



## Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 26 FEBRUARY 2019**, on the rising of the Extraordinary Meeting of Council which commences at 6.00 pm, at which you are hereby summoned to attend. The following business is proposed to be transacted:-

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

	Pages
1 Minutes	
To approve and sign the minutes of the meeting held on 18 December 2018.	5 - 20
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 7 January 2019	21 - 26
4 Planning Committee - 11 February 2019	27 - 34
5 Licensing Committee - 5 February 2019	35 - 38
6 People Scrutiny Committee - 10 January 2019	39 - 42
7 Place Scrutiny Committee - 17 January 2019	43 - 52
8 Place Scrutiny Committee - Special - 31 January 2019	53 - 86
9 Corporate Services Scrutiny Committee - 24 January 2019	87 - 98
10 Strata Joint Scrutiny Committee - 14 January 2019	99 - 104
11 Strata Joint Executive Committee - 28 January 2019	105 - 110
12 Executive - 15 January 2019	111 - 116
13 Executive 12 February 2019 (To follow)	
14 Executive 14 February 2019 (adjourned from 12 February 2019) (To follow)	

Office of Corporate Manager Democratic & Civic Support

Civic Centre, Paris Street, Exeter, EX1 1JN

Tel: 01392 277888

Fax: 01392 265593

[www.exeter.gov.uk](http://www.exeter.gov.uk)

Notice of Motion

15 Notice of Motion by Councillor Musgrave under Standing Order No. 6

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 5 ;
6. Report to Full Council within six months with a climate emergency

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- strategy, and clear action plan with budget.
7. Review progress on the action plan annually through the Council's scrutiny process.

16 Questions from Members of the Council under Standing Order No 8.

Question from Councillor Mrs Thompson

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?

Question from Councillor Mrs Thompson

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'?

Question from Councillor Mrs Thompson

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 £9 million approx. valuation for the sale of the whole site?

Question from Councillor Mrs Thompson

Recent Exeter City Council Planning Applications on City Council owned land have not met the Councils own planning policy of providing 35% social housing but with approx 2500 on the City Council housing waiting list is it fair for the Council to develop through the Councils 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?

Question from Councillor Mrs Thompson

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?

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

Date: Monday 18 February 2019

Karime Hassan  
Chief Executive &  
Growth Director

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

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## COUNCIL

Tuesday 18 December 2018

### Present:-

The Right Worshipful the Lord Mayor (Councillor Hannaford)  
Deputy Lord Mayor (Councillor Lyons)  
Councillors Bialyk, Branston, Edwards, Foggin, Hannan, Harvey, Holland, Lamb, Leadbetter, Mitchell, Morse, Musgrave, Newby, Owen, Packham, Pattison, Pearson, Pierce, Prowse, Robson, Sheldon, Sills, Sutton, Thompson, Vizard M, Vizard N, Wardle, Warwick and Wood

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### APOLOGIES

Apologies were received from Councillors Begley, Denham, Foale, Gottschalk, Henson D, Mrs Henson, Keen and Wright.

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### MINUTES

The minutes of the Ordinary and Extraordinary meetings held on 16 October 2018 were moved by the Leader, seconded by Councillor Sutton, taken as read, approved and signed as correct.

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### OFFICIAL COMMUNICATIONS

The Lord Mayor congratulated the City of Exeter Partnership which had won the Britain in Bloom South West Tourism Cup and the RAMM, which had recently won a Silver award in the large attraction category of the 2018 Devon Tourism Awards.

The Lord Mayor advised of some of the events he had attended in recent months including the Remembrance Service which marked 100 years since the end of World War I and the tree planting in memory of former Councillors David and Joan Morrish.

The Lord Mayor commented although, disappointingly they did not win, he congratulated the Council's Democratic Services team who were again shortlisted for the team of the year award at the National Association of Democratic Services Officers' awards.

The Lord Mayor informed Members of the receipt of two petitions. The first, an on-line petition containing 327 signatures, related to the proposed disposal of a piece of land at Bull Meadow. This would be reported to the next meeting of the Place Scrutiny Committee in January 2019.

The second, containing 506 signatures, related to the green space at Clifton Hill. Members would be aware that this was a matter for discussion later on the agenda as a Notice of Motion. The Leader presented this petition to the Lord Mayor.

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**PLANNING COMMITTEE - 29 OCTOBER 2018**

The minutes of the Planning Committee of 29 October 2018 were presented by the Chair, Councillor Sutton, and taken as read.

**RESOLVED** that the minutes of the Planning Committee held on 29 October 2018 be received.

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**PLANNING COMMITTEE - 3 DECEMBER 2018**

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

In respect of Min. No. 190 (Planning application No.18/0873/FULL – Land at Ribston Avenue), and in response to Members' questions regarding the Class Use, reconsideration of the application and allowing questions of the speakers at the Planning Committee, the Chair stated that the decision on the planning application would not be reconsidered and that she had taken the decision not to allow questions of the speakers at the start of the meeting.

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

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**LICENSING COMMITTEE - 20 NOVEMBER 2018**

The minutes of the Licensing Committee of 20 November 2018 were presented by the Chair, Councillor Owen, and taken as read.

**RESOLVED** that the minutes of the Licensing Committee held on 20 November 2018 be received.

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**PEOPLE SCRUTINY COMMITTEE - 1 NOVEMBER 2018**

The minutes of the People Scrutiny Committee of 1 November 2018 were presented by the Chair, Councillor Wardle, and taken as read.

**RESOLVED** that the minutes of the People Scrutiny Committee held on 1 November 2018 be received.

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**PLACE SCRUTINY COMMITTEE - 8 NOVEMBER 2018**

The minutes of the Place Scrutiny Committee of 8 November 2018 were presented by the Chair, Councillor Sills, and taken as read.

**RESOLVED** that the minutes of the Place Scrutiny Committee held on 8 November 2018 be received.

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**CORPORATE SERVICES COMMITTEE - 22 NOVEMBER 2018**

The minutes of the Corporate Services Scrutiny Committee of 22 November 2018 were presented by the Chair, Councillor Sheldon, and taken as read.

**RESOLVED** that the minutes of the Corporate Services Scrutiny Committee held on 22 November 2018 be received.

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### **AUDIT AND GOVERNANCE COMMITTEE - 5 DECEMBER 2018**

The minutes of the Audit and Governance Committee of 5 December 2018 were presented by the Chair, Councillor N Vizard, and taken as read.

In respect of Minute No.40 (Review of Corporate Governance Risk Register) and in response to a Member, the Chair stated that the issue of the Risk Register being published would be considered at the next meeting.

**RESOLVED** that the minutes of the Audit and Governance Committee held on 5 December 2018 be received and, where appropriate, adopted.

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### **EXECUTIVE - 13 NOVEMBER 2018**

The minutes of the Executive of 13 November 2018 were presented by the Leader, Councillor Edwards, and taken as read.

In respect of Minute No.113 (Revision of the Air Quality Action Plan), Councillor Musgrave raised questions relating to the survey in the report on the work place parking levy and proposed an amendment to the recommendation in respect of (2) that a work place parking levy be taken forward, this was seconded by Councillor Mitchell.

The amendment was put to the vote and lost.

**RESOLVED** that:-

- (1) Council adopts the Air Quality Action Plan; and
- (2) the feasibility of a work place parking levy be kept under review and an update be brought back to Place Scrutiny Committee as part of the annual review of the Air Quality Action Plan.

**RESOLVED** that the minutes of Executive held on 13 November 2018 be received and, where appropriate, adopted.

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### **EXECUTIVE - 11 DECEMBER 2018**

The minutes of the Executive of 11 December 2018 were presented by the Leader, Councillor Edwards, and taken as read.

In respect of **Minute No.120 (Leisure Complex and Bus Station)**, the Leader stated that the project did provide value for money, which was reiterated in the value for money report November 2018, whilst accepting that the costs had gone up, this proposal would now free up the whole of the site and provide city centre office space and homes on the site.

Some Members spoke against the recommendation. They raised concerns regarding the value for money of the project and better use of the £52 million, the high interest payments on the loan, that money should be spent on increasing recycling and air quality improvements and that the project was flawed and was not financially sound.

The Portfolio Holder for Health & Well-being, Communities & Sport commented that the Council had been prudent with its monies, had already set aside 65% of the

funds for the project and there was a robust business case. The proposal would provide housing, two hotels, retail units, office space, excellent leisure facilities and improve the public realm.

Those Members supporting the recommendation stated that the project had a strong business case and would be a world class facility for everyone to enjoy.

**RESOLVED** that:-

- (1) Members welcome the conclusions of Jones Lang LaSalle on the development demand and potential for the Sidwell Street and bus and coach station site and authorise the City Surveyor to progress work to identify options and, potentially, a preferred development partner, or partners, for a comprehensive scheme for the redevelopment of the wider Sidwell Street/Bus Station site (including options for the redevelopment of the Civic Centre site, Paris Street) and fund up to £300,000 to cover the associated costs of this work;
- (2) funding up to £90,000 be made available to cover the costs associated with exploring the potential, opportunity and viability to provide a multi-purpose performance venue as part of the wider development of Sidwell Street/Paris Street;
- (3) the allocation of an additional £11.88m to cover the programme costs and contract price of building a new leisure complex and bus station be approved; and
- (4) the Chief Executive & Growth Director be authorised to enter into written contracts with the successful tenderer for the construction of both projects

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

Voting for:- Bialyk, Branston, Edwards, Foggin, Hannan, Harvey, Lamb, Deputy Lord Mayor, Morse, Owen, Packham, Pattison, Pearson, Robson, Sheldon, Sills, Sutton, Vizard M, Vizard N, Wardle, Warwick and Wood.

(22 Members)

Voting against:- Holland, Leadbetter, Mitchell, Musgrave, Newby, Pierce and Thompson.

(7 Members)

Abstentions:- The Lord Mayor and Prowse.

(2 Members)

Absent:- Begley, Denham, Foale, Gottschalk, Henson D, Mrs Henson, Keen and Wright

(8 Members)

In respect of **Minute No.121 (Heart of South West Joint Committee Report)**, the Leader moved the recommendation, seconded by Councillor Sutton.

**RESOLVED** that:-

- (1) the progress report setting out the work of the Heart of the South West (HotSW) Joint Committee since its establishment in March 2018 be noted;
- (2) the development and endorsement of the HotSW Local Industrial Strategy (LIS) be delegated to the HotSW Joint Committee (noting that final approval of the HotSW LIS rests with the HotSW Local Enterprise Partnership (LEP) and the Government) subject to reassurance that the Greater Exeter Industrial Strategy will be reflected in the HoTSW LIS;
- (3) the Budget statement for 2018/19 as set out in Appendix B be noted and that, in accordance with the decisions taken at the time the Committee was established, the Council will be asked to make an annual budgetary provision to meet the support costs of the Joint Committee in line with the 2018/19 contribution. Final clarification on any additional 2019/20 budget requirement will be provided following the completion of the review of the Joint Committee's role, function and management support arrangements and development of its work programme for 2019/20; and
- (4) agree the Budget and Cost-sharing Agreement set out in Appendix B to the circulated report.

In respect of **Minute No.123 (Overview of Revenue Budget 2018/19)**, the Leader moved the recommendation, seconded by Councillor Sutton.

**RESOLVED** that:-

- (1) General Fund forecast financial position for the 2018/19 financial year be approved;
- (2) HRA forecast financial position for 2018/19 financial year be approved;
- (3) additional supplementary budget set out in 8.3.7 of the circulated report be approved;
- (4) outstanding Sundry Debt position as at November 2018 be noted; and
- (5) creditors' payments performance be noted.

In respect of **Minute No.124 (2018/19 Capital Monitoring Statement – Quarter 2)**, the Leader moved the recommendation, seconded by Councillor Sutton.

**RESOLVED** that the revision of the annual capital programme to reflect the reported variations detailed in 8.1, 8.4 and 8.5 of the circulated report be approved.

In respect of **Minute No.126 (Safeguarding Policy)**, the Leader moved the recommendation, seconded by Councillor Sutton.

**RESOLVED** that the revised safeguarding policy be adopted.

In respect of **Minute No.127 (Council Tax Support Scheme 2019/20)**, the Leader moved the recommendation, seconded by Councillor Sutton.

**RESOLVED** that the Council Tax Scheme for 2019/20 be approved and continue without substantive changes from the current year scheme.

In respect of **Minute No.128 (Council Tax Long Term Empty Premium 2019/20)**, the Leader moved the recommendation, seconded by Councillor Sutton.

**RESOLVED** that the increase in the Council Tax Long-Term Empty Premium from 50% to 100% from the 1 April 2019 be adopted.

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

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

Councillor Bialyk, seconded by Councillor Newby, moved a Notice of Motion in the following terms:-

*Exeter City Council notes with concern that:-*

1. *On 11 October 2018 it was announced that 74 crown post offices across the UK, will be franchised to WHSmith. Taken together, successive franchise announcements mean the loss of 60% of the crown office network since 2013.*
2. *These privatisations are financed using millions of pounds of public money, despite the fact that the public has never endorsed the closures, indeed they have only ever protested against them. In 2014/15 alone, £13 million of public money was used to pay compensation to get rid of post office staff, and the CWU estimates the staff compensation cost of the latest privatisation will be at least £30 million, affecting as it does, 800 staff.*
3. *Reports by Consumer Focus (2012) and Citizens Advice (2016) have identified issues with the franchising of post offices to WHSmith including poor accessibility for people with mobility impairments, longer queuing times, and inferior service and advice on products.*
4. *Franchising means the loss of jobs with good terms and conditions at the Post Office. WHSmith replaces experienced post office staff with new employees in typically minimum wage part time roles. This is clearly bad for jobs in the local area and the Post Office workers, many of whom are CWU members*
5. *The closure of Crown post offices and relocation to a WHSmith, also means the loss of prime high street stores and this contributes to the demise of town centres. No explanation has been given as to why the profit-making Crown post offices are being handed to a failing retailer with an uncertain future, and what will happen to these services if WHSmith folds.*
6. *All Crown post offices are under threat of closure and/or franchising in future, and if the latest round of privatisations, are allowed to go ahead, it could prove the tipping point for the viability of the entire post office network.*

*This Council believes that:-*

7. *Our post offices are a key asset for the community and the expertise and experience of staff there is invaluable*
8. *The relentless franchising and closure programme of the profit-making Crown post offices, points to a lack of vision rather than the plan for growth and innovation that is needed.*
9. *Government should therefore halt these closures and bring together stakeholders, including the CWU, and industry experts to develop a new strategy that safeguards the future of the Post office.*

*This Council resolves to:-*

10. *Write to Government to raise concern about the apparent managed decline of the post office network across the UK and the impact on high streets, as well as the service in the franchised premises, and the poor quality jobs that result*
11. *To join campaigns to raise awareness of the value of our Post Office and the need for it to remain an asset of and for the people.*

In presenting his Notice of Motion, Councillor Bialyk stated that it was important that the Council defended the Post Offices as they were an essential part of the community and not everyone had access to the internet nor did they have bank accounts. It was therefore important that Post Offices were retained.

During discussion, Members' concerns regarding the relocation of the Post Office to WH Smith's in the city centre included access for the disabled, as there was no nearby parking, lack of trained staff and poor working conditions for employees, including those on a minimum wage for a skilled position. It was also noted that the Crown Post Offices were already making vast profits.

Councillor Owen proposed two amendments to the Notice of Motion:-

- *2. CWU to be in full Communication Workers Union (CWU)*
- *In the resolution 11. Replace join with support*

These were accepted by the proposer Councillor Bialyk and seconder Councillor Newby.

In seconding the Notice of Motion, Councillor Newby stated that, currently, the post office staff received good training and had a wealth of experience and knowledge, which would be lost and WH Smiths staff would receive inadequate training of just two days.

Councillor Bialyk welcomed the united support of the Council Chamber on this Notice of Motion.

**RESOLVED** that the Council:-

- (1) write to Government to raise concern about the apparent managed decline of the post office network across the UK and the impact on high streets, as well as the service in the franchised premises, and the poor quality jobs that result; and
- (2) to support campaigns to raise awareness of the value of our Post Office and the need for it to remain an asset of and for the people.

The Notice of Motion was put to the vote and carried unanimously.

