of Exeter;
- b) The formation of a Hackney Carriage & Private Hire policy, which saw major enhanced quality controls to improve public safety with hackney carriage vehicles;
- c) An improved Licensing Act 2003 which expressed the Licensing committee's desire to encourage a café style culture and greater partnership working through schemes such as Best Bar None to enhance the safety and vibrancy of the evening and night time economy;
- d) A revised Gambling Act Policy which brought in city wide mapping to show areas of deprivation and premises of note within localities;
- e) The successful pilot of a multi-agency Help Zone;
- f) The pilot and subsequent establishment of a Taxi Marshall scheme.

The Environmental Health and Licensing Manager commented on these achievements and how well the Council had been operating under the Assistant Director Environments tenure. He would endeavour to continue the legacy being left behind.

The Members shared and expressed their thanks to the Assistant Director Environment.

The meeting commenced at 5.30 pm and closed at 6.50 pm

Chair

PEOPLE SCRUTINY COMMITTEE

Thursday 2 March 2017

Present:

Councillor Wardle (Chair)
Councillors Foale, Branston, Foggin, Hannan, Packham, Robson and Vizard

Apologies:

Councillors Bialyk, Holland and Newby

Also present:

Service Lead Housing Customers, Technical Accounting Manager, Principal Accountant Corporate, Scrutiny Programme Officer and Democratic Services Officer (Committees) (HB)

In attendance:-

Councillor Emma Morse - Portfolio Holder for Customer Access
Councillor Keith Owen - Portfolio Holder for the Housing Revenue Account

9

MINUTES

The minutes of the meeting of People Scrutiny Committee held on 5 January 2016 were taken as read and signed by the Chair as correct.

10

DECLARATION OF INTERESTS

No declarations of interest were made by Members.

11

DEMENTIA FRIENDLY COUNCIL TASK AND FINISH GROUP REPORT

The Chair of the Task and Finish Group, Councillor Robson, presented the report of the Task and Finish Group, which had met on four occasions, setting out its findings and recommendations to the People Scrutiny Committee and Executive.

The Group had included representatives from Exeter Dementia Action Alliance, the Alzheimer's Society and the Community Participation Officer from John Lewis (Exeter branch) and the Scrutiny Programme Officer reported that a valuable insight had been provided by members of the Torbay Dementia Leadership Group who had visited the Customer Service Centre to observe the front line service and facilities from the point of view of a person with dementia. She also stated that the City Council would look to participate in the Dementia Awareness Week between 15 to 21 May 2017.

The Portfolio Holder for Customer Access emphasised the importance of ensuring frontline staff fully embraced the importance of dementia awareness and confirmed that the Assistant Director Customer Access would ensure that the necessary resources were in place to bring forward new signage and improved toilet facilities in the Customer Service Centre.

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

- (1) encourage organisations such as the Alzheimer's Society, memory cafes and Age Concern to apply for allotments for use by those with dementia;
- (2) outline the work of this Task and Finish Group in a press and social media release, highlighting that the Council can offer appointments later in the day, upon request;
- (3) establish what information sharing there is already between Council departments in respect of vulnerable individuals, such as those with dementia and investigate the process for recording and sharing new information;
- (4) continue to support dementia friendly staff training across the Council, encouraging staff to become Dementia Champions;
- (5) look into providing different modules of more in depth training for officers who work directly with members of the public;
- (6) explore dementia training as a compulsory requirement before a Hackney Carriage/Private Hire Driver's licence is granted;
- (7) ensure that dementia friendly engagement is reflected and considered in the social inclusivity dimension of evaluating procurements;
- (8) require trained front line staff in particular to wear dementia friendly badges and a forge-me-not sign to be placed in a prominent place in the Customer Service Centre;
- (9) investigate the viability of providing a second toilet and/or carry out improvements to the existing toilet (including access) in the Customer Service Centre, subject to costings and available resources;
- (10) provide clear signposting for the toilet in the Customer Service Centre, subject to costings and available resources;
- (11) provide a higher level of dementia awareness training for security staff;
- (12) investigate the potential for dementia friendly red coat tours;
- (13) ensure that information concerning dementia friendly activities is available at the tourist information centre;
- (14) encourage such organisations as the Devon Wildlife Trust and Active Exeter to adopt a dementia friendly approach in the provision of activities; and
- (15) consider whether a similar review of other front line services within the Council should be undertaken at this stage and, if so, to prioritise the order for review.

12

HRA BUDGET MONITORING TO DECEMBER 2016

The Technical Accounting Manager advised Members of any major differences, by management unit between the approved budget and the outturn forecast for the first nine months of the financial year up to 31 December 2016 in respect of the Housing Revenue Account (HRA) and the Council's new build schemes. An outturn update in respect of the HRA Capital Programme was also incorporated in the report in

order to help provide a comprehensive financial update in respect of the Housing Revenue Account.

During this period, the total budget variances indicated that there would be a net surplus of £816,053 in 2016/17. This represented a reduction in net costs of £958,178 compared to the revised budgeted deficit of £142,125 for 2016/17.

The total amount of HRA capital expenditure for 2016/17 showed a total forecast spend of £6,282,661 compared to the £12,143,470 approved programme, a decrease of £5,860,809.

People Scrutiny Committee noted the report.

13

PEOPLE BUDGET MONITORING TO DECEMBER 2016

The Principal Accountant advised Members of any material differences, by management unit between the approved budget the outturn forecast for the first nine months of the financial year up to 31 December 2016 in respect of People Services. An outturn update in respect of the People Capital Programme was also incorporated in the report in order to help provide a comprehensive financial update in respect of the People Services budget.

The current forecast suggested that net expenditure would increase from the approved budget by a total of £108,776 after transfers from reserves and revenue contributions to capital. This represented a variation of 2.86% from the revised budget and included a supplementary budget of £158,000.

The 2016/17 Capital Programme, including commitments brought forward from 2015/16, was £1,434,540, as set out in the report.

People Scrutiny Committee noted the report.

(The meeting commenced at 5.30 pm and closed at 5.58 pm)

Chair

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PLACE SCRUTINY COMMITTEE

9 March 2017

Present:

Councillor Brimble (Chair)

Councillors Foggin, D Henson, Keen, Mitchell, Prowse, Robson and Wood

Apologies:

Councillors Lyons and Wardle

Also present:

Chief Executive & Growth Director, Corporate Manager - Legal, Litigation Solicitor, Service Manager, Community Safety & Enforcement, Economy and Enterprise Manager, Principal Accountant (PM), Principal Accountant (MH) and Democratic Services Officer (Committees) (SLS)

In attendance:

Councillor Rachel Sutton	- Portfolio Holder City Development
Councillor Rosie Denham	- Portfolio Holder Economy
Councillor Rob Hannaford	- Portfolio Holder Place
Councillor Philip Bialyk	- Portfolio Holder Sport and Health and Wellbeing

12 **Minutes**

The minutes of the meeting held on 12 January 2017 were taken as read and signed by the Chair as correct.

13 **Declaration of Interests**

No declarations of disclosable pecuniary interest were made.

14 **Questions from Members of the Council under Standing Order 20**

In accordance with Standing Order No 20, two questions were put by Councillor Prowse in relation to Parking Enforcement. A copy of the questions had been previously circulated to Members, and these, together with the reply from Councillor Denham, Portfolio Holder Economy are appended to the minutes.

15 **Exeter City Futures - Exeter Energy Independence 2025**

The Head of Finance of Exeter City Futures, Laurence Oakes-Ash referred to the commissioning of a series of three reports to examine the potential options and a roadmap that would enable the Greater Exeter area to develop a path towards a sustainable future. The stated goal of Exeter City Futures was to ensure an Energy Independent and Congestion Free city region by 2025, which included the geographic area of Exeter City, East Devon, Mid Devon and Teignbridge District Councils, which would be without precedence in the UK. The report provided a comprehensive analysis of the potential energy efficiency and generation opportunities for energy technologies including solar, photovoltaics (PV), wind, bioenergy, hydro marine and geothermal as well as enabling technologies including smart grids and energy storage. The full report was available to download from Exeter City Futures and also the City Science web sites.

He stated that it was important to ensure that, as part of an evaluation of the report, there was robust evidence to explore the economic impact and ensure that the ambitions were achievable and resulted in specific actions. The first report undertook a detailed assessment of potential energy resources and uses in Greater Exeter and across the wider South West Region. The second report will assess the transport situation and options available to alleviate congestion and deliver further efficiency and the third and final report will pull together the economic evidence to provide an independent analysis of the impact of the programme's goals and proposed deliver plans.

Mr Oakes-Ash detailed a series of ten key recommendations arising from the Energy study to help reduce energy consumption and boost clean energy generation across Exeter and its travel to work area (with a brief explanation in italics) as set out below.

