

## COUNCIL

Tuesday 16 October 2018

### Present:-

The Right Worshipful the Lord Mayor (Cllr Hannaford) (Lord Mayor)  
Councillor Rachel Lyons (Deputy Lord Mayor)  
Councillors Begley, Bialyk, Branston, Denham, Foale, Foggin, Gottschalk, Hannan, Harvey, D Henson, Mrs Henson, Holland, Leadbetter, Mitchell, Morse, Owen, Packham, Pattison, Pearson, Pierce, Prowse, Sheldon, Sills, Sutton, Thompson, Vizard M, Vizard N, Warwick, Wood and Wright

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### MINUTES

The minutes of the Ordinary and Extraordinary meetings held on 24 July 2018 were moved by the Deputy Leader, seconded by Councillor Pearson, taken as read, approved and signed as correct.

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### APOLOGIES

Apologies were received from Councillors Edwards, Keen, Lamb, Musgrave and Newby.

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### OFFICIAL COMMUNICATIONS

The Lord Mayor congratulated Simon Tootell, the RAMM's Volunteer Co-ordinator, who had recently been awarded the prestigious Queen's Award for Voluntary Service, for his work in managing the huge task of co-ordinating the army of volunteers who help at the RAMM. This was the highest award given to volunteer groups across the UK and is just reward for this important work.

The Lord Mayor stated that it had been his privilege to meet Her Royal Highness The Princess Royal when she had celebrated the 150th anniversary of the RAMM with a visit.

The Lord Mayor advised of some of the many events he had attended in recent months including:-

- Lord Lieutenant's Awards for voluntary service in Exeter;
- Coldstream Guards Freedom of the City;
- British Empire Medals and Queen's Awards for Volunteers at County Hall
- Memorial to Canadian World War II Forces at Stover School;
- Heritage Open Day at the Guildhall including displays of Exeter Hospitals and Life in Wonford during World War I
- Battle of Britain Parade for the 100<sup>th</sup> anniversary of the RAF cadets
- Visit of the Duke of Gloucester to the Exeter College Technology Centre; and
- Consecration of the Bishop of Crediton at Southwark Cathedral.

The Lord Mayor also passed on his best wishes to Councillor Denham who would shortly be on maternity leave and congratulated Councillor Packham on a work promotion.

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#### **PETITION**

The Deputy Leader presented a petition to Council of some 1,802 signatures on "Save Clifton Hill Sports Centre". The petition would be dealt with in accordance with the Council's Petition Scheme.

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#### **PLANNING COMMITTEE - 23 JULY 2018**

The minutes of the Planning Committee of 23 July 2018 were presented by the Chair, Councillor Sutton, and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 23 July 2018 be received.

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#### **PLANNING COMMITTEE - 13 AUGUST 2018**

The minutes of the Planning Committee of 13 August 2018 were presented by the Chair, Councillor Sutton, and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 13 August 2018 be received.

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#### **PLANNING COMMITTEE - 3 SEPTEMBER 2018**

The minutes of the Planning Committee of 3 September 2018 were presented by the Chair, Councillor Sutton, and taken as read.

In respect of Min. No. 166 as well as Min. No. 175 of the Planning Committee meeting held on 1 October 2018, the Chair commented that, although the Government had indicated its intention to lift the cap on the Housing Revenue Account, there was no guidance at present and that it would not have been appropriate to delay or defer the projects that were the subject of these applications. It was hoped that Councils would have a genuine ability to build additional, much needed, homes in the future.

**RESOLVED** that the minutes of the Planning Committee held on 3 September 2018 be received.

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#### **PLANNING COMMITTEE - 1 OCTOBER 2018**

The minutes of the Planning Committee of 1 October 2018 were presented by the Chair, Councillor Sutton, and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 1 October 2018 be received.

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#### **LICENSING COMMITTEE - 18 SEPTEMBER 2018**

The minutes of the Licensing Committee of 18 September 2018 were presented by the Chair, Councillor Owen, and taken as read.

**RESOLVED** that the minutes of the Licensing Committee held on 18 September 2018 be received.

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**PEOPLE SCRUTINY COMMITTEE - 6 SEPTEMBER 2018**

The minutes of the People Scrutiny Committee of 6 September 2018 were presented by the Chair for that meeting, Councillor Owen, and taken as read.

