

COUNCIL

Tuesday 26 February 2019

Present:-

Councillor Rachel Lyons (Deputy Lord Mayor) in the Chair
Councillors Begley, Bialyk, Branston, Edwards, Foale, Hannan, Harvey, Henson, D,
Mrs Henson, Holland, Keen, Lamb, Leadbetter, Mitchell, K, Morse, Musgrave, Owen,
Packham, Pattison, Pearson, Pierce, Prowse, Sheldon, Sills, Sutton, Thompson, Vizard,
Vizard N, Wardle, Warwick, Wood and Wright

1

APOLOGIES

Apologies were received for absence from the Lord Mayor, Councillors Denham,
Foggin, Gottschalk, Newby and Robson.

2

MINUTES

The minutes of the Ordinary meeting of the Council held on 18 December 2018
were moved by the Leader, seconded by Councillor Sutton, taken as read,
approved and signed as correct.

3

OFFICIAL COMMUNICATIONS

The Deputy Lord Mayor, on behalf of the Council, congratulated Councillor Denham
and former Councillor Williams who had both recently given birth - a daughter and
twin son and daughter respectively.

The Deputy Lord Mayor announced that the Lord Mayor's Civic Service would be
held at St. Thomas Methodist Church on Sunday 3 March 2019 at 10.30am.

4

PETITION

The Deputy Lord Mayor invited Ms Valerie Jarrett, the petition organiser to present
a petition to Council which "asked the Council to respect the recommendation of the
Place Scrutiny Committee of 31 January and to move an amendment to exclude the
sale of the Exeter ski slope from the potential sale of the Clifton Hill site". As the
petition had surpassed 2,000 signatures, having received 2,624 signatures, and in
accordance with the City Council's Petition Scheme, Ms Jarrett was invited to
address the Council for a period of up to five minutes. She had also submitted a
number of questions in this respect.

Ms Jarrett spoke on behalf of the Exeter Ski Club and Adapted Ski Club and set out
their disappointment over the potential sale of the site, which would mean the
inevitable closure of the Exeter Ski Club, a member run Club for over 50 years,
along with the Exeter Adaptive Ski Club which had also been on the site for 30
years, with users potentially having to make the journey to artificial ski slopes further
afield.

Ms Jarrett commented on the lack of a specific valuation, as the land on which the
ski slope lay was steep and contaminated, and would, in her opinion, cost a
significant sum to stabilise. She suggested that a relocation of the scheme by
approximately 30 yards would enable the ski slope to remain, and therefore the
existence of the two clubs. The Ski clubs had produced a plan to minimise the

impact of the ski slope on any future housing development, by suggesting moving the car park, changing the lighting, and introducing screening to mitigate any noise. The Ski Clubs were also concerned about the future of their assets which included ski equipment, matting and the accommodation which they felt was held by the Club for the benefit of the Exeter community.

The Ski clubs had also commented on the suggestion that a ski simulator might offer an alternative provision, but as well as the high cost, this was not considered an adequate alternative to a dry ski slope, particularly for the users of the Adaptive Ski Club as there were no qualified instructors, which would in turn mean that no insurance would be available, therefore, in this respect, making the option unworkable, and the costs to users would be prohibitive. The Adapted Ski Club had passed on these concerns to the Council. Ms Jarrett also referred to the suggestion that the Council would work with the Ski clubs to find an alternative location, but she felt that the costs of up to £1.5 million would make this unlikely.

Ms Jarrett made a final plea to Members to save the ski slope, referring to the many successes of former Members and to save this valuable resource for the community.

Council considered the request of the club as part of the debate on Minute No 21 of the meeting of Executive on 12 February 2019 (see Minute No.15 below).

5

PLANNING COMMITTEE - 7 JANUARY 2019

The minutes of the Planning Committee of 7 January 2019 were presented by the Chair, Councillor Sutton, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 7 January 2019 be received.

6

PLANNING COMMITTEE - 11 FEBRUARY 2019

Councillor Mrs Thompson declared a disclosable pecuniary interest in Minute No.10 and left the meeting during consideration of this item.

The minutes of the Planning Committee of 11 February 2019 were presented by the Chair, Councillor Sutton, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 11 February 2019 be received.

7

LICENSING COMMITTEE - 5 FEBRUARY 2019

The minutes of the Licensing Committee of 5 February 2019 were presented by the Chair, Councillor Owen, and taken as read.

RESOLVED that the minutes of the Licensing Committee held on 5 February 2019 be received.

8

PEOPLE SCRUTINY COMMITTEE - 10 JANUARY 2019

The minutes of the People Scrutiny Committee of 10 January 2019 were presented by the Chair, Councillor Wardle, and taken as read.

RESOLVED that the minutes of the People Scrutiny Committee held on 10 January 2019 be received.

9

PLACE SCRUTINY COMMITTEE - 17 JANUARY 2019

The minutes of the Place Scrutiny Committee of 17 January 2019 were presented by the Chair, Councillor Sills, and taken as read.

RESOLVED that the minutes of the Place Scrutiny Committee held on 17 January 2019 be received.