Recommendation 1: Facilitate the Development of Net Energy Positive Buildings
(The development of a supply chain and policy environment that ensures the delivery of net positive energy buildings was an urgent priority. New developments that positively contribute to city energy use would mean that less onshore generation development and retrofitting of older building stock would be required) Greater Exeter already benefits from progressive local authorities which actively pursue building energy efficiency objectives, in particular in their own properties. The next steps were to further encourage innovative solutions, combine insights and analysis to support tighter planning policy and develop mechanisms to significantly expand the project base).

Recommendation 2: Develop credible Roadmaps to Large Scale Retrofit
(A key assumption in the Maximum Technology scenario presented in the report is that viable business models which deliver large-scale retrofit could be developed over the time horizon. The development of credible roadmaps that deliver comprehensive intervention in this area is essential. This was a challenging undertaking which requires significant investment in skills, new solutions and the development of businesses that could integrate, finance and deploy the roll-out of multiple technologies at scale).

Recommendation 3: Encourage and Demonstrate Innovate Solutions to Reduce Domestic Appliance Energy Use
(While space and water heating consume the largest proportion of domestic energy, appliance use represents 0.5 TWh of Greater Exeter demand. The benefits of upgrading to the highest efficiency appliances should be promoted and systems developed which enable and manage behavioural change to both optimise use and reduce overall cost. Identified technologies should be trialled and best practice fostered).

Recommendation 4: Develop Commercial and Industrial Case Studies
(This study identifies 359 GWh of potential savings from commercial buildings and 250 GWh of potential savings from industrial processes, based on current understanding of technical opportunities. More specific demonstrator projects would be required to advance and promote greater understanding of what was achievable across a varied range of end users. A diverse group of local commercial and industrial partners should be brought together to develop leading-edge strategies to encourage potential energy savings).

Recommendation 5: Develop Credible Roadmaps to Cut Transport Consumption
(Transportation is expected to represent 4.4 TWh of annual energy consumption by 2025. Developing roadmaps to significantly address this consumption is an

essential priority, and is the focus of a forthcoming report by Exeter City Futures. In this context, wider participation in the development of various options should be encouraged, in particular through Exeter City Futures' innovation programme).

Recommendation 6: Co-Ordinate Solutions to Address Grid Constraints
(The grid is a critical technical constraint that impedes the viability of projects across the region. Moving past this barrier is essential if the regional energy industry was to thrive. Several options exist including capacity amnesties, the socialisation of upgrade costs and technology-led options such as smart grid infrastructure. All would need considerable co-ordination with the local grid operator to progress, but should be seen as a pivotal issue for the South West economy and Exeter City Futures' goals. If this barrier could be overcome, Greater Exeter could play a key role in stimulating a regional approach to energy independence, drawing on the skills, expertise and innovation of local research and industry. Close collaboration with the Department for Business, Energy and Industrial Strategy (BEIS) and other national stakeholders is required to develop policy and technology mechanisms to realise the potential local benefits of regional generation).

Recommendation 7: Stimulate Offshore Generation
(In the face of considerable planning barriers, improved stakeholder understanding of the impact of onshore generation options - principally wind and solar - was required. Co-ordinated Greater Exeter multi-authority strategic planning would be needed to optimally locate new generation and work openly and collaboratively with the public to identify solutions that would be acceptable in the context of the energy choices available. Furthermore, the exploration of generation technologies that achieve higher levels of aesthetic acceptability should be encouraged. This was already happening within the solar industry, with the introduction of technology integrated into rooftops and roads. Further integration into other standard infrastructure could achieve both new generation and cost reduction without facing political barriers).

Recommendation 8: Provide an Economic Evidence Base
(Evidence for the economic benefits of the proposed approach to energy independence and the opportunities afforded by being at the forefront of integrated smart energy infrastructure development should be provided, and was the focus of a forthcoming report by Exeter City Futures. Demonstrating significant potential for increased local productivity, jobs and growth would enable the development of a wider network of support for this approach).

Recommendation 9: Encourage and Support Research into Enhanced Generation Efficiency
(Estimates of generation were based on widely accepted methodologies, the efficiency of many technologies could be expected to improve with time. Extrapolating the historical trends in technology efficiency would increase the estimates of generation made in this report. Research into areas with the potential to improve natural energy resource conversion efficiency, for example, solar cell technology, should be prioritised).

Recommendation 10: Encourage Investment in Marine and Geothermal Technologies
(In the wider South West region, geothermal and marine technologies offer sizeable generation potential in the Maximum Technology scenario. These capital-intensive sectors require significant levels of investment to reach commercial viability. High technology and deployment risk, alongside falling substitute technology prices, mean public sector support was likely to be required to achieve

long-term market development. Private investment and innovation in these sectors should be supported and promoted, alongside strategic engagement with policy-makers at national level).

Mr Oakes-Ash provided a response to a Member's comment on the future of the National Grid, which he stated was operating at capacity in the South West, but alternatives technologies or policy actions, suggested in the report, could alleviate these restrictions. It was important to look at more innovative and viable business models including the development of battery and solar power. He also responded to a Member's comment on the Waste to Energy Plant on Marsh Barton. The benefits of shared infrastructure, including the further development of the District Heating Scheme, were discussed in general, but the particular issues the Member raised would need further investigation.

The Chair thanked Mr Laurence Oakes-Ash for the informative presentation which included a number of high level of aspirations.

Place Scrutiny Committee supported a further opportunity to look at the report in detail and proposed the establishment of a Task and Finish Group to include the Portfolio Holder for Economy to identify the implications in relation to resources and staff on offering support to develop the aspirations of the programme.

16 **Development of a New Brand - Visit Exeter**

The Economy and Enterprise Manager presented a report, which outlined the work undertaken to establish a new brand for Exeter - Visit Exeter, to increase the number of people who visit the city including day visits, overnight leisure break, or a business trip or group visit. The report also incorporated an update on the development of marketing activity under the newly developed brand – Visit Exeter. This would enable the City Council to proactively promote the city to increase the number of visitors to city, increase visitor spend, as well as raise the profile of the city within the UK and overseas, as a vibrant, culturally modern, visitor destination. The existing tourism marketing budget would be used to deliver activity as set out in the report. However, it was estimated that an additional income of £82,500 could be generated to support marketing activity, through the development of annual membership and sponsorship packages for businesses.

The Economy and Enterprise Manager confirmed that some work had been commissioned to develop the Visit Exeter brand, including national research which was detailed in an appendix to the report. Although Exeter was largely seem as a city for history and heritage, the research would help inform the basis of a regional and national marketing campaign covering eight experiences, including Culture; Heritage; Nightlife; Food and Drink; Activity; Business; Shopping and Relaxation.

In response to a Member's enquiry, the Economy and Enterprise Manager stated that the launch of the Visit Exeter brand would take place at the Royal Albert Memorial Museum during English Tourism Week 25 March – 2 April 2017. It was also anticipated that a national launch would take place in early summer, with a targeted national marketing campaign to include engagement events in London at the recognised gateway to Exeter, such as Paddington or Waterloo mainline train stations or even the London City Airport. Then potentially there could be some international work with Exeter Airport and Flybe, but, that was dependent on the available budget. She also responded to a Member's comment on improving the connection to the city from European destinations such as Austria, stating that Exeter was already a popular destination from Germany and Austria with direct summer flights. They continued to work with Exeter Airport to consider extending the flight

season. The Chair welcomed a Member's suggestion to invite the new Chief Executive of Flybe, Christine Ourmieres to a future meeting of this Scrutiny Committee to hear her thoughts for the future of the Airport. It was noted that Councillor Edwards, as Leader, was a representative on the Exeter International Airport Consultative Committee.

Place Scrutiny Committee endorsed the adoption of the Visit Exeter brand, and associated marketing activity, as detailed in the report and requested Executive recommend to Council approval of all projected additional income via Visit Exeter membership sales (estimated to be £82,500) be ring fenced for tourism marketing spend. An invitation to a future meeting of Place Scrutiny Committee would also be extended to the new Chief Executive of Flybe.

17 **Parking Tariffs**

The Service Manager Community Safety & Enforcement presented a report which proposed an increase of car park tariffs and the number of Pay and Display parking sites, which would take effect from June 2017. He stated that parking charges within Exeter had fallen behind other cities and there had been a rise in overheads, in part, to facilitate credit and debit cards, along with mobile phone payment charges. Increased tariff charges would negate the need to introduce a separate surcharge and cover these additional costs. The report also sought to reduce an anomaly in parking provision by operating all pay and display sites in-house under a Parking Places Order. He referred to the City Council's ambitious plans to reduce congestion in the city, and a reasonable pricing policy would support these objectives. The detail of the projected recommended tariff increase, which could raise an additional £680,000 income per annum, was based on historical ticket data, and assumptions on changes to parking patterns resulting from the new charging structure, was attached as an appendix to the report.