**NOTICE OF MOTION BY COUNCILLOR MITCHELL UNDER STANDING ORDER  
NO 6**

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

*Exeter City Council notes that:*

1. *Green spaces within the city boundary are highly valued by residents and enhance our environment.*
2. *The green space surrounding the Clifton Hill Sports centre is approximately nine acres and provides an inner-city haven for wildlife and residents.*
3. *The “Save the Clifton Hill Green Space Group” has campaigned to keep the green space in public ownership, and to enhance biodiversity and community use of the site.*
4. *The Council is planning its Physical Activity strategy, which will inform future use of all green spaces and related amenities.*

*The Council therefore resolves that the whole of the green space surrounding the Clifton Hill Sports Centre will remain in Exeter City Council ownership and form part of the city-wide Physical Activity strategy.*

In presenting the Notice of Motion, Councillor Mitchell stated that it was important to safeguard the urban public green space to encourage residents to be more active and to protect wildlife, flora and fauna. This green space was vitally important to the local community which had been demonstrated by the petition presented to Council tonight and should be protected for generations to come. If there was no intention to sell the site then Members should support this motion and put local residents' minds at rest.

The Local Ward Members acknowledged the local residents' concerns regarding this valuable community green public space. They were engaging with the local community on the matter and had attended a public consultation which had been a valuable exercise. Until the outcome of the feasibility study of the site and the Physical Activity Strategy had come forward they stated that this Notice of Motion was premature.

Members supporting the Notice of Motion commented that it was important that green space within the city centre should be protected and did not see why that decision could not be taken now. Whilst other Members felt that the outcomes of the feasibility study for the site and the Physical Activity Strategy should be considered before any decisions were taken.

The Notice of Motion was put to the vote and lost.

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

Voting for:-

Holland, Leadbetter, Mitchell, Musgrave, Newby, Pierce, Prowse and Thompson.

(8 Members)

Voting against:-

Bialyk, Branston, Edwards, Foggin, Hannan, Harvey, Lamb, Deputy Lord Mayor, Morse, Owen, Packham, Pattison, Pearson, Robson, Sheldon, Sills, Sutton, Vizard M, Vizard N, Wardle, Warwick and Wood.

(22 Members)

Abstentions:- The Lord Mayor.

(1 Member)

Absent:- Begley, Denham, Foale, Gottschalk, Henson D, Mrs Henson, Keen and Wright

(8 Members)

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

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

*Exeter City Council notes that:-*

1. *On 13th June 2018, the Council resolved that Minute 56 of the Executive held on 12 June, concerning the Clifton Hill Sports Centre and surrounding land, be received and adopted.*
2. *The decision to close the Clifton Hill Sports Centre, demolish the building and sell the land; as well as to delegate authority to the City Surveyor “to include the sale of the adjacent driving range, ski slope and Exeter Small Bore Rifle Club areas of the Clifton Hill site as a single development site if this offers the best value to the Council”, without consultation, has proved highly controversial.*
3. *The report presented to the Executive on 12th June contained several inaccuracies and appears to have underestimated the number of residents who made use of the sports centre facilities. In addition, the report failed to describe the land surrounding the sports centre, including its size and amenity value.*
4. *A city-wide petition opposing closure of the sports centre, signed by 1,800 supporters of the “Save the Clifton Hill Sports Centre” campaign group, was received by the Council on October 16th 2018; and a further petition calling for the council to retain ownership of the land surrounding the sports centre and “keep it green”, with 500 signatures collected door-to-door by the Save the Clifton Hill Green Space group, was received by Cllr. Pete Edwards on 13th November 2018.*
5. *The Council plans to hold a consultation before presenting its Physical Activity and Built Facilities strategies, clearly demonstrating that the above*

*decision relating to the Clifton Hill Sports Centre -- and the other facilities and land surrounding the centre -- was taken prematurely.*

*Exeter City Council, therefore, resolves that the decision taken at the Council meeting of 13th June be reversed.*

Councillor Musgrave stated that the decision to close Clifton Hill Sports Centre had been made in haste and was based on an inaccurate report. He did not believe that the roof was beyond repair and disputed the figures for its repair. A number of independent contractors had suggested that a new roof could have extended the life of the sports centre by another 25 years. He was also concerned that more funding had been approved for the new Leisure Centre and Bus Station development (Minute 76 above refers) to the detriment of other facilities in the city. He referred to the local community aspirations and their concerns regarding the decline of the sport offer in the city and called on Members to support the motion.

Councillor Mitchell, in seconding the motion, stated that local residents had not only expressed concern about the loss of the Clifton Hill Sports Centre, but believed that the St Sidwell's Point facility had the potential for inequality. He expressed disappointment at the request for further funding of £11.88 million for St Sidwell's Point.

A Local Ward Member stated that it was unfortunate that Clifton Hill Leisure Centre was no longer open and he shared the disappointment of many of the local residents. He referred to the difficult decisions having to be made by Members, but of the need to secure the other leisure sites and also build much needed social housing for the residents of Exeter. He welcomed the approval of 80% of the build cost for the new community hut in Belmont Park. The Leisure Complex and the Bus Station would provide new community facilities, particularly for the residents of Newtown and St Leonards.

The Leader reminded Members that, despite the loss of significant Government funding, the Sports Centre would be built with a combination of prudent financial management, and a small level of borrowing. He acknowledged the loss of Clifton Hill Leisure Centre to the area, but it was no longer fit for purpose and the brand new sports centre would benefit all.

The Portfolio Holder for Health & Well-being, Communities & Sport stated that the report of 12 June did not contain inaccuracies and that Members had access to all of the details. He referred to the difficult decision taken in closing Clifton Hill Leisure Centre, but with overwhelming evidence and financial sustainability, Members had little choice other than to accept its permanent closure. He invited Members to visit the refurbished facilities at Wonford Leisure Centre, the Riverside and the Arena, and referred to the effort made to improve the wider leisure estate. St Sidwells Point would be delivered and provide a facility in the city centre to be used by all.

Members supporting the Motion referred to a reversal of a decision by Devon County Council in relation to adjacent land at Stoke Hill Primary School, the increased use of Clifton Hill Leisure Centre between 2011 and 2017 and also that the Centre should have been kept in good repair. Members not supporting the Motion confirmed that the Riverside Leisure Centre was open (it was just the pool that remained closed) and benefited from the investment in new facilities along with the other council sports facilities.

The Notice of Motion was put to the vote and lost.

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

Voting for:-

Holland, Leadbetter, Mitchell, Musgrave, Newby, Pierce, Prowse and Thompson.

(8 Members)

Voting against:-

Bialyk, Branston, Edwards, Foggin, Hannan, Harvey, Lamb, Deputy Lord Mayor, Morse, Owen, Packham, Pattison, Pearson, Robson, Sheldon, Sills, Sutton, Vizard M, Vizard N, Wardle, Warwick and Wood.

(22 Members)

Abstentions:-

The Lord Mayor.

(1 Member)

Absent:-

Begley, Denham, Foale, Gottschalk, Henson D, Mrs Henson, Keen and Wright

(8 Members)

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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 Leader.

*Question - Is the Leader able to please confirm how much of the Community Infrastructure Levy (CIL) is being set aside from the major housing developments to fund the Bus Station redevelopment/ St Sidwell's Point?*

The Leader responded that in accordance with the Executive Resolution on 10th February 2015 a total of £8m of Community Infrastructure Levy (CIL) had been set aside for the St Sidwell Project and the new Bus Station: £4 million was being set aside for the Leisure Complex and £4 million for the bus station making £8 million of CIL in total. He added that Devon County Council had not offered any contribution.

*Councillor Thompson asked a supplementary question and referred to the level of development in Pinhoe and said that they would also like to benefit from CIL. She enquired what percentage of CIL was set aside for Pinhoe.*

The Leader advised that he was unable to advise what the percentage was, but the resolution was that the CIL would be shared around the city rather than be given to one particular area. The new Leisure Complex and Bus Station would benefit everyone in the city. He agreed to provide the requested information on the breakdown of the CIL in due course.

*Question - In the absence of a Planning Solicitor at a meeting of the Planning Committee, is the Leader able to confirm who would be the appropriate person able to give legal advice and interpret the Constitution at Planning Committees should a legal query or point of order be raised as per the example queried on 3 December 2018 by Councillor Yolonda Henson?*

The Leader responded that the Planning Officers were experts in the planning field, and there was no reason why they should not be able to deal with any planning related questions which may be posed. It was part of the duties of the Democratic Services Officer, who is in attendance at all committee meetings, to offer any necessary procedural advice.

*Councillor Thompson asked a supplementary question and said that one of the questions that she would have asked and which was not clarified clearly at the Planning meeting, was the argument of the classification of C2 and C2A, in relation to the Ribston Avenue application. She wished to seek legal clarification on whether it was possible, giving the circumstances of moving from one class to another, that class use for C2 was for a residential institution and C2A was for a secure residential institutions and not clarified in a legal context. She asked if it was possible through the scheme of delegation to move from C2 to C2A and if that matter could that be clarified.*

The Leader stated that the officers at the Planning meeting had made it clear what was being voted for. It was not a secure unit and that was what the officers advised and Members voted upon.

*Question - Could the Leader please confirm how many agreed Planning Consents for housing developments in this municipal year have not met the City Council's policy of 35% affordable housing?*

The Leader responded that there has been one application approved since 1 April 2018 that did not achieve 35% affordable housing. This was the Royal Academy for the Deaf Education site, and reduced affordable housing (28%) was agreed due to the application of Vacant Building Credit. He referred to recent legislation in relation to the level of social housing that could be built where there were already existing buildings.

One further application has been approved since 1 April 2018, however it is still subject to a Section 106 agreement so technically does not have permission yet. This is land at Sandrock, Gipsy Hill Lane and 23% affordable housing was agreed due to viability issues.

Councillor Thompson declared an interest in respect of Sandrock, Gipsy Hill Lane, Exeter.

*Question - Could the Leader please confirm if Chairs of Committees when chairing meetings are able to effectively unilaterally override all other Standing Orders by way of Standing Order 49?*

The Leader responded that Chairs of Committees were trusted to run committee meetings appropriately and fairly given the circumstances presented to them. Put simply, they were asked to act reasonably and it was therefore highly unlikely, that any Chair would unilaterally override standing orders.

*Councillor Thompson stated that she understood that Standing Order 49 allowed the Chair not to be challenged, and her question was in respect of the Planning*

*Committee meeting held on 3 December where there was not the opportunity to ask any questions in accordance with Standing Order 19A. In view of the response from the Leader, it seems that approach was incorrect and there should have had been the opportunity to use Standing Order 19A. Councillor Thompson asked the Legal Officer to comment.*

The City Solicitor and Head of HR stated that the Chair of the Committee was entitled to run the Committee as they saw fit.

Question - I note the Planning Application 18/0873/FUL for the secure unit was deemed Class Use C2 in the presentation. Are you able to confirm how this was established given the guidance as attached? This was a point of clarification which I wished to seek from one of the speakers but I was denied this opportunity by the Chairman.

[https://www.planningportal.co.uk/info/200130/common\\_projects/9/change\\_of\\_use](https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use)

The Leader responded that the officer report laid out in some detail why the use was considered C2. This was on page 26 of the report.

*Councillor Thompson asked a supplementary question and stated that the classification was a variance to the Delegated Briefing, such meetings are held in private. She understood that the minutes were available for public perusal, but she sought information as to how that could happen.*

The Leader repeated his response and stated that the officer report set out in detail the classification of C2 and he had nothing further to add.

Question - Would the Planning Application 18/0873/FUL re applicant Cygnet Health Care presented to the Planning Committee 3 December 2018 for consideration within Use Class C2 Residential Institutions and NOT Use Class C2a Secure Residential Institutions, allow the facility to accept patients detained under the Mental Health Act for admittance to a Secure Residential Institution (if the Consent obtained re. 18/0873/FUL is not defined as a Secure Residential Institution within the Use Class under the Town & Country Planning Act)?

The Leader responded that the matter of whom the hospital admits was entirely separate from planning considerations. It was a matter for the NHS Trust as commissioner and Cygnet as care provider. He understood that along with all other units of this type, the majority of patients would have been detained under the Mental Health Act although some may attend voluntarily.

In respect of the use class, he advised that the Council took legal advice before concluding that the hospital would fall within use class C2.

*Councillor Thompson asked a supplementary question about there being no guarantee that the C2A classification would not change through delegated authority.*

The Leader stated said that the proposal for the Ribston Avenue application was a C2 classification.

In accordance with Standing Order No. 8, the following question was put by Councillor Holland to the Leader.

Question - *Exeter City Council believes that all children, young people and adults have the right to be safe, happy and healthy and deserve protection from abuse.*

*The council is committed to safeguarding from harm all children, young people and adults with care and support needs using any council services and involved in any of their activities, and to treat them with respect during their dealings with the councils, our partners and contractors.*

*“Will the Leader of the Council help me understand how this important policy was then applied to the decision to grant Planning Permission for a secure unit in Ribston Avenue barely 7 days later?”. Will the Leader of the Council agree that Safeguarding is a Material Consideration on matters of planning?*

The Leader responded that the safeguarding obligations do not apply to the Council’s role as Planning Authority. Planning decisions had to be in accordance with all relevant national and local planning policy and other material considerations (which have largely been historically established through case law). Safeguarding per se had not been heard of as being a material consideration.

Even if it was material, the officer recommendation would have been no different. All patients at the hospital would have been subject to a risk assessment which would be the appropriate way to mitigate this concern.

The Safeguarding Policy was concerned with protecting **children, young people and adults with care and support needs** from harm under the Care Act 2014. This clearly included vulnerable adults with mental health needs who may require residential care within a community setting.

Given that 1 in 4 adults in the UK are diagnosed with a mental illness each year; that suicide was the leading cause of death amongst men over 50; and the South West had the highest suicide rate of any region in England; this Council should welcome the addition of new specialist mental health facilities and be at the forefront of efforts to reduce prejudice towards those suffering from mental illness.

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

*Question – What is the current position of the Riverside pool? Can the Leader update the Council?*

The Leader responded that the majority of the repairs from fire damage were nearing completion. However the building contractor had uncovered defects to the building structure in the pool area and the roof that would require additional works. These defects could not have been identified earlier as they had only come to light as materials have been removed to prepare for fire damage repairs. A further building survey was underway to ensure that any further defects were identified now so that we would be able to rectify the situation and get the pool open as soon as was practicable.

*Question - Does the Leader know of a date of the likely re-opening of the Riverside pool ?*

The Leader stated he did not but he expected to be able to give more detail about timeframes early in the New Year when officers had assessed the technical reports and agreed the work programme with the contractors.

*Question - Who is the current builder engaged in the re-instatement ?*

The Leader responded that Faithfull and Gould are the Council's project managers and Kier are the main building contractor.

*Question - Pursuant to my questions at the previous full Council meeting is the Leader able to report on any progress on Chester Long Court. What date did the first tenant move in ?*

The Leader responded that the first nine tenants moved into Chester Long Court on 10 December 2018 – the letting process was continuing for all properties;

*Question - Given the delay is it the case that the Council has in effect lost revenue from unoccupancy as a result of the builder's error?*

The Leader responded that the building was not accepted by the Council (Practical Completion) until all works had been completed – the general construction works and the automatic opening vents (AOV) which caused the delay. As such, the rent accounts only become live at the point of Practical Completion. Additionally, the contractor did not charge preliminaries to the end of the last agreed extension of time due to the further delays in completing all construction works; and

*Question - Are we likely to seek recompense?*

The Leader responded that the Council was currently assessing the liability position regarding the failure to install AOV's. Account needs to be taken of the Liquidated Ascertained Damages (LADs) which the Council could charge for late delivery, but this would be off-set by the agreement of the contractor to charge full preliminaries to the end of the last agreed extension of time (July 2018).

*Question – Since the decision was taken to dispose of the Clifton Hill site, has there been any enquiries from speculative developers?*

The Leader responded that there had been

(The meeting commenced at 6.00 pm and closed at 8.45 pm)

Chair

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## PLANNING COMMITTEE

Monday 7 January 2019

### Present:-

Councillor Sutton (Chair)

Councillors Lyons, Bialyk, Branston, Edwards, Foale, Harvey, Morse, Prowse, Sheldon, Thompson and Vizard M

### Apologies

Councillor Mrs Henson

### Also Present

Assistant City Development Manager, Project Officer (Planning) (LD) and Democratic Services Officer

1

### MINUTES

The minutes of the meeting held on 3 December 2018 were taken as read, approved and signed by the Chair as correct.

2

### DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

3

### PLANNING APPLICATION NO. 18/1641/FUL - CLOCK TOWER HOTEL, NEW NORTH ROAD

The Assistant City Development Manager presented the application for the change of use and conversion from a hotel (Use Class C1) to boarding accommodation associated with Exeter College (Use Class C2). It would accommodate between 22 and 25 students and two wardens. There would be a warden on shift at the property 24 hours a day (two wardens sharing shifts).