**RESOLVED** that the minutes of the People Scrutiny Committee held on 6 September 2018 be received.

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**PLACE SCRUTINY COMMITTEE - 13 SEPTEMBER 2018**

The minutes of the Place Scrutiny Committee of 13 September 2018 were presented by the Chair, Councillor Sills, and taken as read.

**RESOLVED** that the minutes of the Place Scrutiny Committee held on 13 September 2018 be received.

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**AUDIT AND GOVERNANCE COMMITTEE - 19 SEPTEMBER 2018**

The minutes of the Audit and Governance Committee of 19 September 2018 were presented by the Chair, Councillor N Vizard, and taken as read.

**RESOLVED** that the minutes of the Audit and Governance Committee held on 19 September 2018 be received and, where appropriate, adopted.

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**CORPORATE SERVICES SCRUTINY COMMITTEE - 27 SEPTEMBER 2018**

The minutes of the Corporate Services Scrutiny Committee of 27 September 2018 were presented by the Chair, Councillor Sheldon, and taken as read.

**RESOLVED** that the minutes of the Corporate Services Scrutiny Committee held on 27 September 2018 be received.

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**STRATA JOINT SCRUTINY COMMITTEE - 24 SEPTEMBER 2018**

The minutes of the Strata Joint Scrutiny Committee of 24 September 2018 were presented by Councillor Lyons and taken as read.

**RESOLVED** that the minutes of the Strata Joint Scrutiny Committee held on 24 September 2018 be received.

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**STRATA JOINT EXECUTIVE COMMITTEE - 25 SEPTEMBER 2018**

The minutes of the Strata Joint Executive Committee of 25 September 2018 were presented by Councillor Sutton, and taken as read.

**RESOLVED** that the minutes of the Strata Joint Executive Committee held on 25 September 2018 be received.

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**EXECUTIVE - 11 SEPTEMBER 2018**

In the absence of the Leader, the minutes of the Executive of 11 September 2018 were presented by the Deputy Leader, Councillor Sutton, and taken as read.

**RESOLVED** that the minutes of Executive held on 11 September 2018 be received and, where appropriate, adopted.

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## **EXECUTIVE - 9 OCTOBER 2018**

In the absence of the Leader, the minutes of the Executive of 9 October 2018 were presented by the Deputy Leader, Councillor Sutton, and taken as read.

**RESOLVED** that the minutes of Executive held on 9 October 2018 be received and, where appropriate, adopted.

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## **COMMITTEE MEMBERSHIP**

The Deputy Leader, Councillor Sutton, seconded by Councillor Pearson, moved the following changes to appointments to Committees and Outside Bodies.

**RESOLVED** that the following appointments be agreed:-

### **Portfolio Holder for the Housing Revenue Account**

Councillor Wright to replace Councillor Packham  
Councillor Wright to stand down from People Scrutiny Committee and Corporate Services Scrutiny Committee

### **Planning Committee**

Councillor Sheldon to replace Councillor Denham

### **Licensing Committee**

Councillor Pattison to replace Councillor Keen

### **Place Scrutiny Committee**

Councillor Owen to replace Councillor Keen

### **Outside Bodies**

Councillor Sutton to replace Councillor Denham on the following:-

- Exeter Strategic Board
- Leisure Complex and Bus Station Programme Board
- Exeter Area Rail Project Working Party
- Greater Exeter Strategic Partnership - Steering Group
- Greater Exeter Strategic Partnership - Member Reference Forum
- Parking and Traffic Regulation Outside London Adjudication Joint Committee

Appointments to the People Scrutiny Committee and the Corporate Services Scrutiny Committee and to the Planning MWG would be made in due course.

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## **NOTICE OF MOTION BY COUNCILLOR MUSGRAVE UNDER STANDING ORDER NO. 6**

Councillor Mitchell, on behalf of Councillor Musgrave who had submitted his apologies, seconded by Councillor Sills, moved a Notice of Motion in the following terms:-

This Council notes:-

- 55% of Exeter residents who voted in the EU referendum voted to remain in the EU.
- Exeter has a greater share of exports to the EU than any other city in the UK (70% of exports from the city are destined for EU countries).
- A recent Local Business Survey showed that confidence among SMEs in the West of England in the government to deliver a Brexit that works for business is on the wane, with only 11.69% of 230 businesses polled being confident or very confident that there will be a good deal.
- Polling in July 2018 found that 71% of British people disapprove of how the Brexit negotiations are being handled.
- Polling in August 2018 found that voters in the South West of England back a second referendum on the Brexit deal by a margin of 42% to 35% .