A Member referred to the increase in parking fees which could result in some inconvenience with change being sought for parking, and what impact the introduction of the new 12 sided pound coin would have on the City Council's parking machines. The Services Manager Community Safety & Enforcement stated that the existing car parking machines would be re-calibrated. He also stated that the three main car parks of Mary Arches Street, John Lewis and the Guildhall were all Pay-On-Foot car parks and gave change on exit from the car park. Other pay and display car parking machines did not give change, but credited any overpayment with additional time for parking.

A Member also commented on the fee attracted by the level of card transactions in 2016/17, and gave an example of a similar charge for transactions by text for the Pay and Display Car Park in Bampfylde Street and he sought clarification whether such charges could be made under the Parking Places Order. He also referred to a parking enforcement issue, which had involved Premier Parking at the Flowerpots and Station Road, (Exwick) car parks which had been resolved, but was concerned about other areas where the parking enforcement was still managed by Premier Parking, referring to sites at Mincinglake Valley Park Road and Haven Banks. He commended the City Council for taking the Flowerpots, Station Road (Exwick) and Clifton Hill car parks back into the operation of the City Council and hoped that the City Council had taken the appropriate advice before the implementation of the Parking Places Order. He enquired if there was any repercussion from terminating the arrangement. The Service Manager Community Safety & Enforcement responded to the Member's questions and stated that the levy imposed for text messages in respect of pay by phone was made by the company facilitating that service and the current Parking Places Order accounted for payment by card or

phone. The Corporate Manager Legal & HR Services confirmed that the use of the car park by Premier Parking was coming to an end because the leases were expiring by an effluxion of time. The Member thanked officers for the report and stated that he was pleased to support the recommendation to bring the enforcement of the three sites identified in the report back in house.

Place Scrutiny Committee supported and recommended approval by Executive of the following:-

- (1) the amendment of the Car Parking Places Order as set out below:-

An increased tariff at Premium, Zone 1 and Zone 2 car parks by 10% within the existing linear pricing structure, as set out in the table below but retain the existing all day tariff to encourage visitor dwell time:-

Premium Car Parks (Guildhall, Mary Arches, John Lewis)		
Stay	Current Tariff	Proposed Tariff
1 hour	£2.00	£2.20
2 hours	£3.00	£3.30
3 hours	£4.00	£4.40
4 hours	£5.00	£5.50
5 hours	£6.00	£6.60
6 hours	£7.00	£7.70
7 hours	£8.00	£8.80
All day	£12.00	£12.00
Zone 1 Car Parks (Bampfylde Street, Bartholomew Terrace, Harlequins, King William Street, Magdalen Road, Magdalen Street, Matthews Hall, Princesshay 2, Princesshay 3, Smythen Street)		
Stay	Current Tariff	Proposed Tariff
1 hour	£1.00	£1.10
2 hours	£2.00	£2.20
3 hours	£3.00	£3.30
4 hours	£4.00	£4.40
5 hours	£5.00	£5.50
6 hours	£6.00	£6.60
7 hours	£7.00	£7.70
All day	£10.00	£10.00
Zone 2 Car Parks (Belmont Road, Bystock Terrace, Cathedral & Quay, Haven Road 1, Howell Road, Richmond Road, Parr Street, Topsham Quay, Triangle)		
Stay	Current Tariff	Proposed Tariff
1 hour	£1.00	£1.10
2 hours	£2.00	£2.20
3 hours	£3.00	£3.30
4 hours	£4.00	£4.40
5 hours	£5.00	£5.50
All day	£6.00	£6.00
Zone 3 Car Parks (Flowerpot, Haven Road 2 & 3, Holman Way,		

Okehampton Street, Tappers Close)		
Stay	Current Tariff	Proposed Tariff
1 hour	£0.50	£0.50
2 hours	£1.00	£1.00
3 hours	£1.50	£1.50
4 hours	£2.00	£2.00
All day	£2.50	£2.50
Zone 3 Car Parks with Maximum Stay (Clifton Hill, Gordons Place, Station Road (Exwick))		
1 hour	£0.50	£0.50
2 hours	£1.00	£1.00
3 hours maximum stay	£1.50	£1.50
Coach Parking at Haven Road 3 (per day)	£5.00	£5.00
Quarterly Commuter Season Ticket	£300.00	£300.00
Residents Annual Season Ticket	£125.00	£125.00
Bartholomew Terrace Business Permit	£205.00	£205.00
Cathedral & Quay Business Bays	£565.00	£565.00

- (2) The inclusion of the following additional car parks in the Parking Places Order 2014:-
- (a) Flowerpot (Appendix 1)
 - (b) Station Road (Exwick) (Appendix 2) and
 - (c) Clifton Hill (Appendix 3)
- (by way of pay and display)
- (3) The designation of the following car parks as Zone 3 Car Parks as set out in the table in Recommendation (1) in the Parking Places Order 2014:-
- (a) Flowerpot,
 - (b) Station Road (Exwick) and
 - (c) Clifton Hill; and
- (4) The restriction of parking to a maximum three hour stay at the new Clifton Hill and Station Road (Exwick) car parks.

18 Budget Monitoring (Third Quarter)

The Principal Accountant (MH) presented the report which advised Members of any material differences by management unit to the revised budget in respect of the Place Scrutiny Committee revenue and capital budgets, for the nine months in the financial year up to 31 December 2016. The current forecast suggested that net expenditure for the Committee would decrease from the revised budget by a total of £215,794 after transfers from reserves and revenue contributions to capital. This represented a variation of 2.20% from the revised budget and included a supplementary budget of £1,117,370, already agreed by Council. She also stated

that the report also included an outturn update in respect of the Place Capital Programme, and she confirmed a forecast total spend of £2,459,655 in 2016/17 with £163,720 of the programme potentially deferred to 2017/18 and beyond.

A Member was pleased to see that funding was available for play area refurbishments as their upkeep was very important. The Principal Accountant (MH) stated that any underspend on the project would not be lost but would be carried onto the following year.

Place Scrutiny Committee noted the report.

19 **Legacy Leisure Working Group Minutes 21 February 2017**

The minutes of the Legacy Leisure Working Group meeting held on 21 February 2017 were circulated for Members' information.

Councillor Bialyk presented the Working Group minutes and also provided a comprehensive update of the facility following the recent fire at the Riverside Leisure Centre. He referred to the Working Group meeting that had been held on the site that day, and Legacy Leisure's report which detailed the recent upgrade of the gym equipment and their future aspirations for redecoration and refurbishment. The fire had set back the plans and whilst it was disappointing, he acknowledged the professionalism and dedication of the Legacy Leisure staff employees who quickly and safely evacuated the building ensuring there were no serious casualties, and continued to deal with the aftermath. He also wished to commend those City Council staff involved and particularly the Fire Brigade who contained the fire to the Health Suite and stopped the fire spreading to the rest of the building. Legacy Leisure had complied with all the necessary fire regulations, but they awaited the outcome of the enquiry and recommendations from the Fire Service. The pool was likely to be out of action for up to six months, but it was hoped to get elements of the facility, such as the sports hall and gym back into use in the coming weeks. A great deal of work had been carried out to promote the opportunity to use other Legacy Leisure sites within the city or allow an amnesty on their membership. All efforts had been made to accommodate the customers at other facilities within their already busy programmes. It was noted that the employees based at the Riverside Leisure Centre had been redeployed to other Legacy Leisure facilities in the city. The Leisure Facilities Manager would continue to liaise with the staff to ensure that a regular update report was received, which would be shared with Members. He was aware that the local Members for St Thomas had also welcomed the site being brought back into use.

Councillor Bialyk referred to a proposed Activities Evening for Members as part of a promotion for health and well-being which would now be held at a later date. A Member commented on the excellent work carried out at her local Leisure Centre in Wonford, in association with the local GP practice, as part of a regular health and fitness programme. Councillor Bialyk also referred to good work to help combat dementia and isolation. He hoped that a Member Group might be able to consider such work later in the year.

Place Scrutiny Committee noted the content of the Legacy Leisure Working Group minutes.

The meeting commenced at 5.30 pm and closed at 6.40 pm

Chair

MEMBER QUESTIONS TO PORTFOLIO HOLDER at Place Scrutiny Committee – 9 March 2017

Response to be made by Councillor Denham Portfolio Holder Economy

Questions from Councillor Prowse and precis of response below.

Question 1

At the recent Full Council, I tabled several questions regarding the current position of just who is dealing with Penalty Charge notice appeals issued by this authority in our own car parks.

The reply to Question (i) stated “Devon County Council has never dealt with Exeter City Council’s appeals”. This reply is erroneous. What should the reply have been?