10

PLACE SCRUTINY COMMITTEE - SPECIAL - 31 JANUARY 2019

The minutes of the Place Scrutiny Committee - Special - of 31 January 2019 were presented by the Chair, Councillor Sills, and, subject to a query on the accuracy of one minute which the Chair undertook to address at the next meeting, taken as read.

RESOLVED that the minutes of the Place Scrutiny Committee - Special - held on 31 January 2019 be received.

11

CORPORATE SERVICES SCRUTINY COMMITTEE - 24 JANUARY 2019

The minutes of the Corporate Services Scrutiny Committee of 24 January 2019 were presented by the Chair, Councillor Sheldon, and taken as read.

RESOLVED that the minutes of the Corporate Services Scrutiny Committee held on 24 January 2019 be received.

12

STRATA JOINT SCRUTINY COMMITTEE - 14 JANUARY 2019

The minutes of the Strata Joint Scrutiny Committee of 14 January 2019 were presented by the Deputy Lord Mayor and taken as read.

RESOLVED that the minutes of the Strata Joint Scrutiny Committee held on 14 January 2019 be received.

13

STRATA JOINT EXECUTIVE COMMITTEE - 28 JANUARY 2019

The minutes of the Strata Joint Executive Committee of 28 January 2019 were presented by Councillor Edwards, and taken as read.

RESOLVED that the minutes of the Strata Joint Executive Committee held on 28 January 2019 be received.

Councillor Keen left the meeting at this point.

14

EXECUTIVE - 15 JANUARY 2019

The minutes of the Executive of 15 January 2019 were presented by the Leader, Councillor Edwards, and taken as read.

In respect of **Minute No. 5 (2019/20 Budget Strategy and Medium Term Financial Plan)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried.

In respect of **Minute No. 7 (Creation of a Second Post of a CIL and Section 106 Monitoring Officer)**, the Leader moved and the Deputy Leader seconded the recommendation and it was carried.

RESOLVED that the minutes of Executive held on 15 January 2019 be received and, where appropriate, adopted.

15

EXECUTIVE - 12 FEBRUARY 2019

The minutes of the Executive of 12 February 2019, with the exception of Minute No. 6 which had been considered at the Extraordinary Council meeting immediately preceding this meeting, were presented by the Leader, Councillor Edwards, and taken as read.

In respect of **Minute No. 14 (Vision for a Transformational Housing Delivery Programme)**, both the Portfolio holder for Economy and Culture and the Portfolio Holder for Health and Wellbeing, Communities and Sport welcomed the vision for delivering a transformational housing programme for Exeter which, over the next 20 years, would support planning in the city and the production of the Greater Exeter Strategic Plan (GESP).

Exeter had to provide for 13,100 houses within its municipal boundaries in the next 20 years with a total of 53,000 required for the GESP area. This emerging vision was to make Exeter one of the leading global cities in the area and to effectively respond to urban challenges and environmental futures.

The Leader moved and the Deputy Leader seconded the recommendation and it was carried.

In respect of **Minute No. 19 (The Prudential Code for Capital Finance in Local Authorities (Incorporating) the Annual Statement of Minimum Revenue Provision)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried.

In respect of **Minute No. 18 (Treasury Management Strategy 2019/20)**, the Leader moved and the Deputy Leader seconded the recommendation and it was carried.

Minute No. 21 (Update Report on Built Sports and Leisure Facilities)

Following on from the earlier presentation of a petition seeking the retention of the Ski Slope and its exclusion from the sale of the wider Clifton Hill site, the Deputy Lord Mayor reported that questions had been received from Councillors Mrs Thompson, Musgrave and Prowse in accordance with Standing Order Number 8, relating specifically to the recommendation on the future of Clifton Hill. She therefore invited those questioners to ask their specific questions at the start of the debate on this matter as follows:

Questions from Councillor Thompson

Question – *It has been confirmed in reports to Committees, the Clifton Hill site will be offered for sale on the 'Open Market', so will the City Council's Private Development Company be making an offer for the site in competition with other private developers?*

The Leader responded and stated that it was a matter for the Directors as to whether Exeter City Living chooses to submit a bid for the site. However, it was important to note that the site had not been approved as part of the current business plan and the cost was likely to be in excess of the devolved financial amounts that they were able to spend. Therefore, if Exeter City Living wish to bid for the site, they would need to submit a suitable, robust business case to Council for consideration.

Question - By not specifically getting a valuation for only the brown field Clifton Hill Sports Centre Building site, to exclude the golf range, ski slope, rifle range and green open spaces (to include purpose built student accommodation), has the Council, whilst meeting the legal requirements, effectively created a 'best consideration avoidance'?

The Leader responded and stated that the City Surveyor was authorised to identify a best value option for the disposal of the whole Clifton Hill site; whilst taking the steps to ensure that the land would be used for residential accommodation and not for purpose built student accommodation. This voluntary condition of sale had been imposed to benefit the economic, social and environmental well-being of the community. Based on the scenarios considered, the valuation advice that we have received indicates that there would be no financial detriment to the Council in the imposition of the restriction.