This Council believes:-

- That the EU referendum on 23rd June 2016 should be considered the beginning of a democratic process, not the end of one.
- That the conclusion by the Electoral Commission that the Leave campaign committed serious offences by breaking electoral law casts doubt on the legitimacy of the result of the 2016 referendum.
- That new information on the way the referendum campaign was conducted and the economic, environmental and social impacts of Brexit, which have come to light since the referendum, may have altered some voters' preferences regarding desired outcomes of the Brexit negotiations.
- That giving the British people a final say on the Brexit negotiations will help to rebuild trust and engagement in the political process.

This Council resolves:-

- To express our support publicly for a People's Vote on the final terms of any Brexit deal.
- To write to our local MP, Ben Bradshaw, and the Prime Minister, Theresa May, informing them that Exeter City Council has passed this motion in support of a People's Vote.

In moving the motion, Councillor Mitchell stated that he believed that there were many security, social, environmental, cultural and economic advantages to remaining in the European Union. He referred to the significant number of leading political figures in the Conservative and Labour parties who advocated a People's Vote and to the support for this vote by his party, the Liberal Democrats, as well as the Scottish National Party and the Green Party. He believed that people, not politicians, should have the final say on the terms of any Brexit deal.

A number of Members spoke in support of the motion, many having campaigned in favour of remaining in the European Union prior to the Referendum in June 2016. They referred to significant changes in public opinion on the issue as negotiations on the nature of the UK's departure from the European Union had progressed. Much further information was now available on the minutiae of Brexit and the likely implications of leaving. Because of this, they felt that it was appropriate for the public to be further consulted as there was a better chance of an informed decision being made. Furthermore, the view was expressed that there had been significant misinformation during the debate leading up to the Referendum and that, with additional information, it was believed that many of the public had altered their stance on the issue and were now in favour of remaining.

Members also referred to the wider political ramifications of leaving, mentioning the political makeup of Europe before and after the 1975 Referendum and the implications for the future, particularly with regard to the United Kingdom and its relationship with Ireland.

A Member who did not support the motion suggested that it would be an unacceptable precedent to seek a further vote on a matter on which the public had already decided. In her experience, there had been significant support in the City for leaving including from young people and that there was no wish to be part of a European state.

Councillor Sills, in seconding the motion, provided statistical data to back the importance of remaining part of the European Union. He highlighted the health and education sectors in particular, the latter, for example, having received the highest national share of European funding. His data also indicated that there would also be a direct negative economic impact on Exeter and he, with other Members, believed therefore that there would be significant disadvantages to the City's young people and future generations.

Councillor Pearson moved, and Councillor Denham seconded, that the letter should also be sent to Sir Hugo Swire, the other City MP. Councillor Mitchell agreed to this amendment.

The motion, as amended, was put to the vote and carried.

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#### **QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER NO 8**

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

*Question - Is the Leader able to explain why individual employees of the City Council are making planning applications for Exeter City Council where the development is to be undertaken by the Council's Private Development Company building housing to be sold on the open market : the application presented at Committee 3rd September 2018 made no reference in the report of the application being for Exeter City Council or the Council's private development company?*

The Deputy Leader replied that the planning application was in the name of Gary Stenning who was the Council Officer involved with the HRA development sites. As we have done over the past 10 years all our planning applications have needed to be in the name of an individual and this will be an Officer of the Council. The planning application was submitted before the Development Company was established, even if the Development Company had been in existence they would have been in the name of Emma Osmundsen on behalf of Exeter City Living Ltd. This is normal practice, undertaken by the majority of applicants. Applications will in future show that they are by the City Council or the Development Company.

*Councillor Thompson asked a supplementary question surrounding the Council's Scheme of Delegation to Officers and, in particular, officers' authority to submit planning applications on behalf of the City Council.*

The Deputy Leader undertook to provide a written answer.