Response

Councillor Denham responded to the question and stated that the reply was not erroneous and it was correct and she was confident in position with the reply previously given at Council held on 21 February 2017.

Councillor Prowse asked a supplementary question relating to the staff who dealt with appeals and was aware that an employee of Devon County Council was used, and they were employed on secondment by Exeter City Council, one day a week and acted on behalf of the City Council.

Question 2

The reply to Question (f) at Council states “I do not agree that the Council is in breach of its statutory obligations. There is no breach of an Act of Parliament. I accept that the Council has not followed the guidance on this point. (my underlining). The only issue to be complied with is to clarify the post which deals with appeals against Penalty Charge Notices.

Can the Portfolio Holder give an indication when this will be? What is the position during the intervening period?

Response

Councillor Denham stated that the post would be identified in the City Council's Constitution, and a report to this effect will be presented to Executive on 11 April and Council on 25 April. The approach would not change during the intervening period, but met with best practice guidance.

Councillor Prowse asked a supplementary question and was concerned about having no agreement which was procedural in propriety?

Councillor Denham confirmed that the stance was following best practice guidance and the approach in the interim period had not impacted on the validity of the Act.

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CORPORATE SERVICES SCRUTINY COMMITTEE

Thursday 23 March 2017

Present:

Councillor Sheldon (Chair)
Councillors Warwick, Ashwood, Baldwin, Hannan, Harvey, Lamb, Musgrave and Robson

Also present:

Assistant Director Finance, Corporate Manager Democratic and Civic Support and Democratic Services Officer (Committees) (MD)

In attendance:

Councillor Edwards (Leader)
Councillor Pearson (Portfolio Holder for Support Services).

11 **APOLOGIES**

Apologies were received from Councillor Holland.

12 **MINUTES**

The minutes of the meeting held on the 26 January 2017 were taken as read and signed by the Chair as correct.

13 **DECLARATIONS OF INTERESTS**

No declarations of disclosable interest were made.

14 **QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 19**

One member of the public, Mr Andy Vowden, had submitted a question under Standing Order 19, in relation to the Public Engagement in the Democratic Process and Web-casting of Council meetings.

Councillor Ollie Pearson, as Portfolio Holder for Support Services, responded and a copy of the response was appended to the minutes.

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

In accordance with Standing Order No 20, ten questions were put by Councillor Musgrave in relation to public engagement and revenue. A copy of the questions had been previously circulated to Members, and together with the responses from Councillor Pearson, the Portfolio Holder for Support Services and Councillor Edwards, the Leader, were appended to the minutes.

PUBLIC ENGAGEMENT IN THE DEMOCRATIC PROCESS AND WEB-CASTING OF COUNCIL MEETINGS

The Corporate Manager Democratic & Civic Support presented the report on greater public engagement in the democratic process and webcasting of Council meetings in response to the motion passed by Council in February 2016. He advised the motion had been divided into the following:

Meetings being held elsewhere

The Corporate Manager Democratic & Civic Support advised that all of the Council's official meetings take place in the Civic Centre meeting rooms with Council meetings being held at the Guildhall. Both venues were setup to hold the meetings with appropriate equipment and capacity. It was rare to be unable to accommodate members of the public. A recent exception was at Extraordinary Council meeting held at the Guildhall which cannot incorporate the same numbers as the Civic Centre. He highlighted the Guildhall, the oldest municipal building in the country that was used for its original purpose for local government. Both the Civic Centre and Guildhall are based in the city centre and have excellent access to parking and public transport links.

He commented that the concept of holding meetings in other parts of the city was not unrealistic with the following matters having been taken into account:-

- Finding suitable accommodation elsewhere (including the availability of all necessary equipment), including accessibility requirements;
- Transportation of necessary equipment which may not be available at the venue (e.g. microphones);
- Ensuring the appropriate public notice is given of the different location;
- The costs associated with the hiring of the venues;
- Staff time and costs in administering the booking of suitable venues, and ensuring their set up in time for the meetings themselves;
- The availability of accommodation elsewhere up to 18 months ahead of the meeting itself – there is no guarantee that the accommodation booked, would be suitable for the meeting required by the time the meeting came to take place.

He explained there had been no call to hold meetings away from the Civic Centre or Guildhall and recommended to continue to hold meetings at these locations.

Broadcasting of meetings

The Corporate Manager Democratic & Civic Support advised that the Council does not currently broadcast its meetings and recognised that some facilities were being used by more local authorities. He confirmed there was public interest in broadcasting, so members of the public could be kept up to date with news and events, however there appeared to be little interest in Council Meetings.

Another issue was that the meeting rooms at the Civic Centre were not permanently setup for meetings and were used for other meetings. The Guildhall was a Grade 1 listed building which prevented the installation of fixed equipment.

The Corporate Manager Democratic & Civic Support recommended trialling a system such as Facebook Live for a six month period at public committee meetings.

Question time to the Leader of the Council at Council meetings

The Corporate Manager Democratic & Civic Support informed Members there was currently no opportunity for questions by members of the public to be asked to the Leader of the Council at full Council meetings and referred to a council meeting held in 2015, in which a motion about this had been put to the vote and lost. He commented that not much had changed and referred to the report which highlighted numbers of public speaking at various committee meetings over a two year period.

The figures indicated that, apart from planning meetings, there was little interest from members of the public to address formal council meetings. He expressed his thanks to a member of the public who had attended this meeting and spoke understanding order 19. However, he recommended, no new changes be made to introduce public questions at Council meetings.

Greater publicity

The Corporate Manager Democratic & Civic Support discussed the minimal public attendance at council meetings. There was little interest shown from members of the public with the exception of the Planning Committee.

He advised that he would be working closely with the recently appointed Director of Communications & Marketing to maximise publicity and suggested adding meeting agendas to the weekly bulletins produced by the Director of Communications & Marketing to promote the meetings. He also referred to the question raised from the member of the public who spoke about the difficulty of using the Council website to locate information. He would liaise with the Director of Communications & Marketing to develop an engagement plan to help improve this.

In response to Members' questions, the Corporate Manager Democratic & Civic Support responded:

- Questions to the Leader could be trialled, but it would need to go through the process of being put forward as a suggestion and would need approval at Executive and Council;
- The Guildhall was the council chamber and must be used for council meetings, including larger meetings. This could not be adjusted without changing standing orders;
- A larger venue such as the Corn Exchange or Riverside would be difficult to hire, as the council didn't manage the Riverside and the Corn Exchange was very busy;
- Improvements were being made to access information, whilst the first priority was to improve public knowledge and interest;
- The recommendations, if adopted, should be given a six month trial period to obtain more information and be fed back to the Corporate Services Scrutiny Committee in six months;
- That in relation to other premises within the city which could accommodate Council meetings, the Corporate Manager Democratic & Civic Support as Returning Officer, struggled to find accommodation which met all the necessary accessibility requirements. It was felt that this would be the same when searching for suitable accommodation for Council meetings.

Councillor Musgrave raised a proposal to take the recommendations to Executive and have the opportunity to build on it further along. The motion was seconded by Councillor Baldwin.

Corporate Services Scrutiny Committee supported the report and requested Executive and Council to note and approve:-

- (1) The current arrangements for the holding of all public meetings of the City Council be maintained;
- (2) A simple trial for broadcasting of some Council meetings being undertaken with a view to the monitor the levels of interest taken up and report back to a future meeting of this Committee;
- (3) The suggestion for public questions the Council Leader at the commencement of full Council meetings not be supported;
and
- (4) The Corporate Manager, Democratic & Civic Support, work closely with the Director of Communications & Marketing to maximise publicity of the decision making process, including items on committee agenda as appropriate.

17

OVERVIEW OF THE REVENUE BUDGET 2016/17

The Assistant Director Finance presented the report on the Revenue Budget, which outlined the overall projected financial position of the HRA & General Fund Revenue Budgets for the 2016/17 financial year and to seek approval for a supplementary budget.

He discussed the Council's estimated financial position and the requirement for approval of additional expenditure during the financial year based on the under-spend outlined in the report. He commented that a supplementary budget totalling £59,000 had been approved previously by Council.

The Assistant Director Finance explained that the House Revenue Account had an opening balance of £7,068,670 with a projected surplus of £816,053. He commented on the underspend of management units and highlighted that £320,000 had been underspent on the repairs and maintenance.

He outlined the General Fund which indicated that the service committees had an under-spend of £153,519 against the revised budget of £15,028,649. He summarised the spending of the three Scrutiny committees indicating:

- People Scrutiny Committee had an under-spend of £14,950;
- Place Scrutiny Committee had an over-spend of £127,821;
- Corporate Services had an under-spend of £266,390.