Based on estimated remediation cost figures, valuation advice identified the greatest financial value, in the region of £9 million, as being generated by disposal of the whole site for open market residential accommodation. Disposing of only the Clifton Hill Sport centre building site (i.e. part of the site) would not achieve best value for the Council.

Options had been considered for a smaller part of the site in the context of the site as a whole (broadly that currently occupied by the sports centre building and not contaminated), being developed for either purpose built residential rental accommodation or care accommodation; however, these would return a lower total whole site value than open market residential accommodation (£8.85m & £8.8m respectively for the whole site). Student accommodation had also been considered on this smaller part of the site, and whilst for this part of the site returns the greatest value, would return the lowest total site value as a whole (£8.5 million for the whole site) due to the considered detrimental effect on core values of new build residential accommodation on the rest of the site.

No option has been considered for the whole site to be developed as purpose built student accommodation.

The valuation advice received by the Council was based on professional knowledge and experience of the property market, and the likely parties who would be interested in the Clifton Hill site as a development opportunity. Whilst the marketing information for the development site would include planning guidance, it remained a possibility that bids would be submitted, which still include purpose built student accommodation. Should the highest bid for the disposal of the whole Clifton Hill site include student accommodation, Members would need to acknowledge the value lost by not accepting that bid due to the Council's restriction against purpose built student accommodation and proceeding with the next highest bid which did not include any student accommodation. A further report to Executive would be required to explicitly acknowledge any undervalue.

Councillor Thompson asked a supplementary question. In order to avoid any future allegation of best consideration not being achieved would it be possible to have that valuation?

The Leader stated that no it was not possible. It could be carried out if you are willing to pay for the valuation.

Question - As Executive did not exclude the ski slope from the sale of the whole Clifton Hill site, was this to avoid triggering the need for another valuation of the remaining land where best consideration for purpose built student accommodation could possibly exceed the £9m approximate valuation for the sale of the whole site?

The Leader stated that if the ski slope land was removed from the development site, there would be a significant loss of open market residential units (c. 140) from the scheme. Valuation advice currently indicates that the marketability of the site would be impaired and value for the whole development site would fall substantially. Best value for the site would no longer be achieved.

A lesser capital receipt for the development site impacts upon the Council's ability to fund repair spend at other leisure centre sites, with additional sources of funding needing to be identified for the resultant shortfall.

Questions from Councillor Musgrave

Question - What steps will the council take to ensure the protected trees on the boundary of the Clifton Hill Site are protected?

The Leader responded that the City Council recognised the important contribution that trees made to our local amenity and biodiversity, and took their protection very seriously. He stated that he would expect if the ownership of this land changed, a further level of protection would be carefully considered.

Councillor Musgrave asked a supplementary question, asking if a guarantee could be given to ensure all trees around the Clifton Hill site are protected on top of the 10% guarantee to retain public open space?

The Leader said that a guarantee could not be given but that everything would be done to protect the trees.

Question - Exeter Ski club claim their lease is in place until 2022 with an automatic right to renewal, is this correct and if so how can the sale of the land proceed?

The Leader stated that the Exeter Ski Club lease expires in 2022: the tenant was entitled to seek a new tenancy on expiry unless the landlord can obtain possession on one or more of the grounds set out in section 30(1) (a-g) of the Landlord and Tenant Act 1954 (as amended).

Councillor Musgrave asked a supplementary question on what the cost would be to the Council to buy the Ski Club and the other tenants out of their leases?

The Leader advised that he did not know.

Question - The Clifton Hill site used to host a poorly regulated landfill site, what assessment of additional developer costs has been made and has this been factored into the capital receipt estimates for the site?

The Leader responded that a full assessment had been made based on the available information including monitoring records. Valuation advice identified the greatest financial value, in the region of £9 million, as being generated by disposal of the whole site for open market residential accommodation taking into account remediations.

Councillor Musgrave asked a supplementary question on whether the Leader would be happy to buy a house on the contaminated land on this site and, if not, how he could expect Exeter residents to live there.

The Leader said that he would be happy to live there.

Question - Will the council publish the projected costs of financial compensation to Clifton Hill tenants for changes to contract and loss of income?

The Leader stated that as set out in Section 8 of the report, the recommendation was for the site to be sold, subject to the existing tenancies for the Golf Driving Range and Ski Slope. The new owner would be responsible for any payment of compensation that might be due. The Council would not be privy to this information.

Question - Many have laughed at the thought of a virtual ski slope, what consultation with the existing ski slope was undertaken prior to the creation of this proposal?

The Leader stated that the suggestion for including an indoor ski facility within the Community Sports Village concept had come from the leisure experts advising the Council. This type of facility would be considered with a range of other options as part of the consultation process on the Exeter Live Better and Move More Draft Built Facilities, Playing Fields, Pitches, Play Areas, Parks and Opens Spaces Report. If there proved to be no appetite for this type of facility then this would be reported back to Council in July.

Councillor Musgrave asked a supplementary question asking whether the Council would consider building a virtual pool rather than the one planned for the St Sidwell's Point Leisure Centre?