The Assistant City Development Manager reported that three late letters of objection had been received largely covering matters relevant to a proposed management plan including the age limit of occupants, arrangements for visitors, use of the garden area and general disturbance. He also advised that the property already had planning permission for a three storey extension and, in response to a Member, confirmed that it could still be implemented by a new occupier. He also stated that a fire report had been received confirming that the property was suitable for the proposed use with minor modifications.

Responding to further Member queries, the Assistant City Development Manager stated that residents of the proposed boarding school would typically be aged 16-18, who, at weekends and during the holidays, would return to their family homes and that the age range would be stipulated within the management agreement. The college were in loco parentis, acting as parents and guardians, and the property would be Ofsted inspected. The management plan would impose a strict curfew, registering with the resident warden throughout the day, agreeing visitors

with the accommodation officer, and a sign out procedure for leaving the accommodation between 7pm and 10pm. On this basis, conduct would be controlled and students would not contribute to late night noise and anti-social behaviour. The applicant would need to enter into a legal agreement to secure this management scheme which would also cover use and occupation out of term time. On the basis of the care provided, and the age of the occupiers, the Council was satisfied that the proposal met the C2 use.

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

- this is another application which will greatly impact on the character of the St. James neighbourhood in spite of the St. James Neighbourhood Plan, the aim of which is to maintain a balanced community. The Plan has been consistently given little weight and/or ignored since its adoption in 2013;
- before the adoption of the Plan, the number of Council tax exemptions was 760 which has risen to 910 in 2018;
- although Councillors have been quoted as seeking to ensure that the area does not become a student village, planning decisions have shown that not enough regard has been given to the Plan;
- the College references to the proposal being beneficial to the City in economic terms and to its excellent reputation are not planning considerations;
- no reference is made to national living standards;
- boarding schools are normally located within a School/College campus and, as the College is reluctant to agree an age limit, the impact of student occupation will be greater than that of a House in Multiple Occupation (HMO);
- the 2001 census showed that the number of under 25's living in St. James was the highest in the City and has subsequently increased;
- previous planning decisions including that in respect of conversion of Braeside support refusal of this application; and
- with reference to previous planning decisions, previous planning appeal decisions and the Article 4 Direction, the contrary nature of the proposal to Local Plan Policy H5 and Neighbourhood Plan Policy SD3 and in support of the overarching aim of the St James Neighbourhood Plan, the application should be rejected.

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

- reference to the local and national reputation of Exeter College and the origin and current living arrangements of students are not material planning considerations;
- the proposal is contrary to planning policy, particularly the St. James Neighbourhood Plan, which seeks to create a balanced community by increasing permanent, full time residents. Boarding school students will be temporary, part time residents with no investment or commitment to the community. Exeter has a housing shortage and this property should be used to provide homes for local residents and their families;
- there are seven children living in the five properties adjacent to the hotel, with an eight child family to the rear in an Elm Gove Road property, all of whom are likely to be disturbed by noise etc. from the 25 plus student occupants;
- further clarification of the proposed management plan is necessary. It should cover the extension of the on-campus no smoking policy to the premises, clearly set out curfew times including both the building and garden, commit to a two warden support regime for the long term future and set out strict

arrangements in respect of visitors. The arrangements for occupation out of term time should also be clearly stipulated. If these cannot be established to the satisfaction of ward Councillors and residents, the application should be deferred;

- the unavailability of the Fire Officer's report is also grounds for deferral;
- amenity space for 25 students is inadequate and the shoehorning of students will impact adversely on their quality of life. Facilities should match those provided in Unite residences;
- clarification on the number of students who will be over 18 years of age is necessary;
- parking arrangements are unclear as, whilst the original College statement was that there would be no parking permits provided, the latest proposal indicates that permits will be available for the wardens and, possibly, for students with disabilities; and
- alternative interest such as for residential property has been shown.

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

- this proposal is contrary to the St. James Neighbourhood Plan, the overriding objective of the Plan being to seek better community balance as some parts of the Ward are at a tipping point and may lose many more permanent residents. The St. James area needs to increase the percentage of residents who will invest for the long term;
- application should be rejected on basis of Policy H5 of the Local Plan Review as well as Policy C1 of the Neighbourhood Plan as it would increase the imbalance in the local community;
- the Forum also objected to an earlier proposal, the City Council also being of the view that there was insufficient justification for a departure from the adopted Exeter St James Neighbourhood Plan and an appeal against a refusal was withdrawn;
- this application is for a property in multiple occupation by unconnected persons and is contemptuous of the Neighbourhood Plan and the residents of St. James who worked on the Plan for it to be part of Exeter's Planning Policy guidelines;
- the application is inchoate, incomplete and muddled. The College submitted late documents lacking relevant details which have significant implications for the local amenity. The fire report also arrived late;
- given the level of objection from the immediate neighbours the application should be deferred to enable familiarisation with the new documentation and to seek further consultation with the applicant on the management plan and fire safety requirements as well as detail on how the applicant will comply with statutory obligations to protect vulnerable children; and
- the Braeside appeal decision stated that a proposal for occupation by students will have a harmful effect upon the balance of property uses within the locality which runs contrary to the overall thrust of the Local Plan.

Ms Davis spoke in support of the application. She raised the following points:-

- representing WYG planning consultants;
- the College, although not required to provide a management plan, has submitted a bespoke plan relevant to the requirements of the property and with regard to the needs and concerns of the community;
- no intention to utilise the existing planning permission relating to a three storey extension;
- the proposal complied with the St. James Neighbourhood Plan which seeks to improve the identified social imbalance of the 19-25 cohort in the immediate

area as the scheme is mainly targeted at the 16-18 years cohort. It is estimated that over 90% of the students would be under 18 years of age;

- 24 hour supervision will be provided for the students as they will be under 18, through on-site wardens and the proposition is Ofsted registered. This will also ensure proper safeguarding measures are in place as well as protecting local residential amenity;
- the management incorporates some flexibility with regard to parking arrangements should it be necessary to cater for any students with disabilities; and
- a Fire Safety Audit concludes that the building and the proposed use as boarding accommodation (use class C2) meets all fire regulations and is further mitigated through 24 hour warden supervision.

A Member moved and two Members seconded deferral of the application for further consideration of some of the issues raised. The deferral was put to the vote and lost.

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

Some Members did not support the recommendation, one seeking further information on the operation of the boarding school and expressing concern that community views had not been fully taken into consideration, another referring to general traffic issues in the area. Other Members were supportive of the application and felt that concerns referred to would be addressed by the management plan and were also satisfied that the recommendations of the fire officer would be taken on board. Regard was had of the St. James Neighbourhood Plan and of the concerns regarding community balance and it was stated that a previous application for a HMO had been refused. Given the 16-18 age group cohort differing from that of 18 plus independent student living in shared residences and the Ofsted inspection regime, one Member was satisfied, on balance, that the proposal should be supported.

**RESOLVED** that, subject to the completion of a Section 106 Agreement/Unilateral Undertaking under the Town and Country Planning Act 1990 to ensure the student accommodation would only be for use by students of Exeter College and securing a student management scheme, planning permission for the change of use and conversion from a hotel (Use Class C1) to boarding accommodation associated with Exeter College (Use Class C2) be **APPROVED**, 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 and 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 by the Local Planning Authority on 09 November 2018 (including proposed floor plans) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- (3) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the

development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

**Reason:** To provide adequate facilities for sustainable transport.

- (4) The use hereby permitted shall be carried on only by Exeter College and shall cease at such time as the aforementioned College cease to occupy the site.

**Reason:** The proposed use is only acceptable due to the specific needs of Exeter College with a suitable management plan, and to enable the Local Planning Authority to retain control over the use.

4 **LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the City Development Manager was submitted.

**RESOLVED** that the report be noted.

5 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

6 **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 29 January 2019 at 9.30 a.m. The Councillors attending will be Bialyk, Prowse and Morse.

(The meeting commenced at 5.30 pm and closed at 6.44 pm)

Chair

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## PLANNING COMMITTEE

Monday 11 February 2019

### Present:-

Councillor Sutton (Chair)  
Councillors Lyons, Bialyk, Edwards, Foale, Harvey, Mrs Henson, Prowse, Sheldon, Thompson and Vizard M

### Apologies

Councillor Morse

### Also Present

Service Lead City Development, Principal Project Manager (Development) (MH), Project Manager (ZN) and Democratic Services Officer

7

### MINUTES

The minutes of the meeting held on 7 January 2019 were taken as read, approved and signed by the Chair as correct.

8

### DECLARATIONS OF INTEREST

A Member declared the following disclosable pecuniary interest and left the meeting during consideration of the item:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Mrs Thompson	10 - Applicant

9

### PLANNING APPLICATION NO. 18/0878/ECC - LAND BETWEEN 106 HAMLIN GARDENS AND 65 CARLYON GARDENS, HAMLIN LANE

The Principal Project Manager (Development) presented the application for construction of new apartment building (21 apartments) and associated landscaping, changes to highways and parking.

It was noted that, on grounds of viability, the applicant was proposing a non-policy compliant affordable housing provision comprising five shared ownership units and independent advice sought by planning officers concurred with this conclusion and that the level of provision advocated by the applicant was the maximum that was financially viable.

The recommendation was for approval, subject a Section 106 legal Agreement under the Town and Country Planning Act 1990 and to the conditions as set out in the report.

**RESOLVED** that planning permission for construction of new apartment building (21 apartments) and associated landscaping, changes to highways and parking subject to completion of a Section 106 Agreement under the Town and Country Planning Act 1990 in relation to affordable housing and 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 and 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 by the Local Planning Authority on 6th June, 9th August and 17th December 2018 (including dwg. nos. E1206-GSA-HG-DRG, E1206-GSA-HG-DRG-A-300 Rev C3, LL(0)HG400 Rev PT-07, E1206-GSA-HG-DR-A-1101 Rev C3, E1206-GSA-HG-DR-A-1102 Rev C3, E1206-GSA-HG-DR-A-1103 Rev C3, E1206-GSA-HG-DR-A-1104 Rev C3, E1206-GSA-HG-DRG-A-1201 Rev C3, E1206-GSA-HG-DRG-A-1202 Rev C3, E1206-GSA-HG-DRG-A-1210 Rev C1 and E1206-GSA-HG-DRG-A-1211 Rev C1) 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 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 part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.  
**Reason for pre-commencement condition:** A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
- 5) **Pre-commencement condition:** - No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water

drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Hydrograph Storage Analysis (Winter Profile) at 2.5 l/s, HR Wallingford Greenfield Runoff Based On 0.165 ha and Drainage Layout 170501/AR/110 dated 28.08.2018.

**Reason for pre-commencement condition:** A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream, and to ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

6) 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.

7) 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.

8) No part of the development hereby approved shall be brought into its intended use until the on-site parking facilities and access thereto, have been provided in accordance with the requirements of this permission. Thereafter the said facilities shall be retained for those purposes at all times.

**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.

9) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided as shown on drawing no. E1206-GSA-HG-DR-A-1101 RevC3, and the cycle parking shall be maintained at all times thereafter.

**Reason:** To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.

10) The development shall be implemented in accordance with the approved remediation scheme (from South West Geotechnical Ltd Report No. 8851C, August 2018 Version 4) unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An updated investigation and risk assessment must be undertaken, and where remediation is necessary an updated remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

11) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

12) The development hereby approved shall be implemented in strict accordance with the assessment, recommendations and mitigation measures as set out in Section 4 of the Preliminary Ecological Appraisal prepared by Richard Green Ecology (version 1.0 dated May 2017) and submitted in support of the application.

**Reason:** To ensure that the development is carried out in a way that minimises the ecological impact and enhances the biodiversity interest of the site.

13) The development hereby approved shall be implemented in accordance with the provisions and recommendations contained within the submitted Framework Travel Plan dated May 2018 prepared by Trace Design Consultants Ltd (Project Ref 4291).

**Reason:** To encourage the adoption of sustainable modes of transport and minimise reliance on private motor vehicles.

10

**PLANNING APPLICATION NO. 18/1669/FUL - LAND REAR OF ORCHARD LEA, PINN LANE**

Councillor Mrs Thompson declared a disclosable pecuniary interest and left the meeting during consideration of this item.

The Project Manager presented the application for development of a 1.5-storey, single family, three-bedroom dwellinghouse, with associated private amenity space, off-street parking and access via St Nicholas Close.

Mitch Temple spoke in support of the application. He raised the following points:-

- have worked with the City Council planning officers throughout the process since 18 October with the design changed to deal with any potential issues in terms of privacy and daylighting;
- access to the site will be via an existing access; and
- the final design will not negatively impact the amenity of any neighbours and includes obscure glazing in the bathroom and ensuite and is neither overbearing nor overlooking and is very suitable for the site.

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

**RESOLVED** that planning permission for development of a 1.5-storey, single family, 3-bedroom dwellinghouse, with associated private amenity space, off-street parking and access via St Nicholas Close be **APPROVED**, subject 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 and 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 by the Local Planning Authority on date dwg. nos. 180042.THOMPSON.04PP A Rev. A-23.01.19, 180042.THOMPSON.05PP as modified by other conditions of this consent.

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

- (3) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8 am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

- (4) 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.

- (5) A detailed scheme for landscaping, 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 dwelling or building shall be occupied 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:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- (6) 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.

- (7) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in

accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

**Reason for pre-commencement condition** - 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.

- (8) No individual dwelling hereby approved shall be brought into its intended use until secure cycle parking facilities for residents have been provided in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.

**Reason:** To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.

- (9) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 or any Order revoking and re enacting that Order, no extension, garages or other development or alterations shall be carried out within the curtilage of the dwellings without the formal consent of the Local Planning Authority.

**Reason:** In order to protect the visual and residential amenities of the surrounding area and to prevent overdevelopment.

- (10) Before the development hereby approved is brought into use the proposed rooflights in the south roofslope of the property shall be glazed with obscure glass to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and thereafter so maintained. Furthermore, no new windows or other openings shall be inserted on the ground floor or roofslope of this elevation.

**Reason:** To protect the amenities of the adjoining property.

- (11) Before the development hereby approved is brought into use the proposed windows in the west elevation of the property shall be permanently fixed and glazed with obscure glass to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and thereafter so maintained. Furthermore, no new windows or other openings shall be inserted in the ground or first floor of this elevation.

**Reason:** To protect the amenities of the adjoining property.

11

#### **LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the City Development Manager was submitted.

**RESOLVED** that the report be noted.

12

#### **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

13

**SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday at 9.30 a.m. The Councillors attending will be Foale, Vizard and Branston.

(The meeting commenced at 5.30 pm and closed at 6.00 pm)

Chair

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## LICENSING COMMITTEE

5 February 2019

### Present:

Councillor Keith Owen (Chair)

Councillors Begley, Hannan, D Henson, Holland, Pattison, Sills, Warwick and Wright

### Apologies:

Councillors Sheldon, Branston, Mitchell and Newby

### Also present:

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

### 1 **Minutes**

The minutes of the meeting held on 20 November 2018 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 **Licensing Fees and Charges 2019/20**

The Environmental Health and Licensing Manager presented the report for the proposed licensing fees and charges for 2019/20. He explained that it was a statutory obligation to set the fees on an annual basis, to cover the costs of various licensing functions. He referred Members to Appendix B, highlighting that the figures showed a comparison between the 2018/19 fees and the proposed 2019/20 fees and charges.

Members were informed that the Licensing Committee had previously adopted an Animal Licensing Policy in 2017. However, the Department for Environment, Food & Rural Affairs (Defra) had introduced changes to animal licensing, which increased the costs to the Council's licensing management. The fees would require an increased to reflect this and would be reported to the Licensing Committee at the next meeting in March 2019.

Members were reminded that, following the European Services Directive amendments, the licence fee was now split into two parts, as follows:

- Part A - would cover the processing costs of an application, and was payable in full on submission of the application and would be non-refundable;
- Part B – would cover the costs associated with running and enforcing the licensing scheme. It would only be payable if a licence was granted, and would need to be paid before the licence became operational.

He summarised that the fees would cover the cost of increased inspections and other licensing functions, but would remain reasonable. They would be advertised for 28 days in the Civic Centre reception and in newspapers coming into effect on 1 April 2019. Any challenges would require that they be brought back to the next Licensing Committee in March 2019.

**RESOLVED** that the proposed Fees and Charges for the period 1 April 2019 to 31 March 2020 be approved as set out in the report.

#### 4 **Amendments to the Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators**

The Principal Licensing Officer presented the report to consider amending the current taxi policy to include rear loading wheelchair accessible vehicles. Members were provided with an overview of the representations received, and were referred to the advantages for rear loading vehicles, as detailed in the report. He also referred Members to a written representation received from the Chairman of the Exeter St David's Taxi Association.