The Assistant Director Finance reported that the car parking under-spend for the Place Scrutiny Committee was £501,370 based on income from parking fees. He commented on the Supplementary Budgets informing Members that there was a requirement for further supplementary budgets in 2016/17. The General Fund supplementary budget was £59,000.

In response to questions from Members, the Assistant Director Finance explained:

- The parks and green spaces had an under-spend of £108,770 which had been caused by vacant posts. Some income had come from park assets but the parks and open spaces team would be able to provide more information on this
- Car park use across the city had increased which had caused an under-spend of £501,370. Had this not have happened the take from balances would have been closer to the revised estimate £850,000;
- The car park machines would be adapted to be able to take the new £1 coins. The machines would initially be adapted to accept the new coins and then at a later date, be adapted again to ensure older pound coins could not be used. The cost was not known at this time but will not be significant.

Corporate Services Scrutiny Committee noted the report and requested Executive and Council to note and approve:

- (1) The General Fund forecast financial position for the 2016/17 financial year;
- (2) The HRA forecast financial position for 2016/17 financial year;
- (3) The additional supplementary budget listed in Appendix C;
- (4) The outstanding Sundry Debt position as at December 2016;
and
- (5) The creditor's payments performance.

18

CAPITAL MONITORING STATEMENT TO DECEMBER 2016

The Assistant Director Finance presented the report on the Capital Monitoring Statement which advised Members on the current position of the Council's revised annual capital programme and the expected future deferred expenditure. He advised that the report required approval from Members to amend the annual capital programme in order to reflect the variations.

The Assistant Director Finance discussed the performance of the revised capital programme and reported the revised capital programme for the current financial year.

The Council had spent £5.956 million of the revised programme. He commented that major schemes had not been spent in this financial year and would be included in the next financial year. The schemes would be reviewed to ensure they could be delivered in 2017/18. He noted the spend would normally be a lot higher for this time of year.

The Assistant Director Finance commented on the approved budgets for 2017/18 with the 2016/17 budget to be carried forward to 2017/18 and beyond which required Executive and Council to consider for approval.

The Chair commented that he had spoken with the Deputy Chief Executive who suggested that resource concerns would need to be raised to him to reduce impact on delivery.

In response to Members' questions, the Assistant Director Finance explained that normally the Council had spent around 50% percent of the programme after three quarters. If schemes were deemed to be viable, they would be checked to ensure they could be delivered and be added into the next financial year. Profiling had to improve to provide Members with realistic expectations.

Corporate Services Scrutiny Committee supported the report and requested Executive to recommend to Council to approve the revision of the annual capital programme to reflect the reported variations detailed in Expenditure Variances and Schemes to be deferred to 2017/18 and beyond.

19

BUDGET MONITORING FOR QUARTER 3

The Assistant Director Finance presented the report which advised Members of the differences to the revised budget and presented a quarterly financial update in respect of the Corporate Services Scrutiny Committee. He advised Members that local authorities had a statutory duty to set and monitor budgets during the year and to action potential overspending or income losses.

He discussed the financial resources required to deliver Corporate Services during 2016-17 and informed Members that net expenditure would decrease from the revised budget by £283,650 after transfers from reserves and revenue contributions to capital. This would include a supplementary budget of £854,990, which had already been agreed.

The Corporate Services Scrutiny Committee noted the content of the report and were satisfied that prudent steps were being taken to address the key areas of budgetary pressure highlighted in this report.

(The meeting commenced at 5.30 pm and closed at 6.30 pm)

Chair

PUBLIC QUESTIONS RECEIVED Under Standing Order 19 for Corporate Services Scrutiny Committee – 23rd March 2017

Question for Corporate Services Scrutiny Committee From Andy Vowden:

“The quest to find the information on the website for this meeting shows there are some clear issues with communication and transparency to the public.

Now unfortunately we don't all have GCHQ standard web skills so In light of this fact, this motion and a councillor recently crossing the floor due to the lack of democracy and accountability, can someone tell me, why there appears to be resistance from the administration to implementing these proposals in full? I understand I will have a right to respond also?”

Response by Councillor Pearson, Portfolio Holder for Support Services

Councillor Pearson as Portfolio Holder for Support Services responded to the question by informing that there was no resistance on the part of the administration to these proposals, but what was being suggested reflected a realistic position, and was, in itself, a step forward in attracting more public interest in the Council's decision making process.

For the first time the council was moving towards measured levels of public engagement, where our output could be monitored and refined according the needs and demands of our residents.

Response by Mr Vowden

Mr Vowden expressed his thanks for the response and informed that the navigation on the Exeter City Council, especially in comparison to other Local Authority websites, was very difficult to navigate to find what he was looking for. There was too much clicking to navigate the website. He commented on the proposal from February last year. He asked that finding relevant information, policy processes and decisions be made more accessible which would improve public participation at committee meetings.

Response

Councillor Pearson and the Corporate Manager Democratic and Civic Support explained that the proposal in the report under agenda item 7, showed that meetings varied on how they functioned and numbers of attendance. It was understood there was an issue of making the public more aware of council meetings and would look at the website functionality to improve user experience.

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MEMBER QUESTIONS TO PORTFOLIO HOLDER at Corporate Services Scrutiny Committee – 23 March 2017

From Councillor Musgrave

- (a) Does the Portfolio Holder agree with me, contrary to the sentiment in this report, continuing to restrict public participation at scrutiny is not going to encourage the public to attend meetings?
- (b) How does the administration intend to actively promote this new initiative and change the culture of poor public engagement? Can this be a future task and finish project?
- (c) Has any consideration been given to setting up ward councils, much like town or parish councils in other district councils? If not, why not?
- (d) Why has there been an under-spend of £533k on property maintenance?
- (e) Reference the £70k overspend on PR consultants, can the Portfolio Holder confirm now we have a new Communications Director in post, going forward such work will be completed in house, thereby negating the need for PR consultants?
- (f) Reference the overspend of over £66k on agency staff, can the Portfolio Holder explain why so much money has been spent on outside staff when we are making Council employees redundant and/or not replacing posts?
- (g) Can the Portfolio Holder provide a breakdown of how this budget has been spent?
- (h) Does the Portfolio Holder conceded, this £66k overspend is contrary to the Leader's stated position to the joint trade unions to reduce overall agency spend?
- (i) What has the reaction from the recognised trade unions been?
- (j) Does the Portfolio Holder agree with me, urgent steps need taken to reduce and negate agency spend?

Responses by Councillor Pearson, Portfolio Holder for Support Services

- (a) Councillor Pearson explained that the report made no reference to restricting public participation at Scrutiny. What it did suggest was maximising the publicity surrounding all the council meetings so that more members of the public were aware of the meetings and the business to be transacted.
 - Councillor Musgrave asked about Leaders question time and having public to read questions.
 - Councillor Pearson responded by informing that members of the public can ask a question. The report in Item 7 refers to workable proposals and addressing ways of reporting at meetings.
- (b) Public engagement, creating and maintaining two way conversations, was a core part of the strategic direction and focus that was being brought in under the new Director of Communications and Marketing. For the first time the council was moving towards measured levels of public engagement, where our output can be monitored and refined

according to the needs and demands of our residents. A task and finish project would duplicate.

- (c) I'm not quite sure what is meant by this question. The consideration of what would be another tier of local government within the City goes beyond the remit of the report, and even if it was to be considered, would need extensive public consultation before anything could be taken further forward.

Response by Councillor Edwards, Leader and Councillor Pearson, Portfolio Holder for Support Services

- (d) Due to prioritisation of emerging in year demand it has not been possible to complete all planned works given the limited officer resource available. A proportion of the Property Maintenance fund is an allocation for reactive repairs, the nature of this spend requirement prevents accurate spend forecasting. In this financial year a reduced demand has resulted in reduced spend; in future years this demand may increase or exceed allocation.

The following schemes, which were still in design stage at the point of reporting to committee, would be committed by year end: Civic Centre heating alterations to enable stagecoach occupation; RAMM Lightning Conductor improvements; Verney House damp mitigation works; Alphington Community Centre roof repairs; Mary Arches MSCP lift shaft repairs; Customer 1st entrance door safety improvements; Civic Centre Fire Door Repairs; General LPS faults; Multi-storey car park fire risk assessment works; Retention payment for historic asset decorations contract.

Within the reported £533,000 underspend, the current envisaged requirement for roll forward to fund the schemes detailed above was in the region of £283,000; with a resultant underspend in line with previously reported predictions in the region of £250,000.