The Leader responded in the negative.

Question - How confident are the Council that their equalities impact statements meet the full requirements of the 2010 Act?

The Leader responded that he was confident that the information made available to Members, including the Equality Impact Assessment had ensured that Council had considered and met the Public Sector Equality Duty set out in the 2010 Act.

Councillor Musgrave asked a supplementary question stating that he was not confident and asked what advice had the Council taken before making the proposal for a virtual ski slope in respect of the Equality Impact Assessment?

The Leader stated that officers would have carried out due diligence in their investigations.

Question - It was suggested at Executive that repairs to Riverside (now over £5 million) cannot proceed without the sale of Clifton Hill. Isn't it true that without the

bottomless pit that is the new leisure centre, both the Riverside and Clifton Hill would have been repaired and fully re-opened months ago?

The Leader said that this was not correct.

Questions from Councillor Prowse

Question - Who are we to hold to account for the failure not to recognise that equality impact assessment would be required to dispose of the land on which is sited the Ski Club who for 30 years has offered and promoted skiing facilities to a disabled. (The Adaptive Ski Club)?

The Leader confirmed that there was no legal requirement to have an Equality Impact Assessment. The Public Sector Equality Duty simply required public authorities to consciously think about the need to do the things set out in the general equality duty as an integral part of the decision-making process.

The EQIA recognises that the impact of a closure of the Ski slope would be high on those people with disabilities who use the ski slope. However, there were possible mitigating actions including the investment in a Community Sports village, which would reduce that negative impact since any enhanced facility would be accessible to all.

Councillor Prowse asked a supplementary question stating that, as no equality impact assessment on the proposed sale of the Clifton Hill site had been available at the Place Scrutiny Committee on 31 January, had any Member sought advice in respect of the impact of a sale on the adaptive ski facilities prior to the impact assessment being presented to Executive on 12 February?

The Leader responded that some Members had visited the Ski Club prior to the Executive meeting and confirmed that the impact assessment had been available for Members at Executive.

Question - Does the Leader believe that the impact assessment prepared after the Place Committee meeting of 31st January and presented to the Executive on the 12th February was accurate, and more importantly comprehensive given the lack of time available to prepare it?

The Leader stated that compliance with the Public Sector Equality Duty required authorities when exercising their functions, to consciously think about the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

There was no legal requirement to have an Equality Impact Assessment. The Public Sector Equality Duty simply requires public authorities to consciously think about the need to do the things set out in the general equality duty as an integral part of the decision-making process. He said that he believed that the Impact Assessment was both accurate and comprehensive and that it focused Member's attention to the issues they needed to take into account when making a decision to sell the site.

The Leader reiterated the recommendation from the Executive and their due diligence in making a recommendation to Council to sell the whole Clifton Hill site for the Council. It was important to carry out necessary repairs to the Council's existing built leisure facilities, including the much valued Riverside Leisure Centre. They were committed to achieve the best value for the site, as well as returning the open green space there to the community. He referred to the supplementary advice given by the City Surveyor which offered additional background to the sale of the site. Councillor Sutton seconded the recommendation.

Councillor Musgrave proposed an amendment to the recommendation in respect of 2.1(a) which inserted the words "with the exception of land currently occupied by the Exeter Ski Slope" after the wording to sell the Clifton Hill site. This was seconded by Councillor Mitchell.

Councillor Musgrave referred to the much valued facilities of the ski club and the Adapted Ski club, and particularly to the users of the latter whose alternative would be to travel to Gloucester. He had been disappointed in the proposal for a virtual ski facility which was an inappropriate replacement and did not fulfill the City Council's claim to make people more active. He considered that the sale of the site could go ahead without the inclusion of the Ski slope and hoped that Members would not allow the sale to proceed in order to prevent the loss of this valuable asset for the city.

In supporting the amendment, a Member also commented on the potential loss of a leisure facility and the Council's goal of encouraging greater activity by the citizens of Exeter. He also stated that the sale of the ski slope would only mean the reduction of 8% of the land mass which equated to only 100 houses. A Member queried the late availability of the Equalities Impact Assessment and expressed concern that there were very few successful virtual ski simulators in the country due to the high cost to the user, the lack of instructors and difficulties in obtaining the necessary insurance.

Councillor Mitchell in seconding the amendment referred to the excellent work of the Adapted Ski Club to its less able bodied members and that a virtual ski facility would impact detrimentally on their health and wellbeing. He referred to the improved pool facilities at the St Sidwell's Point Leisure Centre which may inspire future champions, and felt that both ski clubs could offer the same opportunity.

Those Members not supporting this amendment, and in support of the original recommendation, commended the campaigns of the ski club and adapted ski club members to preserve these facilities. Members made many heartfelt speeches and spoke of the difficult decisions now being faced by the Council to address the reality of austerity, the ongoing challenging financial situation and the need to balance the many needs of the city. A Member also spoke of his realisation that a virtual ski facility would be a poor substitute, but was thankful that as a result of Members' deliberations that efforts would be made to continue a dialogue between both ski clubs and the City Council, to identify alternative provision. There were difficult decisions to be made but there was an opportunity to realise this asset for the majority of the citizens of Exeter in order to provide much needed housing and to invest in the existing sports leisure facilities in the city. A Member referred to the ski clubs' eloquent case to remain on the site and, in referring to future consultation for a relocation, particularly for the Adapted Ski Club, asked for engagement with the School for the Deaf, the Ellen Tinkham School, local schools and the University of Exeter to ensure that the process was as transparent and comprehensive as possible.