Following the introduction of the 2015 Taxi Policy, side loading wheelchair accessible vehicles had been considered better for health and safety reasons and more dignified for the passengers. The Policy further advocated that all existing rear loading Hackney vehicles, would need to be replaced with Euro 6, emission standard, side loading vehicles by 2020. It was the opinion of the taxi trade, that there were advantages for using rear loading vehicles and had requested that the policy be amended to allow replacement vehicles to include the Euro 6, emission standard, rear loading vehicles.

The Principal Licensing Officer discussed the views of a focus group commissioned by 'Living Options Devon', which had evaluated the advantages and disadvantages of each type of wheelchair accessible taxi. There had been a preference for rear loading vehicles, but health and safety assessments had considered, the side loading option, to still be preferable. The Licensing Authority was, sympathetic to the needs of the taxi trade, and considered having a mixed fleet of 'Euro 6' side loading and 'Euro 6 rear' loading vehicles, would be the preferred policy amendment.

In response to questions from Members, the Principal Licensing Officer and the Environmental Health and Licensing Manager, explained:-

- A change to the policy would enable the fleet to have both side loading and rear loading, wheelchair accessible vehicles. No change would mean, that the rear loading Hackney Carriage vehicles would need to be replaced with side loading Euro 6 vehicles by 2020;
- The focus group undertaken by 'Living Options Devon' had worked with wheelchair users, looking at a variety of vehicles. There had been recognition that different users would use both vehicle types, but rear loading vehicles were the favoured option for high sided wheelchair users;
- The taxi fleet consisted of 50% saloon and 50% wheel chair accessible vehicles. The wheel chair accessible vehicles would be split between 25% side loading and 25% rear loading vehicles;
- The policy change, would not alter the current policy regarding emissions.

Members discussed amending the policy, commenting that: the majority of wheel chair users, had chosen rear loading vehicles for safety reasons; it was important to hear the views of the taxi trade; the Licensing Committee needed to ensure the needs and safety of the public were met; having greater flexibility in the policy would ensure there was more choice for wheelchair passengers when being loaded and unloaded.

The Chair expressed his thanks to the Principal Licensing Officer for the hard work undertaken in writing the report.

Following a proposal from Councillor Wright and seconded by Councillor Sills, Members voted unanimously for option A, as detailed in the report recommendation.

**RESOLVED** that the Licensing Committee approve the amendment to the Taxi Policy to allow existing rear loading Hackney carriage vehicles, to be replaced with Euro 6 emission standard rear loading vehicles, and that the Taxi Policy, Hackney carriage vehicle specification be amended accordingly.

The meeting commenced at 5.30 pm and closed at 6.05 pm

Chair

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## **PEOPLE SCRUTINY COMMITTEE**

Thursday 10 January 2019

### Present:

Councillor

Councillors Foale, Foggin, Holland, Owen, Pattison, Pierce, Robson and Vizard N

### Also present:

Director (BA), Service Lead Housing Tenancy Services, Principal Accountant Corporate, Technical Accounting Manager and Democratic Services Officer

### In Attendance:

Councillor Emma Morse

Councillor Laura Wright

Councillor Phil Bialyk

- Portfolio Holder for People
- Portfolio Holder for the Housing Revenue Account
- Portfolio Holder for Health and Wellbeing, Communities and Sport

1

### **MINUTES**

The minutes of the meeting of People Scrutiny Committee held on 1 November 2018 were taken as read, approved and signed by the Chair as correct.

2

### **DECLARATION OF INTERESTS**

No declarations of disclosable pecuniary interests were made.

3

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

**RESOLVED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the next item on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the Act.

## **ITEM FOR CONSIDERATION BY THE EXECUTIVE**

4

### **MANAGEMENT ARRANGEMENTS FOR EXETER'S EXTRA CARE SCHEME**

The Service Lead Housing Tenancy Services presented the report that set out the options available to the Council in relation to the management of Exeter City Council's Extra Care Scheme (Exeter's Extra Care Scheme) (EECS). The accommodation would comprise 53 self-contained flats with communal areas and facilities for older persons with care needs and would be held as an asset within the Housing Revenue Account (HRA).

Two options were presented, with option one requiring the housing management functions to be carried out in house by the City Council's Housing Service team to include repairs, maintenance, signing up new tenants and any other tenancy related matters and with all care elements to be provided on a commissioned basis and option two requiring the housing management function to be carried out by a care provider under a management agreement in addition to the care element.

The Director (BA) and Service Lead Housing Tenancy Services responded to Members' queries:-

- the Portfolio Holder for the Housing Revenue Account and the Director responsible for Housing would have delegated powers to agree the terms of the management agreement and the final agreement would be reported to this Scrutiny Committee for information;
- to ensure that employee terms and conditions were of the highest standards only reputable companies would be invited to tender with detailed assessment of all aspects of the bids. It was expected that employee terms and conditions would closely follow those of existing council contracts and there would be robust monitoring of employee conditions through the contract term;
- the management agreement included a nomination panel comprising representatives of the City Council, Devon County Council and the care provider and preference would be given to Exeter residents;
- the length of the contract would be negotiated and it was anticipated would be a minimum of five years and could be as much as 30 years to include at least a six month period for notice of termination; and
- the City Council had neither the experience nor capacity to run a care facility of this nature and therefore officers' recommendation that option two be supported was in an effort to recognise this and minimise the risk to the Council while working to ensure high quality provision for prospective residents of EECS.

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

- (1) agree the preferred option two, as set out in the report, in relation to the management of Exeter's Extra care Scheme (EECS);
- (2) grant delegated authority to the Director responsible for Housing, in consultation with the Portfolio Holder for the Housing Revenue Account, to agree the eligibility criteria for allocations to EECS in negotiation with Devon County Council and the nominated care and housing management provider; and
- (3) following the appropriate procurement, agree to the engagement of specialist consultants to provide expert advice on the agreements with Devon County Council and a care/management provider.

Members felt that the Council should, longer term, develop a philosophy and approach that in-house provision was largely a default position and that the Council should begin to prepare for this by developing its workforce accordingly. It was therefore agreed by Members of this Committee that Executive be asked to ensure that its objectives for the City and the prioritisation of Council resources reflected such an ambition and invited Executive to discuss this issue with a wider group of Members.

## **The meeting returned to Part I**

### **ITEM FOR CONSIDERATION BY THE EXECUTIVE**

5

#### **HOUSING RENTS AND SERVICE CHARGES : 2019/20**

The Technical Accounting Manager presented the report setting out proposed changes to council dwelling rents, garage rents and service charges with effect from 1 April 2019.

The Director (BA) updated Members on the impact on the Council of the Universal Credit roll out advising that budget provision had been made to reflect the experience of other areas in terms of the impact on rent arrears and that the Council was working with the Department of Work and Pensions and the Citizens Advice Bureau to ensure a smooth handover of responsibility for Universal Support for April.

People Scrutiny Committee noted and supported the report and recommended Executive to approve:-

- (1) a reduction in rents for Council dwellings of 1% from 1 April 2019;
- (2) garage rents increasing by 3% from 1 April 2019; and
- (3) service charges to remain at their existing levels, with the exception of the charges specified below from 1 April 2019:-
  - 10% increase in emergency lighting testing in line with routine testing costs and additional installations;
  - 20% decrease in respect of the Older Persons' property service charges reflecting a frozen post; and
  - 5% reduction in respect of door entry systems in line with system maintenance costs.

### **ESTIMATES, CAPITAL PROGRAMME AND FEES AND CHARGES**

6

#### **HOUSING REVENUE ACCOUNT - ESTIMATES/NEW CAPITAL BIDS/FEES : 2019/20**

The Technical Accounting Manager presented the report on the Housing Revenue Account Estimates and Fees and Charges, which outlined the strategic framework within which the estimates had been prepared, changes in accounting practices which affected all budgets and gave detailed reasons for major changes in the Management Unit estimates. A detailed schedule of the capital programme for Housing was also attached to the report together with details of the Council Own Build programme. She highlighted key changes.

Members welcomed the lifting of the HRA borrowing cap. They noted that work on site was about to start on the Rennes House lifts and, at the same time, the wider refurbishment procurement work would also be carried out.

People Scrutiny Committee supported the draft Revenue Estimates for 2019/20, the proposed Capital Programme, Fees and Charges and Council Own Build for further consideration by Executive on 12 February 2019 and Council on 26 February 2019.

**PEOPLE - GENERAL FUND - ESTIMATES/NEW CAPITAL BIDS/FEES AND CHARGES : 2019/20**

The Principal Accountant presented the report on the People Revenue Account Estimates and Fees and Charges, which outlined the strategic framework within which the estimates had been prepared; changes in accounting practices which affected all budgets and gave detailed reasons for major changes in the Management Unit estimates. A detailed schedule of the capital programme for People was also attached to the report.

People Scrutiny Committee supported the draft Revenue Estimates for 2019/20, the proposed Capital Programme and Fees and Charges for further consideration by Executive on 12 February 2019 and Council on 26 February 2019.

(The meeting commenced at 5.30 pm and closed at 6.15 pm)

Chair

## PLACE SCRUTINY COMMITTEE

Thursday 17 January 2019

### Present:

Councillor Sills (Chair)

Councillors Wood, Begley, D Henson, Lyons, Mitchell, Owen, Pattison, Prowse and Robson

### Also present:

Director (DB), City Surveyor, Service Manager, Community Safety & Enforcement, Interim Principal Accountant (AR) and Democratic Services Officer (MD)

### In Attendance:

- |                     |   |
|---------------------|---|
| Councillor Bialyk   | - Portfolio Holder Health and Wellbeing, Communities & Sport      |
| Councillor Sutton   | - Portfolio Holder Economy, Culture & Chair of Planning Committee |
| Councillor N Vizard | - Attending to speak under Standing Order 44 (Min. No. 8)         |
| Councillor M Vizard | - Attending to speak under Standing Order 44 (Min. No. 8)         |

1

### MINUTES

The minutes of the meeting of Place Scrutiny Committee held on 8 November 2018 were taken as read, approved and signed by the Chair as correct.

2

### DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interest were made.

3

### QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 19

In accordance with Standing Order 19, one member of the public submitted a question on maintenance issues in relation to the Built Sports and Leisure Facilities in the city (attached as an appendix to these minutes).

Members agreed, following a vote, to defer any debate on the Built Sports and Leisure Facilities in the city, until the Special Place Committee meeting on 31 January 2019.

A copy of the question had been previously circulated to Members, and these, together with the responses from Councillor Bialyk, Portfolio Holder for Health and Wellbeing, Communities & Sport is appended to the minutes.

4

### PRESENTATION

An invitation had been extended to Jo Jo Spinks to outline the work of Interwoven and Place Making, using the arts, and links with the university, Councillors and the local community. Unfortunately due to unforeseen circumstances, the presentation was deferred to the March meeting.

## **ESTIMATES/NEW CAPITAL BIDS CAPITAL PROGRAMME AND FEES AND CHARGES 2019/20**

The Interim Principal Accountant presented the report which set out the proposed revenue and capital estimates for 2019/20 in respect of Place Services. The report outlined the strategic framework, changes in accounting practices which impacted all budgets and provided detailed reasons for major changes in the Management Unit estimates. A detailed schedule of the Capital Programme and the proposed Fees and Charges for 2019/20 were included as an appendix.

There had been no changes to the budgets since the presentation to Members, given by the Chief Finance Officer in December 2018. He referred Members to Section Officer 151 comments in the report, which stated that the budget was in line with the updated medium term financial plan and noted that further savings of £2.4 million were needed, in order to balance the budget for the following year.

In response to Members' questions, the Interim Principal Accountant and the Director (DB) responded as follows:-

- A response would be provided to Members on how much the Council received from the New Homes Bonus and its impact on the five year housing supply;
- The St James Weir was not owned by Exeter City Council, however, additional funding had been allocated to install rock armour to prevent further erosion. The work would commence within three weeks, with an estimated cost of £25-30,000 for the stone and £60-70,000 for the placement;
- The work to reduce domestic and commercial rubbish would look at areas with communal bins and streets where black bin liners were placed out. Members would be consulted on the proposed street selections. There were also discussions being held, with residents living on the Quay, about bin placement and design;
- The Business and Commercial Opportunities unit, was previously managed by a Services Manager, but the role had not been filled. The teams had been divided up between other managers;
- Street Cleaning did have resource issues, especially in relation to the number of additional houses being built. The refuse collection had operated very well in recent years, and had managed by making the service more efficient.
- Exeter City Council, as the Harbour Authority, were responsible for the supply of harbour patrollers. There were ongoing communications with neighbouring Local Authorities to provide financial support;
- There was a business case to address updating equipment, to provide a food waste collection and cover the costs for the Materials Recovery Facility (MRF) in Marsh Barton. Food waste was not expected to be part the business strategy, but additional information was still needed;
- The Director (DB) and Chief Executive & Growth Director, had made representations about river health and fish migration to the Environment Agency, who were responsible authority for rivers. Members would be provided more information, when it was available.

Place Scrutiny Committee supported the draft Revenue Estimates for 2019/20 including the proposed Capital Programme, Fees and Charges for further consideration by Executive on 12 February 2018 and the Special Meeting of the Council on 26 February 2019.

6

## **PARKING TARIFFS**

The Service Manager Community Safety & Enforcement presented the report which set out the increase to both car park tariffs and the number of pay and display parking sites from April 2019. There would be a maximum of a 10% tariff increase to premium zone 1 and 2 car parks and a 50p increase to zone 3 car parks. The parking increases would support the Councils' plan to reduce congestion within the city.

In response to questions from Members, the Service Manager Community Safety & Enforcement informed that:-

- Bromhams Farm car park was added in the 2018 parking tariffs report, but was currently on hold due to negotiations with Devon Wildlife Trust;
- The increase to Council car parking charges were intended to help reduce the congestion in Exeter and were part of a recognised strategy to reduce the number of vehicles coming into the city and encourage the use of public transport;
- The 4% increase in vehicles using car parks referred to in the report, was an annual comparison. The pattern for the final quarters of both 2017 and 2018 indicated a 6% decrease.
- A line in the budget provided details of income generated from penalty tickets;
- The footfall in the city was down by 1%, but congestion and financial impacts would be regularly monitored;
- The fee for Coach Parking at Haven Road would remain at £5 a day. This would encourage the use of coaches, and help reduce the number of cars coming into the city;
- The free car parking at George V playing field would be monitored by City Council Staff.

Members noted that the rise in car parking fees was a difficult and unpopular action for the Council, but was necessary to help reduce congestion in the city to support environmental issues.

Place Scrutiny Committee supported and recommended approval by Executive of the following:-

- (1) The amendment of the Car Parking Places Order 2014 as set out below:-
  - a) To increase tariffs at Premium, Zone 1 and Zone 2 car parks by a maximum of 10% within the existing linear pricing structure as set out in the table below.

- b) To increase the tariffs at Zone 3 car parks by 50p as set out in the table below.

Premium Car Parks (Guildhall, Mary Arches, John Lewis)		
Stay	Current Tariff	Proposed Tariff
1 hour	£3.00	£3.30
2 hours	£4.00	£4.40
3 hours	£5.00	£5.50
4 hours	£6.00	£6.60
5 hours	£7.00	£7.70
6 hours	£8.00	£8.80
7 hours	£9.00	£9.90
All day	£15.00	£15.00
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	£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	£13.00
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	£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
All day	£10.00	£11.00
Zone 3 Car Parks (Flowerpot, Haven Road 2 & 3, Holman Way, Okehampton Street, Tappers Close, Turf Approach)		
Stay	Current Tariff	Proposed Tariff
1 hour	£0.50	£1.00
2 hours	£1.00	£1.50
3 hours	£1.50	£2.00
4 hours	£2.00	£2.50
All day	£3.00	£3.50
Zone 3 Car Parks with Maximum Stay (Bromhams Farm, Clifton Hill, Gordons Place, Station Road (Exwick))		

1 hour	£0.50	£1.00
2 hours	£1.00	£1.50
3 hours maximum stay	£1.50	£2.00
Coach Parking at Haven Road 3 (per day)	£5.00	£5.00
Quarterly Commuter Season Ticket	£375.00	£375.00
Residents Annual Season Ticket	£150.00	£150.00
Bartholomew Terrace Business Permit	£250.00	£250.00
Cathedral & Quay Business Bays	£750.00	£750.00

- (2) To restrict parking to a maximum 4 hour stay at King George V Playing Fields (Appendix 1); and
- (3) Delegated authority be given to the Director (Place) to consider any objection that may be received.