- Councillor Musgrave enquired about what happened to the ring fenced money and was it spent on other projects.
 - Councillor Edwards informed that where money was spent, was a decision of the authority.
- (e) All corporate communications, referred to in this budget heading, would be undertaken in house by a team led by the Communications and Marketing Director. There would also be a comprehensive review of communications, PR and marketing activity by other departments across the council.
- Councillor Musgrave commented that the figure of £70,000 was a large sum in the public eye, would there be more spent externally?
 - Councillor Edwards stated that money would be spent on in-house and was very proud of the Council's record.
- (f) The over-spend relates to Procurement. As Members were aware, we had tried to recruit to the post twice and failed to attract a suitable candidate at the salary budgeted. We had therefore decided to undertake a review of our requirements and put in place a suitably qualified Agency worker to undertake the review, support the one existing member of staff in post and support services in procurement requirements. There were no suitably qualified internal staff available to undertake this work.

- Councillor Musgrave enquired if the £66,000 was spent on the procurement vacancies?
 - Councillor Pearson referred to Councillor Musgrave's next question which the response to answer this question.
- (g) Over the year there have been up to two agency staff working on procurement.
- (h) The situation was unusual in the Council and results from the limited market of suitably qualified staff. To rectify this we were developing a more attractive offer, but it does take time to deliver this via the organisational development approach agreed with the trade unions.
- Councillor Musgrave asked if there had been a reaction from the trade union.
 - Councillor Edwards informed that he had spoken with unions and the agency staff, who don't work for the council. Unions were happy with the recruitment but he would always look at vacant posts and make necessary checks. He noted that there were five new jobs, which three had been through agency recruitment, but had now become full time posts. It was more expensive to employ agency workers.
- (i) The trade unions were fully involved in the organisational development process for the new team.
- Councillor Musgrave asked whether agency staff were being offered roles?
 - Councillor Edwards explained he would like to offer agency staff more roles and was working to find a way to hire them. There was an issue of recruitment with not being able to pay staff enough for the roles and be unable to keep them in post. This was being looked at.
- (j) As stated above, this situation had developed to support the implementation of a new team of staff employed by the Council.

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STRATA JOINT SCRUTINY COMMITTEE

Thursday 16 March 2017

Present:-

Councillor Dent (Chair)
Councillors Dewhirst, Jung, Lyons, Nicholas, Prowse, and Jung

Also Present

The Teignbridge Strata Director, Strata Director Responsible for Finance, Strata Lead for Human Resources, Strategic Lead Finance (EDDC) – Strata Director, Programme and Resource Manager, Manager Programme and Resources, Manager Compliance and Security, Business Development Manager, Infrastructure and Support Manager and Democratic Service Officer (Committees) (HB)

12

APOLOGIES

These were received from Councillors Haines, Howe, Leadbetter and Musgrave.

Councillor Nicholas was substituting for Councillor Howe.

13

MINUTES

The minutes of the meeting held on 16 January 2017 were taken as read and signed by the Chair as correct.

14

QUESTIONS FROM THE PUBLIC UNDER PROCEDURAL RULES

None

15

QUESTION FROM MEMBERS OF THE COUNCILS UNDER PROCEDURE RULES

The following questions were put by Councillor Dewhirst in relation to IT issues at Teignbridge District Council:-

Why does the Wi-Fi not work in Teignbridge District Council Chamber?;

Why does the AV system also not work?;

Who was responsible for the design and installation?; and

Who is responsible for the on-going maintenance?.

A copy of the questions and replies from the Infrastructure and Support Manager are appended to the minutes.

It was noted that the problems had occurred during a Planning Committee meeting in the Council Chamber, this Committee traditionally being the most popular with the public.

The Infrastructure and Support Manager detailed the nature of the WiFi system at the Teignbridge offices. The Manager Programme and Resources and the Manager Business Systems explained the background to the difficulties experienced on that day which related to an user awareness. The problems had been discussed with the Council staff and care would be taken to ensure adequate preparation in future.

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

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part I, Schedule 12A of the Act.

17 **MEMBER FEEDBACK REPORT ON PROGRESS**

Chairman's statement

The Chair presented his report on findings resulting from Members' enquiries conducted with service users which had been submitted to the previous meeting of this Committee and which now included responses from Strata officers.

He stated that, now the conceptual and planning stage for Strata were over, the Committee needed to scrutinise Strata's performance against both the Business Plan and Operational Delivery to ensure effective functioning and value for money. He emphasized that the role of Scrutiny was to explore ways in which Members could collectively make a particular operation function better.

He acknowledged the very hard work put in by officers at all levels within Strata and thanked them for their expertise and contribution against complex and wide ranging challenges.

He referred to a template used by East Devon District Council for examining specific areas of performance which was readily comprehensible by non-technical individuals and stated that it was important for performance and financial reports to be submitted and presented in a simplistic way. On this basis, he felt that the table set out in the progress report (Min. No. 18 below refers) was also an acceptable template as a draft for further discussion.

A Member queried the delay in the rollout of the Strata global desktop following the identification of a latency issue in the data line between Knowle offices in Sidmouth and the Strata data centre in Exeter. The Infrastructure and Support Manager advised that the latency had only been an issue during the desktop migration period as, once all desktops were migrated, the East Devon servers could then also be migrated to the Strata data centre so that desktops and servers were all running locally. Microsoft RDS technology was being utilized for three systems at East Devon as an interim workaround during the desktop rollout - this would be retired when the East Devon servers were moved to the data centre.

Members reported problems encountered with Microsoft Outlook in the week commencing 13 March 2017 in that emails sent to Council Officers were returned with the message of "not known".

The Infrastructure and Support Manager and the Manager Compliance and Security advised that the problem had been resolved that morning. Responding to a Member, it was confirmed that service desks continued at all three councils to resolve Members' queries and that phone numbers of the service desks would be circulated to all Members for information.

Strata Joint Scrutiny Committee noted the report.

PROGRESS REPORT

A report was submitted by the Board and Strata Managers on the progress of key Strata projects and activities together with the change of plan for the roll out of the Global Desktop.

Infrastructure delivery

Since Christmas, the Global desktop roll out had progressed well with roll out completed at Teignbridge and positive feedback from Exeter, specifically around the ability to work flexibly. Training and refresher sessions had been completed at East Devon but with a revised roll out plan to be completed by the end of April.

Regarding Telephony - Single Supplier Consolidation, Virgin Media Broadband had revealed around 30 additional accounts belonging to Exeter City Council that were previously unknown. Early April was a likely date for the upgrade of Exeter's DASS (analogue) circuits to Q931 (digital) which would bring connectivity at Exeter in line with East Devon and Teignbridge. Virgin and Nexus were talking regularly to migrate lines from the old technology, but compensation from Virgin would not be forthcoming.

53 members of Strata now possessed Skype. Extension numbers for East Devon and Teignbridge had been implemented but, due to line issues, Exeter's was not expected to start until May/June. Rollout of Voicemail to Strata staff for testing and use would begin and Members were advised of the uses "Persistent Chat" could be put to including alerting Strata staff to faults and important information and facilitating group discussions and associated protocols. Decisions on the way Skype is used would rest with the individual Councils.

The migration of servers from the Teignbridge and East Devon datacentres had begun and, once complete, the rental of hardware at Teignbridge would cease and hardware from East Devon would be re-allocated to the secondary datacentre at Oakwood.

Strata had also completed its office move within Exeter.

Business as Usual

The Manager Programmes and Resources reported 102 scheduled projects including 26 planned convergence projects, 389 open Business Change Requests, 243 open Service Requests and 935 software products supported.

He advised that routine meetings were held with service users such as Planning, Building Control, Environmental Health etc. to see how Strata was performing for their services and detailed the process for assessing the viability of projects. The convergence process would rationalise these requests, all with business cases prepared by the service lead and evaluated by the respective senior Council teams - IT Requirements Board at Teignbridge, IT Requirements Board at Exeter and the Senior Management Team at East Devon, with subsequent monitoring and sign off by these groups when complete.

Security was another key issue and the three Councils annual re-certification to use the Government's secure network was approaching - PSN CoCo compliance. It needed to be re-attained by the beginning of July 2017, with the process starting on the 20 March 2017 where an external specialist would review and test the shared Strata environment.

The Manager Compliance and Security reported that the Government's intention was to provide an alternative secure email service to replace the PSN by the end of March 2017. To this end, Strata had implemented new secure email standards in preparation. However, Crown Commercial Services, the Government operator, had advised that no alternative would be provided in that timescale and it was likely that PSN would continue being provided by a commercial operator. Cost increases were anticipated.

Convergence

Convergence would deliver on Strata's three key objectives of cost savings, risk reduction and increasing capability to change. Some projects would offer opportunities for Council's to increase efficiency although there was a possibility that Strata could incur costs above those in the approved business plan but could, nonetheless, result in bigger savings/transformation opportunities in the Councils.