A Member had been impressed by the campaign run by the ski clubs in highlighting the value offered by these amenities and of her own and family's personal experiences at the ski club. She stated that, despite the painful decision being proposed, she would take some comfort that every effort would be made to relocate the ski slope. Members asked if some dry storage space could be offered to the ski clubs to enable them to keep their equipment. Support was given to the recommendation in the report, with the proviso that the open green space would be saved. Members welcomed the intention that the open space would remain in the ownership of the City Council.

Councillor Musgrave made a number of closing remarks, referring to the petition to save the ski slope and to the great disappointment that would be felt by campaigners and the local community should a decision to close be made.

In accordance with Standing Order 27(1), a named vote on the amendment to the recommendation was called for, and the voting recorded as follows:-

Voting Against:

Councillors Begley, Bialyk, Branston, Edwards, Foale, Hannan, Harvey, Lamb, The Deputy Lord Mayor, Morse, Owen, Packham, Pattison, Pearson, Sheldon, Sills, Sutton, Vizard N, Vizard M, Wardle, Warwick, Wood and Wright.

(23 Members)

Voting For:

Henson, D, Mrs Henson, Holland, Leadbetter, Mitchell, Musgrave, Pierce, Prowse and Thompson

(9 Members)

Absent:-

The Lord Mayor
Councillors Denham, Foggin, Gottschalk, Keen, Newby and Robson

(7 Members)

The amendment was put to the vote and LOST.

Councillor Mitchell proposed a second amendment to the recommendation in respect of 2.1(a) and the insertion of the following: - "ensure the parcel of land to the rear of the existing Clifton Hill Sports Centre building and car park, to the right of the access road as you enter the site, be retained in its entirety. This will include the open green space and tree lined boundaries with Portland Street, Gladstone Road and the rear of the Ski slope adjacent to Polsloe Road". This was seconded by Councillor Musgrave.

Councillor Mitchell wished to offer a constructive way forward and to ensure that the green space would not be surrounded by development on all of its boundaries which would negate the importance and usefulness of the green space. Although he had been opposed to the closure of the Clifton Hill Sports Centre he did not want this amendment to effect any future development on the site. He pointed out the following:-

- the space was completely different to the organised space of Belmont Park;
- the green open space represented a quiet area in an otherwise built up location and was used by many in the community;
- open spaces were vital for the physical and mental wellbeing of the community;
- to help protect wildlife and biodiversity, and
- was an important wildlife corridor

The Leader replied and considered that the area of green space had already been agreed and its protection was well documented in a number of recent discussions, most recently at the Executive. Councillor Musgrave spoke in support of the amendment and stated that Councillor Mitchell's amendment was not just about the 10% open space that had been agreed, but was about the boundary surrounding this area and the protection of existing wildlife. Members opposing the amendment also stated that the protection of the green space had already been assured. A Member suggested engagement with the local community as part of future negotiations with any potential developer to ensure the future protection of this valuable green space.

In accordance with Standing Order 27(1), a named vote on the second amendment to the recommendation was called for, and the voting recorded as follows:-

Voting Against:-

Councillors Begley, Bialyk, Branston, Edwards, Foale, Hannan, Harvey, Lamb, The Deputy Lord Mayor, Morse, Owen, Packham, Pattison, Pearson, Sheldon, Sills, Sutton, Vizard N, Vizard M, Wardle, Warwick, Wood and Wright.

(23 Members)

Voting For:-

Henson, D, Mrs Henson, Holland, Leadbetter, Mitchell, Musgrave, Pierce, Prowse and Thompson

(9 Members)

Absent:-

The Lord Mayor

Councillors Denham, Foggin, Gottschalk, Keen, Newby and Robson

(7 Members)

The amendment was put to the vote and LOST.

Councillor Musgrave proposed a further amendment to the recommendation in respect of 2.1(a) by the insertion of the following words "on condition that, after the council has covered the cost of further ground investigation works, costs associated with terminating existing leases and other unforeseen costs, the net proceeds the council receives is not less than the predicted low-end estimate of £8.5million. Should the predicted capital receipt drop below this figure, the matter will return to Full Council for debate and an all Member vote on how to proceed". This to be inserted after the current wording "best value capital receipt" This was seconded by Councillor Mitchell.

Councillor Musgrave appreciated that the realisation of best value for the site was important and he wished to ensure that the matter would be brought back to Full Council for debate, should the anticipated low end estimate of £8.5 million not be achieved.

The Leader spoke against the amendment and said that if the land was sold onto a developer the costs of the termination of the lease agreements by the site's tenants would be the responsibility of any new owner.