7

### **BULL MEADOW RECREATION GROUND**

Councillors M Vizard and N Vizard attended the meeting having given notice under Standing Order 44 to speak on this item.

The City Surveyor presented the report, which followed a request by Exeter Homes Trust Ltd, to purchase an area of Bull Meadow Park at the end of Temple Road to enable the redevelopment of the existing scheme of 12 almshouses, to provide 31 almshouses. The land to be purchased was shown in the circulated report, which also showed the location of Bull Meadow Park, detail of the proposed turning head and its location within Bull Meadow Park. There were no strategic or operational reasons for retaining the land and that the proposed use was acceptable to both Planning and Parks teams.

The City Surveyor explained that disposal of non-strategic land were normally delegated to him in consultation with the Chief Finance Officer. The intention was to build a public highway turning head, which had been considered to be the best option to support the re-development of the almshouses site. A provisional agreement had been reached with Exeter Homes Trust, subject to planning consent.

However, due to the high volume of interest from local residents, following the advertisement to sell the land, the level of objections and notably a petition received, it was his view that the decision on the principle of disposal required Member consideration at the Place Scrutiny for decision by Executive Committee.

#### Councillor Speaking Under Standing Order 44

Councillor N Vizard commented that there had been an unprecedented opposition to the sale of the land, but expressed her thanks to the City Surveyor for opening up the decision to Members. She requested Members of the Place Scrutiny Committee to not support the request for Exeter City Council to sell the land at Bull Meadow Park.

There had been an overwhelming public objection and she emphasised the importance for Members to acknowledge the opposition from local residents, stakeholders and community leaders to refuse the sale. She noted that the report could be misleading, as it did not show the open space and the area designated by the zip wire, which had reduced the area of green space available for multi-use sports and community activities.

Councillor N Vizard explained that the area was a vital community open space, which needed to be retained and was not a small area of land to be disposed of, which would have a cruel impact on the community, which was already concerned about other land in the area, with no indication of resolution. The area was used by local residents and visitors for various community activities such as dog walking, ball sports and picnics.

There had been an unprecedented negative community response to the notification to sell the land, with additional responses mentioned in the report, and another 400 signatures provided in a paper petition. She stated that Members must weigh up the merits of the retention of public open green spaces against the development of the almshouses. The developers architect had confirmed that the situation was not an either or situation, and had alternative options available, with this option being the preferred option. An alternative, would be to access the site from Fairpark Road, had been discounted by Exeter Homes Trust and Planning Officers. The Waste Collection Manager had also commented that the turning head would be a useful improvement, and would be beneficial for park visitors. Requests had been received from local residents to not sell the land and there was no record of accidents in the area.

It was known that the Council had to save money, however Council receipts were not substantial enough to ignore the passionate opposition and pleas of the local community. She emphasised that it was acceptable for the Council to say no, not to the whole development, just to the loss of the park land. There were other concerns about the disruption from construction vehicles during the development period and the potential safety hazards, which she highlighted as a planning consideration, but felt was an opportune time to comment on it.

Councillor N Vizard summarised that it was possible for the development to go ahead without the loss of the park land. The report suggested that there were only two options, either the Council sold the land and the development went ahead or that it did not sell and the development could not go ahead, which wasn't the case. The developer's architects had stated that there were alternative options available, with this option being more cost effective. It was not City Council policy to sell assets to save developers money, regardless of the benefit of the development. Delivery and service vehicles could access through the wider and more accessible Fairpark Road, which would be a better option.

The proposal to sell the land was against the collective wishes of the local community, who used the land for various community activities.

#### Councillor Speaking Under Standing Order 44

Councillor M Vizard stated that the arguments were concerned with the loss of part of the field at Bull Meadow, the unprecedented number of objections from residents, there being no significant financial gain to the Council and there being alternative options available. He stated that for a Council to sell off any public park land, there should be exceptional reasoning, which was not the case. There was an opportunity

for Members to support their local community and requested Members of the Committee to not support the recommendation.

In response to questions from Members, the City Surveyor explained that Bull Meadow was a park rather than a playing field and that disposal was not a matter for Sport England consideration.

Members discussed the disposal of the land and representations received, commenting that: the principle when the Council disposed of land, was that something needed to be given back; there would be an increase to the volume of traffic to the area; there were alternative options available to maintain the development of almshouses, without losing the land; Members had a responsibility to listen to the view of local residents.

Place Scrutiny Committee requested, subject to planning consent, that Executive not support the disposal of the area of land at Bull Meadow Park.

8

### **HATOC HIGHWAYS AND TRAFFIC ORDERS COMMITTEE**

To receive the minutes of the Exeter Highways and Traffic Orders meeting held on 6 November 2018.

(The meeting commenced at 5.30 pm and closed at 6.36 pm)

Chair

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## MINUTE ITEM 3

### **PUBLIC QUESTION RECEIVED for Place Scrutiny Committee – 17 January 2019 from Peter Cleasby**

To Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities & Sport

#### **Question**

The report from the Director to the Executive meeting on 12 June 2018, entitled “Built Sports and Leisure Facilities”, includes the following statement at paragraph 8.4, referring to the Clifton Hill Sports Centre: “The on-going maintenance of the facility has also been hindered by the contractual split of responsibilities between the Council as landlord and Legacy Leisure/Parkwood Leisure as the facility operator, and the time taken to negotiate whose responsibility repair and other works are.”

Will the Council please?

- (a) explain why agreement on exactly who was responsible for what was not clarified before the contracts with Legacy Leisure and Parkwood Leisure were signed off;
- (b) confirm that this lack of clarity of responsibilities applies to all leisure facilities covered by the contract;
- (c) state whether this lack of clarity of responsibilities has contributed to the need for remedial repairs (1) at the Pyramids Swimming Pool and (2) at the Riverside Leisure Centre
- (d) estimate how much additional Council expenditure across all leisure facilities has been incurred because these responsibilities were not clear; and
- (e) state what lessons have been learned from this situation for application to the new leisure operator contract

Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities & Sport responded to the questions:-

#### **Response (a)**

The original industry standard contract had been agreed in 2010. The Council were responsible for the fabric of the building and the replacement of electrical and mechanical plant. The operator was responsible for the servicing of electrical and mechanical plant and for keeping the interiors of the buildings in good decorative order.

In practical terms with ageing facilities the lack of clarity occurs when a problem such as a leak in a roof occurred causing damage to interior and exterior fabric and surveyors from different parties had to agree what the root cause was and who was responsible for the remedial costs. This had led to protracted contractual negotiations which in turn had contributed to delays in taking remedial action. Records could be checked to see who was responsible.

#### **Response (b)**

Yes, where built facilities were part of the contract

**Response (c)**

No, although this had led to protracted contractual negotiations which in turn had contributed to delays in taking remedial action.

**Response (d)**

There were no direct additional costs incurred as far as the Council could tell.

**Response (e)**

The key lesson was, where possible to have full repairing lease arrangements with new operator and a clearer contracted quality assurance role for the Council as landlord. This approach was being designed into new contracts, which would be going out for procurement later in the year. There had been great care taken on reasonability and lessons had been learnt.

Mr Cleasby was invited to respond, commenting that the final part of the response from Councillor Bialyk was important, and had provided him great reassurance for a difficult period. It was unfortunate that the original contract had been drawn up in such a way, to allow for such a protracted negotiation to take place.

As much as it would have been possible to quantify any impacts on the facilities, it could not have been an advantage to keeping the facilities in good order. He thanked the Place Scrutiny Committee and noting he was encouraged by the way forward.

## PLACE SCRUTINY COMMITTEE

Thursday 31 January 2019

### Present:

Councillor Sills (Chair)

Councillors Wood, D Henson, Mitchell, Owen, Prowse, Begley, Lyons, Pattison and Robson

### Also present:

Director (JY), Director (BA), City Solicitor & Head of HR, City Surveyor, Corporate Manager Democratic and Civic Support and Democratic Services Officer (SLS)

### In Attendance:

Councillor Philip Bialyk	- Portfolio Holder Health and Wellbeing, Communities & Sport
Councillor Rachel Sutton	- Portfolio Holder Economy and Culture
Councillor David Harvey	- Portfolio Holder Place & Commercialisation
Councillor Cynthia Thompson	- Speaking Under Standing Order 20 and 44
Councillor Chris Musgrave	- Speaking Under Standing Order 20 and 44
Councillor Richard Branston	- Speaking Under Standing Order 44
Councillor Matthew Vizard	- Speaking Under Standing Order 20 and 44
Councillor Natalie Vizard	- Speaking Under Standing Order 44

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### DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interest were made.

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### QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 19

In accordance with Standing Order 19, 22 members of the public submitted questions in relation to Clifton Hill, including the Exeter Ski Club and also the green space associated with the site. (Attached as an appendix to these minutes).

A copy of the questions had been previously circulated to Members, and these, together with the responses from Councillor Bialyk, Portfolio Holder for Health and Wellbeing, Communities & Sport are appended to the minutes.

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### QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER 20

In accordance with Standing Order 20, Councillors Mrs Thompson, Musgrave, M. Vizard, and Prowse submitted questions on matters relating to the Clifton Hill Leisure site, the Materials Recycling Facility (MRF), the city's multi-storey car parks and pay and display parking in respect of the bus station redevelopment.

A copy of the questions had been previously circulated to Members, and these, together with the appropriate responses from Councillor Bialyk, Portfolio Holder Health and Wellbeing, Communities & Sport, Councillor Harvey Portfolio Holder Place & Commercialisation, and Councillor Sutton Portfolio Holder Economy and Culture for the Portfolio Holder City Transformation, Councillor Denham, are appended to the minutes.

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### **UPDATE REPORT ON THE BUILT SPORTS AND LEISURE FACILITIES**

Councillors Mrs. Thompson, Musgrave, Branston, N Vizard and M Vizard attended the meeting and spoke on the item under Standing Order 44.

The Director (JY) presented an update on the interim Built Sports and Leisure Facilities plan agreed by Council in June 2018. The agreed plan included the decision to permanently close Clifton Hill Sports Centre and to sell the site. The City Surveyor was charged with commissioning a feasibility study for the disposal of the site, to include the sports centre and the surrounding area, with the exception of the allotments, to achieve best value for the Council. However, Council had agreed that the site should be used for residential development and not for Purpose Built Student accommodation.

The Director drew Members' attention to six key themes included in the report:-

- to update Members on the good progress of the £3 million investment that the Council made last year for improvements at Wonford Sports Centre, Riverside Swimming Pool Leisure Centre and Exeter Arena/Isca Centre. The investment programme was nearing its target completion date of 31 March 2019, and early indications were that the work would come in under budget.
- following the recently discovered structural issues with the roof and the pool surrounds at the Riverside Swimming Pool and Leisure Centre, a recommendation to Council and request would be made for a further capital budget of £4.4 million to fully renovate and reopen the facility.
- a recommendation to Council for the sale of the whole Clifton Hill site for a mixed residential development excluding Purpose Built Student Accommodation, on best value grounds, with an estimated capital receipt in the region of £9 million.
- a recommendation that an area of the site would be retained by the Council to ensure that a public open green space remained on the site. This area should be a minimum 10% of the total land area, but the detail of the exact location and dimensions of the site would be agreed prior to the sale.
- a recommendation to Council and a request for a budget of £200,000 to cover the investigation and groundworks for the marketing and sale of the site and to ensure the delivery of an optimal capital receipt for the Council, and
- Members would be asked to note that permission to consult on the draft Physical Activity Strategy and the Supporting Built Facility Strategy would be considered at Executive on 12 February.

The Director reminded Members of the original decision to sell the site which was clearly set out in the report, with officers requested to identify a best value option for disposal of the whole of the site for residential use. The City Surveyor gave a financial summary of the viability work that had been carried out. The valuer's clear

advice was that to achieve the best value, the whole site should be offered for sale. The City Surveyor explained that the indicative value for the whole of the site for residential purposes was likely to be in the region of £9 million. This value did not include any element of student accommodation. It was noted that delegated authority to the City Surveyor had already been given to take the necessary steps to ensure the Clifton Hill land was not used for Purpose Built Student Accommodation for a variety of reasons.

The Director acknowledged the level of concern raised by residents in the locality over the permanent closure and potential sale of the Clifton Hill Sports Centre site in its entirety, and specifically in respect of the future of the public green space and the Ski Slope amenity. She referred to the indicative layout of the future site, and explained that the area identified in Appendix 2, and also shown on the slide presentation, was highly likely to be the area retained as the open space: however, the exact dimensions would be determined alongside sale negotiations to ensure the maximum design and layout benefits were achieved for the site as a whole.

The Director also reported on the progress of the investment in the other leisure facilities and the significant step change already achieved through the quality improvements and the introduction of virtual technology into Riverside and Wonford Centres. The Director showed a series of photographs showing the improvements achieved so far. She went on to advise Members that consultations on the Draft Physical Activity Strategy and the Draft Built Facilities, Playing Pitches, Play Areas and Parks Strategies were due to take place between March and May 2019. Further information on the proposals would be shared widely with stakeholders with a final report and supporting business plans coming to Council in July 2019.

Councillor Mrs Thompson attended the meeting under Standing Order 44 and spoke about the likely capital receipt differential between selling the whole site and just the immediate area around the Clifton Hill Sports Centre building. She suggested that the capital receipt from the latter would be close to the figure that could be achieved for the whole site. She advocated if this was the case, this would enable the Ski Slope, Rifle Range, Golf Driving Range and informal areas of open space to continue to provide a valuable recreational use for the community. She also commented on the possibility of a legal challenge should student accommodation not be considered as an option for the site. Councillor Mrs Thompson requested that the potential sale of the site should be added to the Council's Risk Register to ensure formal monitoring of the progression of the sale and future development.

Councillor Musgrave attended the meeting under Standing Order 44 and stated that it would have been preferable for the operation of the leisure facilities to have been retained in-house. He also referred to the loss of the sports hall at Clifton Hill Sports Centre and suggested that additional gym equipment could not be seen as a suitable replacement for those who participated in sports such as indoor netball or football. He had visited the Exeter Ski Centre and was concerned about the potential loss of this valuable asset and local amenity, and particularly the effect on the members of the Adaptive Ski Club. Newtown was one of the most densely populated areas of the city and the removal of any areas of green space would compound the level of air pollution in this area. He commented on the level of scrutiny of this matter and questioned the figures quoted for the repair of Clifton Hill, amidst the level of funding being allocated for St Sidwells Point. He referred to previous correspondence with the City Solicitor and Monitoring Officer when he raised concerns about the potential increase of value of property owned by the Exeter Labour Party in the immediate vicinity of the site. Councillor Musgrave asked Members of the Committee to reject the recommendations in the report and

call on the Executive to repair the Clifton Hill Sports Centre, protect the green space, save the Ski Slope and request Legacy Leisure, as operator, to fund the repairs of the Riverside Swimming Pool and Leisure Centre.

Councillor Branston attended the meeting under Standing Order 44 and suggested that whilst a developer would not consider the Clifton Hill site to be significant, it was deemed a large and valuable piece of land to the local residents and one of the last genuinely open areas of land in the ward. He reminded Members about the campaign to save a relatively small piece of land at Bull Meadow Park, where the residents were equally passionate about its protection for future generations. He accepted that St Sidwells Point was being built, but it would not offer a like for like replacement of an amenity for the Newtown ward. The Save the Green Space Campaign had highlighted the valuable flora, fauna and wildlife habitats on the site. He felt there could be a balance between the interests of a developer and the Council fulfilling the commitment to implement its policy of promoting health and wellbeing, and improving the quality of life for residents. The Wild Zones consultation included many constructive ideas, and he suggested a Working Party be formed to carry out a review of the study to enable some recommendations to feed through to the Executive.

Councillor N Vizard attended the meeting under Standing Order 44 and also thanked Members of Place Scrutiny for the opportunity to speak as one of the three ward Members. She acknowledged the need to fund and sustain leisure provision, as well as much needed housing in the city, but referred to the number of concerned residents who had spoken at the meeting about the potential loss of the green space and the Ski Slope. She invited Members to visit the site, and assess the likely impact of the development on Newtown. Although a minimum 10% green space had been proposed, she wished to ensure that the trees and wildlife habitats were retained, and was concerned that, if the site was developed without restriction, there would be a detrimental effect on the local and city wide environment. It would present too great a risk to be left to the responsibility of a private developer who would have to consider financial gains over environmental concerns. The ward members had received many impassioned pleas about the future of the site, and she hoped that the hopes and aspirations of the close knit local community would be taken into account. The long standing tenants of the Exeter Ski Club had ensured that the site was well maintained, and provided a community resource for local schools and particularly disabled users, who otherwise would have to travel long distances. She felt that the ski slope would offer little value to a developer, but which provided an affordable and accessible amenity for the city, at no cost to the City Council. The protection of the ski slope and green space could still enable a sale of the site to take place as well as supporting the Council's many ambitions.