*Question - How can decisions taken under Delegated Authority be democratic if Members scrutinising a lease already signed cannot reverse the decision such as in the case of leasing accommodation to the Police at the Civic Centre?*

The Portfolio Holder for Support Services responded that the Council's scheme of delegative powers are entirely democratic in that they are issued, altered and withdrawn by elected Members under the constitution. He advised that the City Council benefited from leasing space to other organisations such as CAB, Devon County Council Early Years, Multilingua, Ubuntu Counselling Service, National Family Mediation Service and Sanctuary Housing. The issue of parking space was delegated to officers.

*Councillor Thompson asked a supplementary question – was the delegation taken on the basis of a strategic decision ?*

The Portfolio Holder responded that the decision to relocate their offices to the Civic Centre was a strategic decision for the Police to make best use of their resources and mirrored the City Council delivery of other front line public services, but was an operational decision as far as the City Council was concerned.

*Question - In a report to Corporate Services Committee it is noted the Section 151 Officer issued a first warning stating the financial reserves may fall below the minimum and action was required to reduce spend and a report is to be brought to Executive on the costs of agency and consultancy fees: in view of this should the Council be engaging consultants to brief members on the Development Company for future briefings or could a member of staff undertake this role?*

The Deputy Leader responded that the briefing to be held on Thursday will be undertaken by Emma Osmundsen and Justin Pickford of Baker Ruff Hannan (BRH) will be in attendance to assist with questioning if required. BRH do not charge for their time for events of this nature. The Development Company does not employ any staff direct and there is only one Officer, Emma Osmundsen who works exclusively for the Company, her work is supported by external advisors/consultants. The business model for the early years of trading is on this basis to avoid the costs of employing staff as costs are allocated to individual developments.

*Councillor Thompson asked a supplementary question – is there insufficient in-house expertise to advise ?*

The Deputy Leader responded that, as this was a new initiative, it was prudent to obtain the best advice at no added cost and at the same time utilise the advice of those officers in the Council with in house expertise in this area.

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

*Question - Is the Leader in a position to indicate the date when the first tenant is able to move into Chester Long Court ?*

The Portfolio Holder for People responded that we anticipate the first of the new tenants moving into Chester Long Court around the end of November. This is subject to final snagging prior ECC agreeing to take full ownership.

*Councillor Prowse asked a supplementary question - as the snagging such as vented window installation has been quite significant and has led to a delay in occupation by tenants will a penalty clause be invoked because of the delay ?*

The Portfolio Holder for People responded that there had not been a major delay and that it was appropriate, because of the high quality of this passiv haus scheme, to ensure that all works were completed satisfactorily prior to occupation.

*Question - is the start contractor the same contractor that completed the work?*

The Portfolio Holder for People responded in the affirmative.

*Question - Is the Leader in a position to indicate to the Council the current position of the Exeter Pound Project ?*

The Deputy Leader responded that at the Exeter Pound Board meeting in June, the board decided to mothball Exeter Pound Scheme and that trading in the local currency has ceased from the end of September 2018. The current £1, £5, £10, and £20 Exeter Pound notes expired on 30th September 2018, with no further notes planned for re-printing/replacement.

As of 1 October Exeter Pound notes would no longer be accepted by trader members in exchange for goods and services, as well as Exeter City Council who accepted Exeter Pounds for payment of business rates. Instructions were issued to trader members in how they exchange Exeter Pound notes for sterling.

Exeter Pound was managing significant challenges, including:

- a general decline in the use of paper currency and coins
- a lack of progress at a national level with regard to regulatory measures which would have enabled Exeter Pound to develop a digital local currency
- unable to secure funding to print new notes
- unable to sustain support and back up staff to manage a digital pilot with app-based payments
- resources to reprint the guide and update their website

At the June Board meeting, Exeter Pound acknowledged the support they had received from Exeter City Council over the past 3 years. Without the backing of the City Council, Exeter pound would not have been able to achieve what they did.

The Exeter Pound Board continues to have discussions with several different businesses and organisations and hope to be back at some stage, bigger and better, with new notes and an enlarged team. Exeter Pound are pleased they have able to publicise the independent sector in Exeter and to bring substantial new custom to some of our traders. The public is encouraged to use independent traders using sterling.

*Councillor Prowse asked a supplementary question - can the cost of the project from day one to the day of mothballing be provided please ?*

The Deputy Leader replied that the Exeter Pound Board would have detail of these costs.

(The meeting commenced at 6.00 pm and closed at 7.30 pm)

Chair