Following a number of requests from the Deputy Lord Mayor and in accordance with Standing Order No 23 (3), the meeting was adjourned at 8.58 pm for seven minutes because of disturbance from a member of the public. The individual in question left the building.

On resumption of the meeting, Councillor Musgrave sought support for his amendment.

In accordance with Standing Order 27(1), a named vote on the amendment to the recommendation was called for, and the voting recorded as follows:-

Voting Against:-

Councillors Begley, Bialyk, Branston, Edwards, Foale, Hannan, Harvey, Lamb, The Deputy Lord Mayor, Morse, Owen, Packham, Pattison, Pearson, Sheldon, Sills, Sutton, Vizard N, Vizard M, Wardle, Warwick, Wood and Wright.

(23 Members)

Voting For:-

Mrs Henson, Holland, Leadbetter, Mitchell, Musgrave, Pierce, Prowse and Thompson

(8 Members)

Abstention

Henson, D.

(1 Member)

Absent:-

The Lord Mayor
Councillors Denham, Foggin, Gottschalk, Keen, Newby and Robson.

(7 Members)

The amendment was put to the vote and LOST.

Members debated the recommendation of Executive

In supporting the original recommendation, a Member thanked the local residents for their commitment to the Save the Green Space Campaign. He thanked Members for their support to protecting the green space at Clifton Hill but

emphasised the importance of a balanced approach in the consideration of the future of the site which would enable investment elsewhere in the city's sports and leisure facilities including the renovation of the Riverside Leisure Centre, for the benefit of the residents west of the River Exe as well as the wider city. The Member appreciated the disappointment of the staff and users of the ski clubs, but welcomed the opportunity to work with them to ensure the future provision of a ski slope facility in the City.

A Member also spoke of the difficult decisions being taken, but she welcomed the investment in the Riverside Leisure Centre to re-establish this much valued facility, particularly for residents west of the River Exe. She thanked Members and officers for their efforts in extremely difficult financial circumstances, and for the opportunity to enable investment in much needed homes. She also commented on the long term sustainability of the Built Facilities Strategy, which would secure valuable leisure facilities for Exeter citizens. She believed that this was a responsible strategic way forward for the City. She commended the work and commitment by the Newtown and St Leonards' ward councillors to their residents.

The Portfolio Holder for Health and Wellbeing, Sport and Leisure also referred to the benefits for residents of west of the River Exe in ensuring the continued operation of the Riverside and committed to work with the local Members and the local community around Clifton Hill. He referred to the forthcoming consultation on the Built Facilities Strategy and to plans at the Exeter Arena site to develop a community sports village. He noted the many comments about the virtual ski facility and following on from a meeting between the Director and the ski club he undertook to ensure that engagement would continue. The Council would continue to work with the ski club who had the legal right to remain under the current lease arrangements to ensure the provision of a ski facility in the future.

The Leader also thanked Members for their professional conduct in dealing with this difficult matter, and he thanked the ski club campaigners for their efforts and invited them to continue to engage in further discussion.

In accordance with Standing order 27(1), a named vote on the recommendation was called for, and the voting recorded as follows:

Voting for:-

Councillors Begley, Bialyk, Branston, Edwards, Foale, Hannan, Harvey, Lamb, The Deputy Lord Mayor, Morse, Owen, Packham, Pattison, Pearson, Sheldon, Sills, Sutton, Vizard N, Vizard M, Wardle, Warwick, Wood and Wright.

(23 Members)

Voting against:-

Henson, D, Mrs Henson, Holland, Leadbetter, Mitchell, Musgrave, Pierce, Prowse and Thompson

(9 Members)

Absent:-

The Lord Mayor
Councillors Denham, Foggin, Gottschalk, Keen, Newby and Robson

(7 Members)

The Resolution was CARRIED.

In respect of **Minute No. 23(Major Grants Minutes 21 January 2019)**, the Leader, responding to a Member, advised that good progress was being made with discussions with both the Exeter BMX Racing Club and the Exeter Cycle Speedway Club on their future operation and the potential asset transfer and that ward Councillors would be kept informed.

RESOLVED that the minutes of Executive held on 12 February 2019 be received and, where appropriate, adopted.

16

EXECUTIVE - 14 FEBRUARY 2019 (ADJOURNED FROM 12 FEBRUARY 2019)

The minutes of the adjourned Executive of 14 February 2019 were presented by the Leader, Councillor Edwards, and taken as read.

In respect of **Minute No. 26 (Annual Pay Policy Statement)**, the Leader moved and the Deputy Leader seconded the recommendations and they were carried.

In respect of **Minute No. 28 (Exeter City Living Business Plan)** the Leader moved and the Deputy Leader seconded the recommendations and they were carried.

RESOLVED that the minutes of Executive held on 14 February 2019 be received and, where appropriate, adopted.