Councillor M Vizard attended the meeting under Standing Order 44. He acknowledged the decision had been made for the closure of the Clifton Hill site, the intended investment being made in leisure facilities across the city, and the possibility of additional housing, but he was nevertheless concerned about realising the sale of the Clifton Hill site, and loss of the amenity in the ward. He considered the residents around Clifton Hill had been unduly penalised and sought some consideration that a value should be collectively placed on green space, environmental and air quality benefits, community wellbeing, open air leisure spaces and housing. He asked Members to consider the views made before and at the meeting of the Save the Clifton Hill Green Space Campaign and that the site be sold in lots, to allow its different aspects and uses to be preserved. He made the following pleas - that the Brickworks be retained by the City Council as a historic local asset; the driving range and ski slope be retained, the trees protected in the Council's ownership and the green space, between the trees along the rear of the

sports centre, the ski slope, the tarmac road to the east of the site and the natural bordering of hedgerows to the west that backs onto Portland Street be protected. He welcomed the recommendation for retention of 10% of green space in the report, but was concerned that any potential developer may not meet that obligation. It was in the Council's gift to identify the area. He asked Members to consider the environment and green space on this site, and that the residents' concerns be taken heed of for future generations.

Members made the following comments:-

- the value of green space in the city was discussed at the 17 January meeting of this Place Scrutiny Committee in respect of proposed land disposal at Bull Meadow Park. The Member appreciated that the reasons behind the report at this evening's meeting were more complicated, but he still saw the value in the green public space and remained uncomfortable over any future sale. He had visited the site and was concerned about the level of public green space to be retained and whether that would just be a small patch of grass, as residents would not value as they do their current space. He also referred to the Ski Slope and had not appreciated the importance of the amenity of the site to the local community. He asked for further work to be carried out on the options to retain that facility on the far side of the site. He suggested that as the allotments were not being included, achieving the best value capital receipt from the site would not be possible. He also sought further clarification on the delegation of authority to act and which Director would be responsible.
- that in the event of closure, the potential distances that the users of the Adaptive Ski Club would have to travel. The Member felt that the Council should seek to continue to accommodate them as it appeared that so many people, and children in particular, had been helped at this facility.
- that the impassioned pleas on the value of the informal use of the green open space and the ski slope, and appreciation of the difference between a more formal park setting and wild space should be acknowledged. He also spoke about the disproportionate effect on the Newtown ward and that the Clifton Hill site presented an opportunity to benefit the wider city. He acknowledged the need for best value and the difficulty of achieving potentially less value than for the whole site. He felt it was appropriate that the allotments were excluded from the sale and that some green space was being reserved from the sale, but he added that there was also a choice not to sell the Ski Slope. He suggested that best value could still be achieved, with a capital receipt generated from the rest of the Clifton Hill build site. He did not fully support the conclusions of the report and felt that Members must listen to the community. He referred to the recent request for the disposal of land at Bull Meadow Park but felt that it was important to balance what was good for the wider local community.
- there had been a lack of opportunity to view the feasibility assessment for the site and the Member was not sure how he could make a decision without reading the document. He had visited the site and considered the green open space was distinctively different from Belmont Park and should continue to be protected. In his view, any development on that site would impact on the green space dynamic as well as Ski Slope which were incredibly valuable assets to the community.
- any proposed development should be presented to the Planning Member Working Group to ensure that any developer would be aware of Members' expectations of the site.

- concern over the delay in establishing why the roof at the Riverside Pool was not structurally sound. The Member commented on the recent funding for the Pyramids and suggestion of a community sports village on the Exeter Arena site. He was disappointed that funding would be allocated to the Riverside Swimming Pool and Leisure Centre, and considered this could have been used to carry out repair work at Clifton Hill. He referred to the lease still running at the Exeter Ski Club and was unaware of any additional funding to deal with any ensuing legal issues. He suggested Members vote against the recommendation and requested a report be made later in the year when all of the appropriate documentation, including the Equality Impact Assessment had been provided.

In response to a Member's question, the City Surveyor stated that the cost of the fire damage at the Riverside Swimming Pool and Leisure Centre was covered by insurance, but additional works required to the building were not covered.

Councillor Wood proposed that a Working Group be formed, and there followed a discussion to clarify the remit of such a Group. It was suggested that any Working Group should discuss the Wild Zone report, an Equalities Impact Assessment and the valuation report for the site. The City Solicitor and Head of HR stated that the remit of the Working Group would need to be established, but was concerned that there was little opportunity to form the Group and meet, before the Executive meeting on 12 February. She also confirmed that the feasibility/valuation report was confidential, but that arrangements have been made for Members to view that document prior to the meeting of Executive. The Director (JY) would ensure that an Equalities Impact Assessment would also be available for Members of Executive for their meeting on 12 February.

Councillor Prowse proposed that the matter be deferred for consideration at a later date. Councillor D Henson seconded the proposal. Following a vote by Members, the recommendation was not agreed.

Councillor Mitchell sought to make a proposal to amend the removal of all of recommendation 2.1(a) to be replaced with a recommendation to sell the area currently covered by the Clifton Hill Leisure Centre, the car park and backland, but excluding the ski slope and all of the green open space. Councillor Mitchell was unable to gain the support of a seconder.

The Director said that she would make every effort to provide further information to the Executive on the financial and other impacts of selling the site without the ski slope area.

Councillor Wood proposed the following, which was seconded by Councillor Robson and requested an amendment to the recommendation 2.1(a) to Executive with the addition of 'to exclude the Ski Slope', which was agreed.

Place Scrutiny Committee supported the report and requested Executive to recommend approval by Council of the following with the inclusion of the amendment:-

- (a) sale of the Clifton Hill site, (excluding the Ski Slope) for a mixed residential development to generate the best value capital receipt to offset the previously agreed costs of compensation, upgrades to leisure facilities and to provide investment for other Council priorities including the future development and improvement of other leisure sites; and

- b) allocation of a budget of £200,000 to cover the ground investigation works, marketing and selling of the site to deliver the optimal capital receipt to the Council;
- (c) allocation of a further capital budget of £4.4 million to allow for the full replacement of the flat roof and rebuild of the floor structure surrounding the pool at the Riverside Swimming Pool and Leisure Centre.

Place Scrutiny Committee supported the report and requested Executive to approve the following:-

- (a) Delegated authority be given to the Director (JY) in consultation with the Portfolio Holder Health and Wellbeing Communities & Sport to agree the exact location and dimensions of an area of the site, (a minimum of 10% of the overall land area) to be retained by the Council in such a way that it does not unreasonably negate the value of the site. This is to ensure that a public, open green space remains on the site;
- (b) Delegated authority be given to the City Surveyor to take the necessary steps to ensure the Clifton Hill land is not used for purpose built student accommodation;
- (c) the good progress on the works associated with the £3 million budget agreed for the essential enhancements to the fabric of the buildings and replacement of essential plant and mechanical systems and interior enhancements; Exeter Arena, Wonford Sports Centre and Riverside Swimming Pool Leisure Centre and on the £950,000 budget agreed in November 2017 for Pyramids Swimming Pool and Leisure Centre be noted;
- (d) the need for further capital investment at the Riverside Swimming Pool and Leisure Centre be noted; and
- (e) the draft Physical Activity and Built Facilities strategies, (setting out the longer term sustainability and development plans for Riverside Swimming Pool and Leisure Centre, Wonford Sports Centre; Exeter Arena and ISCA Centre; Northbrook Swimming Pool and Northbrook Golf Course) are being recommended for public consultation with final recommendations due to be presented to Council in July 2019.

(The meeting commenced at 5.30 pm and closed at 9.40 pm)

Chair

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**PUBLIC Questions for Place Scrutiny Committee – 31 January 2019**

**Councillor Bialyk as Portfolio Holder Health and Wellbeing, Communities & Sport responded to the public questions**

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<p><b>1. Susie Kroger and Max Kroger-Chevalier</b>          I am most disappointed and somewhat surprised to learn about the new proposal for the Clifton Hill Site that will. This is different from the original discussions that had given some reassurances to the future of the ski slope in its current location.</p> <p>My son Max Kroger-Chevalier, now age 21, has been attending the skiing session for disabled skiers on a Friday evening for approximately 10 years. Max has Downs Syndrome and a visual impairment, and he has gained confidence, balance, core stability, and skills in a hobby that he has grown to love. Accessing meaningful sporting activities is not so easy for people with disabilities. This provision is very unique in that it caters for a great number of children and adults with a range of physical, sensory and learning disabilities. Some have been entering Special Olympic competitions and been winning medals.</p> <p>The ski slope at Clifton Hill as a leisure and training resource, is such a fantastic amenity for Exeter. It plays such an important part in Max's life, providing exercise he so needs for his</p>	<p>Mr and Ms Kroger and Kroger Chevalier were not in attendance at the meeting.</p> <p>Councillor Bialyk responded and stated that the City Council are proposing to create a Community Sports Village at the Exeter Arena site and would like to discuss options with the Ski Club about the possibility of a state of the art virtual ski training facility and a new home for the Ski Club as part of this proposal. Consultation on the proposals will commence in March once the Executive have given approval.</p>
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<p>ongoing health, a place to meet friends and developing skills that have enriched his life no end. With its current location so central in Exeter, he is learning to access it independently. I am not aware of a similar resource for disabled skiers in this or neighbouring counties that he could access.</p> <p>I would like to encourage the council to consider 'value' not only in financial terms; I would like the council to consider it's value in terms of quality of life and health/fitness opportunities - this is something that is making Exeter such a positive place to live.</p> <p>My question for your meeting on 31.January is: What alternative plans are you proposing for the ski slope as a whole and in particular for the great many disabled skiers who currently access the slope?</p>	<p style="text-align: center; opacity: 0.3; font-size: 48px; font-weight: bold;">DRAFT</p>
<p><b>2. Sarah Bennett</b></p> <p>Why does the recommendation to the Committee only consider in any detail the option of the sale of the whole site, and fail to explore the potential of sale of part of the site? This is extremely unhelpful and creates a real possibility of failure to achieve best value for Exeter. The report fails to provide Councillors with sufficient detail of the relative values of different parts of the site, given their very different characteristics. The ski slope portion, for example, is unique within the Clifton Hill site through its combination of contamination and the steepness of the slope on this part of the site. It is entirely possible that this part of the site,</p>	<p>Ms Sarah Bennett and Ms Rose Bastin were not in attendance at the meeting.</p> <p>Councillor Bialyk responded to both questions and stated that the City Council had considered a sale of lots however we do not believe that this will achieve best value. This was not a large enough site to enable an infrastructure package to be delivered and development plots sold. It is constrained and development will need to be design led, hence the recommendation to secure a single developer/sale.</p> <p>The detailed valuation report upon which the recommendations in the report to Place Scrutiny Committee are made, sets out in detail the merits of the whole site and advises on indicative values for segments and concludes that a combined disposal generates best value in financial terms.</p>

with its current amenity value, has zero value to a residential developer - but this vital information is completely missing from the report. By only providing aggregated information for the whole site, the report presents you, as Councillors, with a binary choice when, in fact, there are a number of options available which may give better overall value.

**3. Ms Rose BASTIN**

I am a local resident in Exeter and have had many years of links with the Exeter District Ski Club. Why does the recommendation to the Committee only consider in any detail the option of the sale of the whole site, and fail to explore the potential of sale of part of the site? This is extremely unhelpful and creates a real possibility of failure to achieve best value for Exeter. The report fails to provide Councillors with sufficient detail of the relative values of different parts of the site, given their very different characteristics. The ski slope portion, for example, is unique within the Clifton Hill site through its combination of contamination and the steepness of the slope on this part of the site. It is entirely possible that this part of the site, with its current amenity value, has zero value to a residential developer - but this vital information is completely missing from the report. By only providing aggregated information for the whole site, the report presents you, as Councillors, with a binary choice when, in fact, there are a number of options available which may give better overall value.

**4. Dr Ginny Russell**

Dr Russell was in attendance at the meeting.

<p>Has the committee referred to the scientific evidence about the ‘critical size’, type and connectedness of urban green spaces required to support a biodiverse ecology (for example see the recent review published in the journal <i>BioScience</i>) and having consulted the evidence base, does the committee agree that reserving 10% of the land for green space, the proposed green plot is not of sufficient size to support its current wonderful biodiverse ecology, nor will the position of the proposed plot be effective in maintaining its role as a crucial wildlife corridor between the green areas at Belmont and Ladysmith?</p>	<p>Councillor Bialyk stated that no not yet, but as stated in the report it would be ensured that the selection of the site to be retained would be done sensitively to protect flora, fauna and wildlife habitats and officers will take the necessary expert advice in doing so.</p> <p>Dr Russell was invited to respond.</p> <p>Dr Russell stated that retaining 10% of green space was in no way acceptable for the community in Newtown, both locally, in Exeter and more widely. She suggested that only the site of the sports centre should be offered for sale and the green space retained as a community and bio-diverse resource. This proposal was contrary to Labour’s policy and this area of public land should not be placed in private hands or the important eco-habitats destroyed. The intention to retain only 10% of the green space, was to placate the local community. Many members of the public were angry, and that could be seen from the number of questions that had been submitted. She referred to the financial value and justification for the sale of the green space, and how that compared with the sums borrowed for St Sidwells Point? The green space was valuable and there was a lot of local support. They would not give up the fight, but would wish to work with the Council, as allies to manage this space for the community and also the bio-diversity that is there.</p>
<p><b>5. County Councillor Su Aves</b> I understand the old Office of the Brickworks next to Clifton Hill Sports Centre is protected as it is locally listed. What does this mean and how does it differ from a nationally listed building; how can it be protected further to make sure it is not pulled down or if it is renovated that this is done in such a way as to not remove any of the original bricks as it is the bricks not just the building which are of historical importance, and will you keep it in the</p>	<p>County Councillor Su Aves was in attendance at the meeting.</p> <p>Councillor Bialyk responded to this and also the question from Mr Andy Thornhill as they were both concerned with the old Brickworks Office. He stated that the site was to be marketed as a whole, which included the locally listed Gatehouse (brickworks office), which was covered by the Conservation Area. The local listing and Conservation Area status of this part of the site were both detailed within the site constraints information to be provided to interested parties. Developers would need to take this into consideration when drafting their redevelopment proposals.</p>

<p>ownership of the Exeter City Council to protect it for the future?</p>	<p>County Councillor Su Aves was invited to respond.</p> <p>County Councillor Su Aves asked if any of the officers had been to look at the old Brickworks building, as this was an important part of Exeter’s history and should not be lost. Other historical buildings in the city, such as the Customs House have been protected by the City Council. The Brickworks office was an important part of the locally listed industrial heritage of Belmont Conservation Area, and she was concerned that it would not be protected. She was aware that Exeter needed more housing and the pressure Councillors were under to find new sites, but this was at the detriment of the health and wellbeing already in the local area. How can the Place Scrutiny Committee agree the recommendations before a proper survey has been completed on the site. Parts of the land were contaminated and she was concerned about the health risk of future residents living on top of this contaminated land.</p>
<p><b>6. Andy Thornhill</b> The report notes that the Clifton Hill Sports Centre has had a failed listing application, and states that there is no further risk "in relation to any potential for listing on this site." It should be noted that the Brickworks site has its own historic significance, and that the Brickworks Office is within Belmont Conservation Area and ‘locally listed’ as a ‘Building of Local Importance’ (covered by Policy C3 in the Exeter Local Plan). However, local listing does not give it statutory protection. Can officers assure us that the Brickworks Office will be excluded from any area of the site put on sale?</p>	<p>Andy Thornhill was not in attendance at the meeting.</p>
<p><b>7. Miss Armstrong</b> Reading your reports you plan to improve general sports facilities around the city, at Exeter arena</p>	<p>Miss Armstrong was in attendance at the meeting.</p>

<p>you state 'to address the needs of sports clubs', yet there has been no consultation with the long established Ski club, that you plan to shut down, this club run by volunteers, uses and maintains, at its own expense, the 3 steep sides at the end of the site, the ski club has a well-attended disabled section, Adaptive ski club, It seems to me that the closure of these facilities would have a disproportionate effect on disabled citizens of Exeter, and also other groups who might otherwise not be able to access these unique sports/physical activities (e.g. because of expense and distance. The nearest ski slope is Torquay and the nearest disabled Ski facilities is in Gloucester), Shutting down the ski centre would be cutting down on the range of sports facilities available in Exeter at a time when the importance of these is increasingly recognised for mental and physical wellbeing. I would like to know if as part of the decision to shut down this club whether there has been an Equalities Impact Assessment undertaken. And if not Why not?</p>	<p>Councillor Bialyk stated that it was not the intention to close down the Ski Club. It is proposed to create a Community Sports Village at the Exeter Arena site and the Council would like to discuss options with the Ski Club about the possibility of a state of the art virtual ski training facility and a new home for the Ski Club as part of this proposal. Consultation on the proposals will commence in March once the Executive have given approval. Impact Assessments will be undertaken on the final proposals and recommendations to Council in July.</p> <p>Miss Armstrong was invited to respond.</p> <p>Miss Armstrong advised that virtual skiing was not the same as real outdoor skiing. She was also concerned about building on the green space, which in its nature was irreplaceable. There were not many cities that had skiing as an amenity, and it was one of the few outdoor activities that had full inclusion, where the young and older people can participate together. She said that the community was enhanced by this facility and it should be valued. She also referred to the lack of consultation with the ski club and questioned how they could make a fully informed decision. The ski club did not receive Council funding, but had recently celebrated 50 years on the site and should be considered an asset to the city. She invited Members for a coffee at the Club on Friday and Saturday mornings to watch the children skiing, and she handed out a leaflet of the opening times.</p>
<p><b>8. Mrs Jane Cross</b> My daughter who has a severe learning disability has been a continuous &amp; active member of The Exeter Ski Club's disabled section since the age of 7 years - she is now 38 years old! She regularly attends the Adaptive (disabled) Ski Club sessions on a Friday evening, whatever the weather &amp; looks forward to meeting her friends &amp; their families, whilst practising her skiing skills so</p>	<p>Mrs Cross was not in attendance at the meeting.</p> <p>Councillor Bialyk stated in the previous question it was not the intention to close down the Ski Club and we would like to discuss options with the Ski Club about the possibility of a state of the art virtual ski training facility and a new home for the Ski Club within our proposals for Exeter Arena. The initial advice indicates that the whole Clifton Hill site is capable of redevelopment subject to some remediation measures and is suitable for a mixed residential redevelopment. Experts are telling us the site <u>is</u> a viable development proposition.</p>

that she can accompany her own family on their annual ski holiday.