A table was provided setting out some systems that had already being converged with business cases approved by the three Councils and progress had started on iTrent HR/Payroll system, Door Access and Time and attendance, Uniform suite – Planning, Building Control, Environmental Health, Estates and Licensing and Council websites. The table set out the target and progress for each project.

The Chair welcomed the format set out in the table, suggesting that this could be further developed and that, rather than progressing through a Review Group he acknowledged that agreement on the appropriate way forward could best be achieved in discussion with Laurence Whitlock, the incoming Chief Operating Officer when in post. He understood that Laurence was very familiar with such a style of report. He would be meeting him on 18 April 2017.

Strata Joint Scrutiny Committee noted:-

- (1) the report; and
- (2) that the Chair would meet with Laurence Whitlock on 18 April 2017 with the Strata Lead for Human Resources, discussions to cover performance management.

19

UPDATE ON DISCUSSIONS WITH THE SOFTWARE SUPPLIER

Strata officers updated the meeting on progress with a compensation package with a software supplier following the identification of a number of faults with the product. The supplier had acknowledged the faults as genuine bugs and had been working with Strata to deliver fixes for these.

The impact of this was that contractors had needed to be retained and legacy systems kept in operation for longer than originally planned incurring extra cost.

Members would be kept updated on progress.

20

BUSINESS CASE - NEW TELEPHONE SYSTEM

The Infrastructure and Support Manager reported on progress with the installation of a customer contact centre system for each Council, including the preparation of a business case. Funding was available in the Strata Budget and the final decision would rest with the Board.

The three councils used three different call centre technologies, all of which were in need of upgrade or replacement. A detailed plan has been created with a major Microsoft partner, Nexus, to implement a single call centre tightly integrated with Skype to be used and administered independently by each of the three councils in place by the end of 2017. The aim was to replace all three aging PABX's and their main analogue lines with resilient digital connections at the Strata data centres. The many contracts for "call time" had also been replaced and were being provided by one supplier, VMB, with only specialised alarm lines staying with BT.

Strata Joint Scrutiny Committee noted the report.

21

HUMAN RESOURCES UPDATE REPORT

The Strata Lead for Human Resources presented an update on key Human Resources information in relation to Strata Services Solutions Ltd.

She detailed staff recruitment since April 2016 and the measures being taken to compete with the private sector. Since inception, Strata had employed three apprentices with two offered roles within Strata's Service Desk. Details of a staff engagement survey had been circulated. Key policies would be sent to all Strata staff electronically on an annual basis to ensure that Strata staff understand their obligations as employees and are kept informed of key HR and Health and Safety policies. She also stated that HR would attend regular management team meetings to discuss HR matters commencing with the arrival of the new Chief Operating Officer.

Strata Joint Scrutiny Committee noted the report and requested the Strata Joint Executive Committee to agree the actions outlined.

22

STRATA BUDGET MONITORING 2016/17

The Director responsible for Finance reported that a written report had not been provided for this Committee meeting as the report setting out the financial progress of Strata during the first nine months of 2016/17 had been submitted to the January meeting.

At that meeting, the Committee had been advised that the Board was projecting a revenue saving for the Councils of about £70,000 for 2016/17 against the target of £254,052 in the original business case. He advised that he would be reporting to the Strata Board on 17 March that the underspend was now likely to be £100,000.

Strata Joint Scrutiny Committee noted the position.

(The meeting commenced at 5.30 pm and closed at 6.55 pm)

Chair

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STRATA - JOINT EXECUTIVE COMMITTEE

Monday 27 March 2017

Present:-

Councillor Jeremy Christophers (Chair)
Councillors Edwards and Williams

Non-Voting Members:-

Nicola Bulbeck, Karime Hassan and Mark Williams

Also Present

Programme & Resource Manager, Director of Communications and Marketing, Assistant Director Finance, Security and Compliance Manager, Business Development Manager, Strata Representatives and Democratic Services Officer (Committees) (MD)

9

APOLOGIES

No apologies for absence were received.

10

MINUTES

The minutes of the meeting held on the 16 January 2017 were taken as read and signed by the Chair as correct.

11

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interest were made.

12

PROGRESS REPORT

The Strata Board and Managers submitted a progress report on delivery of the Infrastructure and key projects.

The Chairman of the Joint Strata Scrutiny Committee attended and updated the JEC on the scrutiny committee's consideration of the report at its recent meeting.

He informed Members:-

- The global desk top roll out had been completed at Exeter and Teignbridge. East Devon District Council was expected to complete roll out in April 2017. There had been a year's delay, which had been caused by faulty software. The supplier had provided software fixes with compensation being negotiated.
- The target completion dates for system convergence had been provided by Strata for progress reports.
- The Scrutiny Committee had been reassured that priorities and progress updates had been fully discussed with programme managers from Teignbridge District Council, East Devon District Council and Exeter City Councils.
- He would be discussing a Performance Management reporting system with the new IT Director for Strata when he took up post in April. This would enable effective scrutiny going forward.

- The existing telephone systems at all three councils were twenty years old and no longer in production. There was a business case for upgrading the telephone systems to change from analogue to digital. The proposed new digital system would link with Skype to provide a better internal communication link for all staff. The Scrutiny Committee had supported the proposal and awaited the decision of the Strata Board on whether or not to proceed.

The Scrutiny Chairman thanked the Strata team for their hard work and for providing the new style progress report that could be understood by non-technical people.

The JEC welcomed the positive feedback from the Scrutiny Committee.

RESOLVED that the progress of key Strata projects and activities be noted, together with the change of plan for the roll out of the Global Desktop.

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

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part I, Schedule 12A of the Act.

14 **BUSINESS CASE - CUSTOMER CONTACT SYSTEM**

The Teignbridge Director presented the report informing Members of the next steps in completion of Phase 2 of the Infrastructure delivery with the installation of a customer contact centre system for each Council.

Members discussed the need for Strata to be aware of the importance of ensuring that any potential Council customers were kept updated about future improvement projects.

Funds were available in the approved Strata Capital Budget for the Customer Contact System. This decision was one for the Board who were keen to share progress on the project.

RESOLVED that the actions be endorsed.

15 **HUMAN RESOURCES UPDATE REPORT**

The Teignbridge Director presented a report providing an update on key HR information in relation to Strata Services Solutions Ltd.

He commented on the difficulties faced of recruiting into certain roles. Councils were competing with private sector salaries which were about 15-20% higher. Council salaries were competitive with public sector, but it was more difficult to compete with the private sector.

Strata were addressing the recruitment issues by making improvements to their public image to attract candidates. One development would be a corporate website with a jobs/careers promotion to establish Strata's identity. The website was expected to be finished by May 2017. Recruitment had been improved through working with specialist agencies and using consultants to sell the benefits of working for Strata. They would continue to use the apprenticeship scheme to train

and develop staff and confirmed two apprentices had been appointed to full time employment.

Members discussed suggestions to raise and develop Strata's profile. The website would need to start as soon as possible to focus on recruitment and why Strata was a great company to work for.

The issues of recruitment had been noted and the JEC believed it was important for Strata to engage and network to promote the brand and highlight the work they had done.

The Staff engagement survey 2016 was discussed. There were a few areas where staff satisfaction had reduced slightly around communication, pressure of work and staff engagement. The new IT Director would analyse the results and develop an action plan to address the issues. However, it was noted that most respondents would still recommend Strata as a place to work.

The Teignbridge Chef Executive advised that better communication from Strata over the temporary suspension of the East Devon VDi roll out may have helped understanding at Teignbridge about available Strata resources.

In response to questions raised by Members the following responses were provided:

- Reports on Strata staff sickness and time off in lieu could be provided outside the meeting, however this information could be added for regular reporting.
- The issue concerning the recent communications issues at Teignbridge had been noted and been taken forward as a learning issue.
- The Strata brand would be reviewed with the new Director and the website was a priority development.

RESOLVED that the report be noted and the actions agreed.

(The meeting commenced at 11.00 am and closed at 11.30 am)

Chair

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EXECUTIVE

Tuesday 14 March 2017

Present:

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

Apologies:

Councillor Edwards

Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Assistant Director Customer Access, Director of Communications and Marketing, Corporate Manager Policy, Communications and Community Engagement, Economy and Enterprise Manager and Democratic Services Manager (Committees)

34

CHAIR

In the absence of the Leader, the Deputy Leader, Councillor Sutton, took the Chair.

35

MINUTES

The minutes of the meetings held on 10 January, 17 January, and 14 February 2017 were taken as read and signed by the Chair as correct.

36

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interest were made.

37

DEVOLUTION - JOINT COMMITTEE

The report of the Corporate Manager Policy, Communications and Community Engagement updating Members on progress with devolution, including preparation of a Productivity Plan was submitted. The report also sought an in principle agreement to the creation of a Heart of the South West (HotsW) Joint Committee.