17

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

Councillor Musgrave, seconded by Councillor Mitchell, moved a Motion in the following terms:-

Climate Emergency

Full Council notes:-

1. The IPCC's Special Report on Global Warming of 1.5°C, published last November, describes the enormous harm that a 2°C rise is likely to cause compared to a 1.5°C rise but that limiting warming to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector, indigenous peoples and local communities.
2. City Councils in the UK and around the world are responding by declaring a 'Climate Emergency' and committing resources to address this emergency.
3. Exeter City Council has previously published a Climate Change strategy and action plan. This plan from 2008-2018 sought to address emissions related to homes, businesses, new developments, transport and waste but many of the targets set in this strategy were not met.
4. There is a partnership between Exeter City Council and Exeter City Futures which seeks to bring together local government, the private sector and communities to jointly address carbon emissions, particularly related to transport and energy.

Full Council believes that:-

1. Cities are uniquely placed to lead the world in reducing carbon emissions,

- as they are in many ways easier to decarbonise than rural areas – for example, because of their capacity for heat networks and mass transit;
2. Strategies and action plans to date, delivered by Exeter City Council acting alone, or in partnership with other bodies have lacked the necessary ambition to adequately contribute to prevent an overshoot of the Paris Agreement's 1.5°C warming limit before 2050;
 3. There are extensive expertise and commitment across Exeter to tackle our climate emergency and working partnerships between local agencies, experts, communities, activists and residents can bring about profound change;
 4. Bold climate action can deliver economic benefits in terms of new jobs, economic savings and market opportunities, as well as improved well-being and quality of life for Exeter residents through for example lower fuel bills, reduced air pollution and healthier more active lifestyles.

Full Council agrees to:-

1. Declare a 'Climate Emergency';
2. Pledge to make the city of Exeter carbon neutral by 2030 or sooner, taking into account both production and consumption emissions;
3. Call on Westminster to provide the powers and resources to make the 2030 target possible;
4. Continue to work with partners across the city and region, including Devon County Council, to deliver this new goal through all relevant strategies and plans;
5. Work with other cities regionally, nationally and internationally that have declared a similar climate emergency to determine and implement best practice methods to achieve carbon neutrality by 2030 or sooner;
6. Report to Full Council within six months with a climate emergency strategy, and clear action plan with budget.
7. Review progress on the action plan annually through the Council's scrutiny process.

Councillor Musgrave referred to the urgent need for the Council to act pointing out that 40 other authorities had already declared Climate Emergencies. Whilst the City Council had a good record in some areas of green action he believed that not enough was being done and that a goal of becoming carbon neutral by 2030 was paramount.

Councillor Bialyk moved and Councillor Sutton seconded, the following amendment

Delete in line 2 of Full Council notes "by declaring a Climate Emergency"

Delete all paragraphs 1 to 4 in "Full Council believes that"

Delete all paragraphs 1 to 7 in "Full Council agrees to"

Insert the following:-

Full Council recognises:-

- 1 The scale and urgency of the global challenge from climate change following the IPPC report published in October 2018. We accept that Cities, like Exeter, have a duty to act quickly, collectively and concordently to avoid the worst of the predicted outcomes.

2. Exeter has been playing a role in rising to the critical climate change challenge for some time. Exeter City Council is strongly committed to renewable energy and to playing our part in pushing the boundaries of what local authorities can do to deliver a low carbon future. Over the past decade we have pioneered Passivhaus standards in the UK, deployed renewable generation across our public sites and delivered large-scale district heating networks. On our own estate we have reduced energy consumption by 37% and are on track to deliver an energy-neutral council by 2022.
3. The choices we now make about the growth of Exeter are incredibly important. Decisions we make today will shape the way we live and our environmental impact for decades to come. Existing energy consumption costs our residents and businesses over £900m each year which is a significant cost to many families and a particular burden to those in fuel poverty. The Council wants to ensure that we minimise our environmental impact while creating a sustainable basis for future development.
4. Our city already has a world-class reputation in climate and environmental research. The Met Office and the University of Exeter inform the international response to climate change every day. Within our own Local Industrial Strategy we set out the ambition to be the global leader for addressing the challenges of climate change and urbanisation, and the world-leading location for applied environmental science, health and data analytics.
5. By declaring commitment to make Exeter Carbon-Neutral by 2030, our City can make a vital contribution to our planet and all its people. Such an ambition is aligned to our vision and could be transformative for our city.
6. However, whilst it is essential to position Exeter as an integral part of the solution in fighting climate change, the lack of government support for this agenda and their back-tracking on climate change limits what can be achieved. The roadmap to energy independence, published in 2017, outlines what can be achieved in our region, but without alignment of spending and policy environments we will not be able to affect the level of change required. Only with a coordinated approach and action at the local, regional, national and global levels, can we truly begin to address the challenge of carbon emissions and energy use within Cities.
7. We must collaborate across the region to find ways to address the challenges of climate change; through decisive implementation of new policies and by embracing innovations in positive-energy buildings, smart grids, low-emission vehicles, battery technology and many others. Decisions that every resident, business and other organisation make can contribute towards this ambition.
8. Through the Low Carbon Task Force and Exeter City Futures we are working collaboratively with partners such as Devon County Council, Exeter College, the University of Exeter, Global City Futures and the Royal Devon and Exeter NHS Trust to build programmes of innovation and investment focussed on outcomes that link closely to the UN sustainable development goals; focusing on better homes, clean air, renewable energy and improved transport systems.