It seems that although nationally there are concerns that people do not partake in enough physical activity which leads to obesity, mental & other health issues, loneliness & social exclusion, the selling off of important local sports sites & facilities to developers is seen as an easy one-off source of income to the authorities. It is imperative that the decision makers look at the bigger, broader picture & not short term fixes. Once a facility is lost, they are rarely replaced. Exeter needs to demonstrate that the city is a great place to live & visit, not just a huge housing development.

Those who are elected by the general public to serve the local people should remember that the electorate have put their faith in them to preserve, protect & provide important facilities within the area. It is time the Council respected the residents of Exeter & Devon who depend on the provision of the ski slope centre & golf range. I would like to ask the decision makers the following:

- Which is more important health or wealth?
- Why pick a site which is not suitable for development?
- Why propose losing valuable sports facilities located in the city centre with little regard to their users?

**9.Dr Ella Westland**

Dr Westland was in attendance at the meeting.

<p>Newtown residents have been repeatedly assured that the community consultation report commissioned from Wild Zones (see 11.9 &amp; the list of recommendations in 11.10) would be put in the public domain and included in published Council papers before any decision was reached on the Clifton Hill site. Have the members of the Place Scrutiny Committee, in advance of this meeting, been able to consider the full report (including contributions submitted to Wild Zones by local residents and groups like 'Save Clifton Hill Green Space') and is the report also available to the public? If not, why has it been suppressed?</p>	<p>Councillor Bialyk stated that the full report was available to all Members and was on the Council's website and a detailed summary was within the body of the report being considered by scrutiny.</p> <p>Dr Westland was invited to respond.</p> <p>Dr Westland welcomed the independent community consultation Wild Zones report that had been made available. She commented on the proposal to retain only 10% of the Clifton Hill green space and suggested it would have been useful for the Council to publish the technical and financial documents which lay behind this report including an Equality Impact Assessment. She commented on the detail of the report which she considered to be shaky and which contained instantiated statements. She felt that the Wild Zones report had been largely ignored by the City Council. She considered that the Committee report was based on a false premise with apparent importance placed on finances rather than the retention of a large green space, which was not only vital for the life of those in central Exeter, but was also highly valued by residents for their own physical and mental wellbeing, including many elderly and disabled people unable to use other built sports facilities.</p>
<p><b>10. Moragh Mason</b>  Since October 2018, GPs in Shetland have been issuing 'nature prescriptions' to their patients for activities such as birdwatching and rambling to help treat conditions such as mental illness, diabetes, heart conditions and stress. In the Oxford area there is an NHS Forest project, the aim of which is to get patients outside, walking in natural surroundings, again for health improvement. In the light of initiatives such as these, can you please explain why Exeter Council is proposing to sell the Clifton Hill Green Space for development, given the role the Green Space</p>	<p>Ms Mason was in attendance at the meeting.</p> <p>Councillor Bialyk advised that Exeter had a wide variety of parks and open green spaces for residents and visitors to use. Wellbeing Exeter, which started in 2015 and which was jointly funded by the Council, Devon County Council and new Devon Clinical Commissioning Group is one of the largest social, prescribing schemes in the Country with all GPs in the city able to offer social prescriptions for any of their patients who they think could benefit. Wellbeing Exeter has been highlighted by Public Health England as an exemplar scheme and has won several awards.</p> <p>Ms Mason was invited to respond.</p>

<p>has in promoting health and well-being for residents of Exeter?</p>	<p>Ms Mason referred to there being a world of difference between using spaces like Belmont Park and the more peaceful and tranquil area of the green space at Clifton Hill. Certainly people with anxiety issues may not always feel comfortable in more formal park settings and she referred to the NHS's long term plan and emphasis placed on the use of green spaces as therapy. The green space at Clifton Hill was quiet, had the sound of birdsong and little intrusion from the city's sounds.</p>
<p><b>11. Jemima Moore</b>  We are on the brink of environmental disaster and are seeing catastrophic climate change, drastic declines in biodiversity and, in Exeter, illegal levels of air pollution. I have voted Labour for the majority of my adult life and voted for this Labour council. I feel incredibly let down that a council which I believed stood for protecting public services and resources is planning to sell off this most valuable and valued public asset to private investors.</p> <p>Do the Labour councillors feel that they are acting in line with their party's wider vision and promises or are they being railroaded into voting to sell of this land, which we should be preserving for future generations, against their better moral judgement?</p> <p>I would like to appeal to you to act with integrity rather than toeing the line of the misguided heads of this council.</p>	<p>Ms Moore was not in attendance at the meeting.</p> <p>Councillor Bialyk stated that just this week the independent and highly regarded Centre for Cities report stated that Exeter's air quality had significantly improved and the city is just one of four (Belfast, Middlesbrough and Swansea) where emissions per capita reduced by more than 10 per cent.</p>
<p><b>12. James Arnold</b>  Will the committee consider this report in the context not just of maximising capital receipts for developing built facilities, while treating public opposition as a "risk" to be "mitigated", but in the</p>	<p>Mr Arnold was not in attendance at the meeting.</p> <p>Councillor Bialyk stated that we had already considered the local context: we have already voluntarily ruled out selling the site for Purpose Built</p>

<p>context of the major ecological and communal impact selling the space will have?</p>	<p>Student Accommodation and we are proposing to retain at minimum of 10% of the site as an open public green space.</p>
<p><b>13. Peter Cleasby</b>  I wish to ask the following question at Place Scrutiny Committee on Thursday 31 January 2019:  The report from the Director to today's Scrutiny Committee meeting, entitled "Update Report on Built Sports and Leisure Facilities", appears to envisage that most, perhaps all, of the proceeds of the proposed sale of the land at Clifton Hill would be used for purposes related to the Council's leisure facilities. While recognising the strength of the case for using some of the capital proceeds in this way, for example for the repairs to Riverside, will the Council please confirm that, if the sale goes through, consideration would be given to applying a significant part of the proceeds – including the CIL and NHB money - to fund schemes in Council portfolios other than leisure?  I would be grateful if you would confirm the question has been accepted. I will attend the meeting in person to ask it.</p>	<p>Mr Cleasby was in attendance at the meeting.</p> <p>Councillor Bialyk stated that the capital receipt generated will be used to offset the previously agreed costs of compensation, upgrades to leisure facilities and to provide investment for other Council priorities which includes but was not exclusive to the future development and improvement of other leisure sites.</p>
<p><b>14. Peter Cleasby</b>  When considering the recommendations in the report from the Director, entitled "Update Report on Built Sports and Leisure Facilities", to today's Scrutiny Committee meeting, will members of the Committee recall the discussion on Bull Meadow</p>	<p>Mr Cleasby was in attendance at the meeting.</p> <p>Councillor Bialyk stated that Members would take into account all views when making decisions</p>

<p>park at their meeting two weeks ago and, in particular, show consistency of view by being guided by the many statements they made about (1) the undesirability of selling off green space and (2) the importance of reflecting the strong community opposition to disposal of the green space?</p>	<p>Mr Cleasby was invited to respond. He asked if the Council would publish some of the technical documents, including the evaluation report. He appreciated that all of funding was already committed.</p>
<p><b>15. Aimee Beckett</b>          I note that to bring this site to market you need to obtain additional detailed technical information to be included within the marketing pack to enable potential developers to better assess the constraints and development requirements for this site, including: "a topographical survey, phase 2 intrusive geo-tech survey and report, demolition survey and costs, constraints plan, planning guidance, transport assessment, remediation and foundation strategy and the vacant possession strategy. Fee quotes have been requested from external consultants for this work."          I presume that the costs of developing on such a constrained site have been taken into account in assessing the potential proceeds. As there are so many unknowns, the value must have included a significant valuation range, depending on the outcomes of the surveys required. I would like to know:          - What is the lowest end of the value range that has been opined on?          - What cost has been allowed for undertaking the substantial amount of pre-marketing surveys listed above?          - When considering these costs together with the costs of marketing and the substantial likely legal</p>	<p>Ms Beckett was in attendance at the meeting.</p> <p>Councillor Bialyk provided the following responses:-</p> <ol style="list-style-type: none"> <li>1) the lowest end of the value range was £8.5 million for a mixed development of purpose built student accommodation and open market residential accommodation.</li> <li>2) The report seeks a budget of £200,000 to cover further ground planning advice, marketing fees and legal fees incurred in selling the site.</li> <li>3) Based on initial valuation advice the lowest site option considered is £8.5million, however further technical and cost information may result in different schemes being brought forward with differing end values.</li> </ol> <p>Ms Beckett was invited to respond.</p> <p>Ms Beckett referred to the figure quoted and commented on why the entire site with all the contaminated land would be sold rather than just selling an area for housing and keeping the green space in its entirety. This was an asset for the future and she hoped not just be the opportunity to generate money. She appreciated that Members had difficult decisions to make but she asked them to really think about this before they made a decision that could not be changed.</p>

<p>and advisory costs during a sale this complex, what is the lowest net receipt the council could achieve?</p>	
<p><b>16. David Lloyd</b>  Why is the Council only using financial measures to determine the efficacy of their actions?  Where is the evidence to indicate that the sale of the land is good for the environment of Newtown?  Where is the evidence that increasing the population of a crowded area is good for the health and well-being of the population of Newtown?  Where is the evidence that Exeter City Council that has taken into consideration the long term impact of this sale on the population and environment of Exeter City as a whole?</p>	<p>Mr Lloyd was not in attendance at the meeting.</p> <p>Councillor Bialyk stated that as a Council we should always aspire to consider wider health, wellbeing and environmental issues. That goes without saying.</p> <p>However aspiration should always be tempered by what it is practically possible for a Council to do when circumstances emerge. That balance is juggled constantly by Elected Members who represent their communities and had to make decisions and consider a range of issues based on the available resources within the context of the whole city.</p>
<p><b>17. Kate Boddy</b>  On 13 June the Council adopted a recommendation concerning sale of the Clifton Hill site which stated that <i>“the City Surveyor would undertake a feasibility assessment and report his findings and recommendations to Members.”</i> The report you are considering this evening is not the feasibility assessment and does not contain the recommendations of the City Surveyor, as agreed on 13 June. Have you seen the feasibility assessment, and if not, why not? When will the feasibility assessment, including the City Surveyor’s recommendations, be made available to members and the public?</p>	<p>Ms. Boddy was in attendance at the meeting.</p> <p>Councillor Bialyk stated that the City Surveyor had assisted the Director in the drafting of this report which does contain his recommendations.</p> <p>As Portfolio Holder he had seen the feasibility assessment, which was the expert valuer’s report. The report was not included in scrutiny papers as it is intended to provide commercially confidential advice to the Council. We would be disadvantaged in subsequent marketing and negotiations should this report be publically available.</p> <p>Ms Boddy was invited to respond.</p> <p>Ms Boddy considered that the value to the public did not seem to be considered in that report, and was only considered in terms of the sale of the land. She asked Members to consider what would be the loss of the</p>

	<p>whole land, including the ski slope, and cost to the community in terms of health and wellbeing. A level of 10% was not acceptable and green space in the city centre was a precious thing. She offered a personal example of how the green space was used, as she did not have a car, and the green space was an area she could go with her family and yet feel that they were out of the city. She was concerned at the great impact the loss of green space would have, and referred to the many members of the public at the meeting, and of those who had been unable to come. She asked Members to think about that when they considered the proposals.</p>
<p><b>18. Alexander Keen</b>          The council's 2018 Corporate Plan clearly states: As leaders of the City and the Council we will: Help deliver the emerging Exeter Vision 2040, by providing services and developments that build on Exeter's growth and success and meet local communities' aspirations.          The council's primary statement of its own Corporate Plan says you will meet local community's aspirations. 1800 citizens of the wider Exeter community want to keep Clifton Hill Sports Centre open, and 500 residents of the local community want to keep Clifton Hill Green Space untouched as a vital environmental resource which supports an enormous range of biodiversity and helps filter Exeter's poor air quality.          Bearing in mind that the total cost of repairing Clifton Hill Sports Centre is 1/50th of the St Sidwells Point project (so cost cannot possibly enter into the argument) and the public overwhelming want to retain these resources and not sell public assets, how will the council meet the local and wider communities aspirations when it is clearly, and somewhat</p>	<p>Mr Keen was in attendance at the meeting.</p> <p>Councillor Bialyk confirmed that feedback on the emerging Exeter Vision was always welcome, and that as a Council, we should always aspire to meet the needs of the community, but that had to be tempered by what was practically possible for a Council. That balance was constantly being juggled by Elected Members who represented their communities.</p> <p>Mr Keen was invited to respond.</p> <p>Mr Keen said that he was saddened to be at this Scrutiny Committee once again, and he referred to the November meeting. He felt there were inaccurate omissions in the original report to Executive and Full Council last June. He had sent a letter to all Councillors detailing these facts and he queried why the report had not been scrutinised by this Committee. He also referred to a Freedom of Information request on the cost of the roof of the Clifton Hill Sports Centre, which revealed there was no factual substance. He felt the Council had made their decision based, in part, on a lie, and he wondered how this injustice could be corrected. The Council clearly had the financial ability to repair Clifton Hill Sports Centre with funding from the Community Infrastructure Levy and New Homes Bonus revenue streams. St Sidwells Point would not offer a replacement for the community and sport functions it had offered. He commented on the maintenance, insurance, costings and building life expectancy debacle which must be seen as incompetence and Council mismanagement. He felt this had spread like a</p>