Members were advised that this Council had reservations with regards to the proposals for identifying and developing proposals in response to policy opportunities and for rationalising/improving existing public sector governance and this was reflected in the recommendations to Council.

In response to a Member's question, the Chief Executive & Growth Director clarified that the City Council had already agreed its approach to devolution.

RECOMMENDED that Council:-

- (1) note the content of the 'Heart of the South West Devolution Update' report and progress on the preparation of, and consultation on, a HoTSW Productivity Plan;
- (2) endorse the Leader's current approach to devolution and agree in principle to the establishment of a HoTSW Joint Committee;
- (3) agree that this in principle decision is subject to the proposed functions of the Joint Committee being limited to:
 - i. Developing, owning and implementing the HotSW Productivity Plan in collaboration with the Local Enterprise Partnership (LEP).
 - ii. Developing and making recommendations to the constituent authorities/partner agencies for actions emerging from the work of the Brexit Opportunities and Resilience Task Group
 - iii. Continuing discussions/negotiations with the Government/relevant agencies to secure delivery of the Government's strategic infrastructure commitments, eg, strategic road and rail transport improvements
 - iv. Working with the LEP to identify and deliver improvements to the LEP's democratic accountability and to assist the organisation to comply with the revised (November 2016) LEP Assurance Framework. This includes formally endorsing the LEP's assurance framework on behalf of the constituent authorities as and when required and before it is formally approved by the LEP's Administering Authority.
 - v. Ensuring that adequate resources (including staff and funding) are allocated by HotSW partners to support the Joint Committee's agreed programme of work; and
- (4) notes that this in principle agreement does not commit the Council to becoming a member of a HoTSW Joint Committee and that a further report will be submitted to Executive after the County Council elections in May 2017.

38

DEMENTIA FRIENDLY COUNCIL TASK AND FINISH GROUP REPORT

The Chair of the Task and Finish Group, Councillor Robson, presented the report of the Task and Finish Group, which had met on four occasions, setting out its findings and recommendations to the People Scrutiny Committee and Executive.

The Group had included representatives from Exeter Dementia Action Alliance, the Alzheimer's Society and the Community Participation Officer from John Lewis. A valuable insight had been provided by members of the Torbay Dementia Leadership Group who had visited the Customer Service Centre to observe the front line service and facilities from the point of view of a person with dementia. The Torbay Dementia Leadership Group would share this report and details of the recommendations with the Local Clinical Commissioning Group, the emerging Dementia Action Alliance in Teignbridge and Newton Abbot and, at a national level, with the Alzheimer's Society Central Office.

Councillor Robson advised that, should an additional budget be required in respect of the recommendations to investigate a second toilet/improvements to the existing toilet including clearer signage in the Customer Service Centre, then a further report would be brought back to Members.

Members welcomed the work of the Task and Finish Group and supported dementia friendly staff training being rolled out to all customer facing staff including housing and cleansing. They noted that the measures being put in place would assist others with disabilities and asked that this report be taken to the Exeter Health & Wellbeing Board.

The Portfolio Holder for Economy proposed that Exeter BID and Exeter Cultural Partnership should be also encouraged to adopt a dementia friendly approach and they should be added to recommendation 14. This was agreed by Members.

People Scrutiny Committee considered the report at its meeting on 2 March 2017 and its comments were reported.

RESOLVED that:-

- (1) organisations such as the Alzheimer's Society, memory cafes and Age Concern be encouraged to apply for allotments for use by those with dementia;
- (2) the work of this Task and Finish Group in a press and social media release be outlined, highlighting that the Council can offer appointments later in the day, upon request;
- (3) what information sharing there is already between Council departments in respect of vulnerable individuals, such as those with dementia and investigate the process for recording and sharing new information be established;
- (4) support for dementia friendly staff training across the Council, encouraging staff to become Dementia Champions be continued;
- (5) to look into providing different modules of more in depth training for officers who work directly with members of the public;
- (6) dementia training as a compulsory requirement before a Hackney Carriage/Private Hire Driver's licence is granted be explored;
- (7) dementia friendly engagement is reflected and considered in the social inclusivity dimension of evaluating procurements;
- (8) trained front line staff be required to wear dementia friendly badges and a forge-me-not sign to be placed in a prominent place in the Customer Service Centre;
- (9) the viability of providing a second toilet and/or carry out improvements to the existing toilet (including access) in the Customer Service Centre, subject to costings and available resources be investigated;
- (10) clear signposting for the toilet in the Customer Service Centre, subject to costings and available resources be provided;
- (11) a higher level of dementia awareness training for security staff be provided;
- (12) the potential for dementia friendly red coat tours be investigated;
- (13) information concerning dementia friendly activities is available at the tourist information centre;

- (14) such organisations as the Devon Wildlife Trust, Active Exeter, Exeter BID and Exeter Cultural Partnership be encouraged to adopt a dementia friendly approach in the provision of activities;
- (15) whether a similar review of other front line services within the Council should be undertaken at this stage and, if so, to prioritise the order for review; and
- (16) this report be shared with the Exeter Health & Wellbeing Board.

39

DEVELOPMENT OF A NEW BRAND - VISIT EXETER

The Economy & Enterprise Manager presented the report on work undertaken to establish a new brand for Exeter - Visit Exeter - to increase the number of people who visit the city for a day visit, overnight leisure break, a business trip and a group visit. The report also provided an update on the development of marketing activity under the newly developed brand Visit Exeter.

The Portfolio Holder for Economy welcomed the proposal. This new contemporary brand had been aligned with the Exeter BID brand and the branding would help to raise the profile of the city within the UK and overseas as a modern visitor destination.

Place Scrutiny Committee considered the report at its meeting on 9 March 2017 and its comments were reported.

RECOMMENDED to Council that all projected additional income via Visit Exeter membership sales (estimated £82,500) was ring-fenced for tourism marketing spend.

40

CHARTER FOR SUSTAINABLE BRITISH STEEL

The Deputy Leader advised that the Leader had received a letter from North Lincolnshire Council asking for Councils to pledge their support for the steel industry and its wider supply chain by joining North Lincolnshire Council and a host of public and private sector organisations in becoming a signatory to the Charter for Sustainable British Steel.

The Portfolio Holder for Support Services commented that this Council was currently reviewing its procurement policy and practices and therefore, whilst it would be an aspiration to use British Steel the implications on the Council's procurement process of signing this Charter would need to be considered. He proposed that this item be deferred to enable an appropriate way forward to be considered. This was agreed by Members.

RESOLVED that the signing of the Charter be deferred to enable consideration to be given to the implications of signing the Charter on the Council's procurement policy and procedures.

41

LORD MAYORALTY

Councillor Robson was nominated as Lord Mayor Elect and Councillor Hannan as Deputy Lord Mayor Elect for the 2017/18 Municipal Year.

RECOMMENDED to Council that Councillor Robson be nominated as Lord Mayor Elect and Councillor Hannan as Deputy Lord Mayor Elect for the 2017/18 Municipal Year.

(The meeting commenced at 5.30 pm and closed at 5.55 pm)

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 25 April 2017.

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Agenda Annex

SEATING IN THE GUILDHALL

		Deputy Lord Mayor Councillor Holland (C)	Chief Executive & Growth Director	Lord Mayor Councillor Thompson (C)	Corporate Manager Democratic/Civic Support	Corporate Manager Legal	
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Democratic Services Manager (Committees)				Deputy Chief Executive	Assistant Director Finance	
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Councillors	Councillors	Councillors		Councillors	Councillors
Hannan (L)	Packham (L)	Edwards (L)		Leadbetter (C)	Mitchell (LD)
Sills (L)	Harvey (L)	Sutton (L)		Newby (C)	Musgrave (G)
Warwick (L)	Sheldon (L)	Hannaforde (L)		Baldwin (C)	
Ashwood (L)	Lamb (L)	Denham (L)	TABLE	Mrs Henson(C)	
Robson (L)	Lyons (L)	Owen (L)		Henson, D. (C)	
Wood (L)	Keen (L)	Pearson (L)		Prowse (C)	
	Foggin (L)	Morse (L)			

Cllr Branston (L)	Cllr Brimble (L)	Cllr Foale (L)	Cllr Bialyk (L)	Cllr Gottschalk (L)	Cllr Vizard (L)	Cllr Spackman (L)	Cllr Wardle (L)
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L: Labour : 28
 C: Conservative : 8
 LD: Liberal Democrat : 1
 G: Green : 1

Portfolio Holders

Edwards: Leader
 Sutton : Deputy Leader and City Development
 Bialyk : Sport and Health and Wellbeing
 Vacancy : Communities and Culture
 Denham: Economy
 Hannaforde : Place
 Owen: Housing Revenue Account
 Pearson: Support Services
 Morse: Customer Access

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