9. Through Exeter City Futures, our Programme Director Liz O'Driscoll is building strong and supportive networks with other Cities such as Cambridge, Oxford, Bristol, Peterborough; regularly attending sessions with their smart city programme leads to share learning and best-practice on our respective journeys towards better cities.
10. This Council believes that, with the right partnerships in place, Exeter has the opportunity to show leadership among cities by adopting the game-changing ambition of becoming a carbon neutral city by 2030.

Councillor Bialyk referred to the many Council energy saving initiatives in recent years and that Exeter was on track to deliver an energy-neutral council by 2022. Exeter was already one of the leading authorities in the country in reducing CO2 emissions and the introduction of electric vehicles had dramatically reduced Exeter City Council's vehicle fleet carbon footprint. Over the past decade the Council has pioneered passivhaus standards in the UK for new social housing and was building the UK's first passivhaus Leisure Centre, as well as the UK's first passivhaus Care Home. It was helping to set up district heating networks at Skypark and Monkerton.

In 2016, the Council had won the Local Government Chronicle's Environment Award in recognition of the delivery of a programme of energy efficiency and solar projects. It had recently adopted the Air Quality Action Plan 2019-2024, highlighting measures to further improve air quality which aligned with the Council's key strategic priorities of tackling congestion and accessibility, promoting active and healthy lifestyles and building great neighbourhoods. The city was also working with Exeter City Futures in collaboration with Devon County Council, Exeter College, the University of Exeter, Global City Futures and the Royal Devon and Exeter NHS Trust to build programmes of innovation and investment focussed on creating better homes, cleaner air, renewable energy and improved transport systems.

Councillor Musgrave raised a point of order, in that he felt that the amendment contravened Standing Order 10(6) (e) as, in his opinion, it negated the original motion. On advice from the Monitoring Officer, the Deputy Lord Mayor overruled this point of order.

The amendment was voted on and carried. The substantive motion was voted on and carried.

18 QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER NO 8.

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

Question - Recent Exeter City Council Planning Applications on City Council owned land have not met the Council's own planning policy of providing 35% social housing but with approximately 2500 on the City Council housing waiting list is it fair for the Council to develop through the Council's own private development company properties for sale on the open market when this land in Council ownership presents an opportunity for the Council to build the much needed Council housing?

The Leader responded that the Council agreed to establish a Development Company to increase the amount of housing of different tenures available to local residents as well as make a profit for the Council to counter the reduction in funding from the Government. The provision of affordable housing is always subject to an assessment of viability of the Scheme. For the application for Hamlin Gardens, the

viability assessment which was corroborated by independent advisors confirmed that 35% Affordable Housing was not viable and indeed, this had already been identified in the Business Case for the Exeter Living which was approved by Council in 2018.

Councillor Thompson asked a supplementary question seeking an explanation on how the 2,500 Council waiting list would be addressed.

The Leader referred to the Council's policy commitment to provide homes for people, being the only Council in Devon to have built Council houses in recent years. He stated that those houses built by the Council were of passivhaus standard. He also said that one third of all housing built was social housing or affordable rent. He was proud of the Council's track record

Question - Is the City Council selling off assets of Council owned land for private housing in order to generate Community Infrastructure Levy, of which a significant sum will be contributed to the Bus Station redevelopment, whereas building Council properties for rent to Council tenants on Council land would be exempt from CIL?

The Leader responded that No, the decision to sell Council owned assets is to maximise revenue to the Council, in the light of the financial challenges faced by the Council through on-going central Government funding cuts.

The Council is developing an ambitious programme for the development of Social Housing properties as a response to the lifting of the borrowing cap for the Housing Revenue Account, which will be presented to Members in due course.

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

Question - WestExe residents have noticed that the pool at Riverside appears to be filled in, can the Council explain this?

The Leader responded that this is part of the overall works to re- open the Swimming Pool. As stated in the report (Para 8.2.4) we have identified significant structural faults to the block and beam flooring and surround of the pool. Contractors have been instructed to prepare the pool for replacement using existing funding. The further funding requested will allow this and the roof replacement work to be completed.

Question - The costs of repairing and fully re-opening Riverside are escalating as the months roll by, what confidence can the people of Exeter have Riverside will ever fully reopen?

The Leader responded that Exeter Live Better and Move More Draft Built Facilities, Playing Fields, Pitches, Play Areas, Parks and Opens Spaces Report (January 2019) says (page 12) “*This community swimming pool and leisure centre facility needs to be maintained to provide access on this side of the River. A rolling programme of refurbishment needs to be in place with a long term building replacement plan to ensure sustainability*”.

With the works completed and currently underway, the additional funding requested will enable the full refurbishment and re-opening of the pool.

Councillor Musgrave asked a supplementary question, asking whether in the light of the excessive delay, the Council was letting the residents and voters of West Exe down.

The Leader said no.

(The meeting commenced at 7.03 pm and closed at 10.05 pm)

Chair