<p>arrogantly, disregarding and dismissing the local and wider communities aspirations?</p>	<p>cancer to the invaluable resource known as Clifton Hill Green Space, which was an essential city bio-diversity.</p>
<p><b>19. Dr Emily Brooks</b> Local councillor Mathew Vizard has repeatedly expressed the notion that Clifton Hill needs to be developed for much needed housing. Given that Exeter has expanded almost without restraint in the last few years, and continues to do so, can the council provide facts and figures to evidence the claim for 'much needed housing', and if so, how does it intend to do this?</p>	<p>Dr Brooks was not in attendance at the meeting.</p> <p>Councillor Bialyk stated that Exeter City Council's 2016 to 2020 housing strategy addressed all the questions raised and was a public document available to all, including via the Council's web sites</p>
<p><b>20. Emily Mclvor</b> Section 12 of the Report to Place Scrutiny asks "Are there any other options?" and identifies the possibility that the site could be sold as separate lots, with some parcels of land being retained by the Council. The recommendation to sell the site as a single lot is justified by a vague assertion that "developing part of the site will not generate sufficient capital receipts . . ." but no detail is given. Indeed, as the report makes clear, the cost of remedial work is not known and hence the actual value of the green space behind the sports centre, including the golf range and ski slope, is not known. Will the scrutiny committee therefore reject the recommendation to sell the site as a single lot, on the basis that there is insufficient information available and because of the overwhelming public opinion in favour of saving the whole of the green space and keeping community assets in public ownership?</p>	<p>Ms. Mclvor was in attendance at the meeting.</p> <p>Councillor Bialyk advised that we are not able to provide the detail you and others would like for the reasons set out earlier.</p> <p>We have considered a sale of lots however we do not believe that this will achieve best value. This was not a large enough site to enable an infrastructure package to be delivered and development plots sold. It is constrained and development will need to be design led, hence the recommendation to secure a single developer/sale.</p> <p>Ms Mclvor was invited to respond.</p> <p>Ms Mclvor referred to the Feasibility Assessment for the site and asked Members to indicate that they had read it? She suggested it had not been made available to Members and she considered that this was contrary to the recommendation for it to be available, as agreed at Executive in June. At the last election in the Newtown and St Leonards ward, only 36% of those eligible to vote did so. She was concerned that the timing of the announcement of the closure of the Clifton Hill Sports Centre could have been made before the Election in May. She considered that the democratic</p>

	deficit was appalling and she urged Councillors to find a way to come back from where they were now.
<p><b>21. Rebecca Grimwood</b></p> <p>My main reason for becoming a ski instructor, was that I really wanted to be able to help people with disabilities to ski. As an Occupational Therapist, I believe that there are many benefits to skiing for our adaptive skiers. Developing gross motor and fine motor skills, balance, stamina, cardiovascular exercise, physical exercise, developing social skills in a safe environment. There is no other sport that offers the same opportunities for people with disabilities.</p> <p>My daughter has galactosemia and cerebral palsy and benefits hugely from attending adaptive skiing on a Friday night. Adaptive skiing has helped her to develop gross motor and fine motor skills, balance, co-ordination, social skills, confidence, emotional wellbeing. Adaptive skiing has really helped her inter-personal skills. She also has a low bone density and skiing at the dry ski slope on a weekly basis helps to reduce the risk of osteoporosis.</p> <p>What alternative plans are you proposing for the ski slope for the community of Exeter and in particular for our adaptive skiers with a variety of disabilities?</p>	<p>Ms Grimwood was in attendance at the meeting.</p> <p>Councillor Bialyk referred to his previous response that it was not their intention to close down the Ski Club and we would like to discuss options with the Ski Club about the possibility of a state of the art virtual ski training facility and a new home for the Ski Club within our proposals for Exeter Arena.</p> <p>Ms Grimwood was invited to respond.</p> <p>Ms Grimwood stated that as a ski instructor and an Occupational Therapist, a virtual ski centre would be inappropriate and would not be in accordance with the requirements of the Disability Discrimination Act. She invited Members to the ski slope to experience an adaptive session on Friday evenings. She also referred to the successes of a number of their adaptive skiers who had won Gold and Silver medals in the Special Olympics. She also referred to the Club's 50 years on site and as concerned at the loss to the many people using the ski slope.</p>
<b>22. Arnold Harding</b>	Mr. Harding was not in attendance at the meeting.

Have you councillors and your advisers seen for yourselves what a wonderful haven for biodiversity this area is (particularly in late spring/early summer) and if not how can you who are supposed to care for our environment here in the middle of Exeter allow it to be destroyed for ever? Will the Council consult experts including Devon Wildlife Trust and those campaigning to save the green space when deciding where to locate those parts of the site to remain in public ownership in order to preserve such biodiversity?

Councillor Bialyk advised stated that yes we have visited the site on many occasions. He referred to his earlier response and as stated in the report we will ensure that the selection of the site to be retained will be done sensitively to protect flora, fauna and wildlife habitats and officers will take the appropriate expert advice in doing so.

**MEMBER Questions for Place Scrutiny Committee – 31 January 2019**

<p><b>Question from Councillor Musgrave</b> Does the administration still deny that converting Clifton Hill into a residential development will positively impact the value of property owned by Exeter Labour Party immediately adjacent to Clifton Hill?</p> <p><u>Supplementary Question</u> Councillor Musgrave reiterated his question on the potential conversion of Clifton Hill to residential.</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>He was aware that the Green Party has raised this issue with the Council's Monitoring Officer who has provided a written response and he referred the Member to that correspondence.</p> <p>Councillor Bialyk responded to the supplementary question and advised he had not received any information that the Exeter Labour Party property would increase in value. He advised that all necessary legal advice would be sought and correct procedures followed at Planning Committee at the appropriate time.</p>
<p><b>Question from Councillor Musgrave</b> How much have Legacy/Parkwood contributed to the costs of any refurbishment?</p> <p><u>Supplementary Question</u> He asked if Councillor Bialyk agreed that this was a low sum, and a failure of privatisation.</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>He advised that it was in the region of £220,000 for the recent enhancement works.</p> <p>Councillor Bialyk responded to the supplementary question and stated that the sum had been negotiated and was a matter of fact.</p>
<p><b>Question from Councillor Mrs Thompson</b> Has the area been identified, which could be sold for Purpose Built Student Accommodation (PBSA) compared with the much larger area of land to be sold for residential development as these two situations may not be considered to be 'like for like'?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>He stated that initial master planning has considered splitting the site into two areas: and had considered alternative uses within these areas such as residential, student, care or build to rent development. At all times the site had been reviewed with the intention of a single disposal of the whole site.</p>

<p><u>Supplementary Question</u> What was the point of selling the site for a marginal increase, when it would upset so many people, and particularly in relation to the green space and both Ski Clubs which were such valued facilities?</p>	<p>The initial valuation advice indicated that a combined PBSA and open market residential development returns the lowest whole site value of those scenarios considered.</p> <p>Councillor Bialyk responded to the supplementary question and sought further clarity for the comment on the marginal increase from the Member, and he invited Councillor Thompson to develop that question to enable a more detailed answer.</p>
<p><b>Question from Councillor Mrs Thompson</b> Has the Council calculated the risk of a challenge by a developer seeking to build PBSA on part of the site, who may be able to make an appeal to the Secretary of State given the example of other PBSA considered suitable in nearby locations?</p> <p><u>Supplementary Question</u> That a challenge could be made if the restriction was removed and the estimated value would not be appropriate.</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>The report to Place Scrutiny Committee had requested delegated authority to the City Surveyor to take the necessary steps to ensure the Clifton Hill land is not used for purpose built student accommodation. The Council is entitled to impose voluntary conditions on the sale of an asset so I am not sure what any challenge would be based on.</p> <p>Councillor Bialyk responded to the supplementary question and stated that would not be the case.</p>
<p><b>Question from Councillor Mrs Thompson</b> Given the petition handed in at The Guildhall it has been demonstrated Clifton Hill has been a valued facility for the Community and it appears monies generated from the sale will be used to refurbish the Riverside- can the Council confirm if there were any insurance monies received in respect of the Riverside following the fire.</p> <p><u>Supplementary Question</u></p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>He responded and stated that Insurance companies were funding works as a result of the fire incident at Riverside Leisure Centre. Part of the capital receipt from Clifton Hill will be used to fund additional works at Riverside which have been discovered during the course of the fire damage repair works.</p> <p>Councillor Bialyk responded to the supplementary question and stated this was not the case.</p>

<p>The sale of assets were common but how could the Council confirm that the potential sale was not robbing Peter to pay Paul?</p>	
<p><b>Question from Councillor Matthew Vizard</b>  The Update Report on the Built Sports and Leisure Facilities recommends that a minimum of 10% of the green space on the site should be retained. An area has been identified locally as the primary green space bringing the most significant benefits for wildlife and public health. For the sake of clarity, this is the grassed area of the site containing trees and shrubbery between the rear of the sports centre at one end and the plot currently occupied by the ski slope at the other end, and bordered by the tarmac road to the east and the hedgerow along the rear gardens of the properties on Portland Street to the west. What percentage of the site is this area?</p> <p><u>Supplementary Question</u>  Is the 10% in addition to the other areas of green space such as trees that may be required by the developer?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>He advised that this is the existing informal open space area outlined on the attached plan: it measures 4455 m<sup>2</sup>/1.1 acres, being 9.57% of the total site area of 11.49 acres.</p> <p>Councillor Bialyk responded to the supplementary question and advised that the City Surveyor would discuss matters with any developers and they will bring forward plans, and there was a commitment for no less than 10% of green space being retained. The approach would be monitored and overseen correctly.</p>
<p><b>Question from Councillor Matthew Vizard</b>  Did the survey company JLL provide a valuation for the sale and development of just the land currently occupied by the sports centre and adjacent car parks? If this option was ruled out by council officers prior to the commissioning of the survey and therefore not an option considered by</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>Council agreed to include the whole site in the disposal should disposal of the whole site offer best value to the Council. The valuation report would advise on indicative values for both parts of the site and combined and concluded that a combined disposal generates the best value in financial terms.</p>

<p>the survey company, please explain the reasons for this.</p>	
<p><b>Question from Councillor Matthew Vizard</b> Will the trees along the eastern edge of the site, which form a natural barrier with the allotments and Polsloe Road, be retained?</p> <p><u>Supplementary Question</u> Would the Council consider a Tree Preservation Order?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>This was a matter for discussion with the developer and planning authority. However, indicative scheme layouts do suggest advantages in retention for screening, etc.</p> <p>Councillor Bialyk responded to the supplementary question and advised that the he understood the frustration that people wished to have an immediate answer, but Planning Committee would discuss any future application.</p>
<p><b>Question from Councillor Matthew Vizard</b> Given their weight and importance to the debate, officer recommendation and Members deliberations, please could the following reports be appended to the Update Report on Built Sports and Leisure Facilities and made available publicly?</p> <p>a. The Wild Zones public consultation report b. The site survey/feasibility study report</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>a) Yes the document is publically available on the Council website. b) The report was not included in scrutiny papers as it contained commercially sensitive and confidential advice to the Council. We would be disadvantaged in subsequent marketing and negotiations should this report be publically available. The report was available for Elected Members to view on a confidential basis.</p>
<p><b>Question from Councillor Matthew Vizard</b> What is ECC's assessment of the impact on the Riverside Sports Centre and other sports and leisure facilities in the city if members do not support a sale (in some form) of the Clifton Hill site and £9m, or a figure sufficiently close to this sum, is not raised?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>The additional enhancements to the other Leisure facilities and the works at the Riverside Leisure Centre are not financed via a capital receipt, then the funds would have to be borrowed. At today's interest rates it would cost the Council £257,000 a year to service the debt. Of this, £84,000 has been included in the Medium Term Financial Plan meaning the Council will have to identify a further £173,000 of reductions on top of the £2.4 million already required.</p>

	<p>Fully financing all the works through a capital receipt would reduce the reductions required to services to £2.316 million.</p> <p>This decision would have a real impact on the amount of front line services that would have to be cut. For example £257,000 is roughly equivalent to the amount spent on Licensing, Food Health and Safety by the Council</p>
<p><b>Questions from Councillor Prowse</b> In a report made available to the Council in May 2018, figures show that a third of the patronage was by postcode, local residents. Further as the Clifton Hill Centre was at the time offering sports opportunities and services, e.g. driving range, skiing, squash etc. Why did the Council not consult before deciding to close it?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>He made a point of correction that the Clifton Hill Sports Centre did not provide the golf driving range or skiing.</p> <p>Formal public consultation was not an option given the cascade of events and the lack of any alternative to closure being realistically viable to the Council for the reasons set out in the June 2018 report.</p> <p>He referred Councillor Prowse you back to that report and in particular the Monitoring Officers comments on this issue.</p>
<p><b>Questions from Councillor Prowse</b> Having been a Member of this Committee for quite some time, I recollect that a report was made available after a safety inspection had been completed.</p> <p>a) Did we rectify the problems and faults that were reported?</p> <p>b) Given the age of some of our multi-storey car parks, when is the next inspection due?</p> <p>c) What is the current status of rectifying any instances of 'spalling' in any of the car parks?</p>	<p><u>Response made by Councillor Sutton Portfolio Holder Economy, Culture for Councillor Denham Portfolio Holder City Transformation</u></p> <p>Condition surveys have been carried out on the multi-storey car park estate and significant risks identified have been and continue to be resolved. For example beam repairs at Leighton Terrace/King William Street and soffit repairs at Mary Arches. The majority of condition survey items have been rolled up in the wider refurbishment/improvement proposals report which will be presented to committee for approval in due course.</p> <p>As part of the report, further surveys were identified as being required to deliver the refurbishment scheme. These surveys would capture all current defects requiring remediation as part of the wider scheme if approved.</p> <p>Any significant instances of spalling concrete are assessed and either treatment or repair is undertaken. Current areas were being addressed in</p>

	Princesshay 2 and Mary Arches. All minor areas would be addressed as part of the wider refurbishment proposals if approved.
<p><b>Questions from Councillor Prowse</b> The report as in Q1 above exposes the fact that half a million pounds worth of repairs &amp; maintenance were outstanding (backlog).</p> <p>Did works orders exist in respect of any of this backlog before the arrival of storm 'EMMA'?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>There were no works orders.</p>
<p><b>Questions from Councillor Prowse</b> This site was only ever at the time going to cope with green bin contents of this City (one Council). The site is now receiving waste from less than seven surrounding Councils. It is evident that serious investment is required. Exeter City Council's re-cycling rates are disappointing compared with neighbouring Councils.</p> <p>Can the Portfolio Holder detail what we can expect in the next 12 months?</p>	<p><u>Response made by Councillor Harvey Portfolio Holder Place &amp; Commercialisation</u></p> <p>He stated that the Material Recycling Facility (MRF) was intended to have the capacity to process 10,000 tonnes per year of mixed recycling. He welcomed the business acumen and dedication of staff at the MRF. Less than 8,000 tonnes per year was collected from residents and businesses in Exeter. We currently process additional material in varying quantities from four other local authorities; we have dealt with seven local authorities at various different times. Our ability to sort materials into separate streams makes them more valuable and therefore contributes towards our net income. When necessary, sorting of mixed plastics and cans from neighbouring authorities is carried out outside core hours so this does not affect our capacity to process Exeter's material.</p> <p>Investment in the MRF will improve recycling rates and reduce the net cost of recycling. Different options for investing in the plant and increasing recycling were currently being modelled, and this would be followed by a business case for investment, to be presented to Executive and then Full Council.</p>

	<p>The main reason for Exeter's recycling rate being lower than that of neighbouring authorities was that Exeter does not offer a separate food waste collection. The Resources and Waste Strategy for England, published in December 2018, announced that there will be a consultation in mid-2019 on food waste collection being mandatory for local authorities. The Council's own business case would include the result of modelling the cost of food waste collection and positive impact on recycling rates.</p>
<p><b>Question from Councillor Prowse</b> The report that is the subject of today's extraordinary meeting does not detail the fact that the lease for the Ski Club does not lapse until 2022. This is a period of at least three years. This glaring omission from the report does not detail whether this Council or the new developer (s) is to compensate for the early closure of this lease. Can the Portfolio Holder confirm that the good news is that the Ski Club is to remain?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>As stated previously our intention was not to close down the Ski Club and we would like to discuss options with the Ski Club about the possibility of a state of the art virtual ski training facility and a new home for the Ski Club within our proposals for Exeter Arena.</p> <p>There was no recommendation for the early termination of the Ski Club lease. The report recommends that the resolution of the existing tenancies for the Golf Driving Range and Ski Slope are passed to the successful developer, who will be able to provide sufficient evidence (grant of planning permission, proof of funding and intention to develop) to satisfy the requirements of Landlord &amp; Tenant Law to obtain vacant possession. This minimises the period during which the site has to be managed as vacant, and gives the developer the ability to phase development around these existing occupations.</p>
<p><b>Question from Councillor Prowse</b> What consultation, informal or otherwise took place with the Adaptive Ski Club before the Executive meeting of the 12 June?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>He confirmed that there had been both email correspondence and telephone calls with the ski club.</p>
<p><b>Question from Councillor Prowse</b> The disturbing lack of transparency involving the hasty decision to permanently close the Centre</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p>

<p>has been picked up by a number of residents and users. As a Member of this Committee I accepted an invitation to the site on Tuesday 29<sup>th</sup> January. The Council is offering a retention of 10% green space to the residents on the site which is to be offered for sale.</p> <p>As this is a nominal offer on a ten acre site is this the best that can be achieved?</p>	<p>He confirmed there was a 10% is a minimum requirement. The valuation advice suggests that a developer would be able to plan around the proposed green space creating more density elsewhere on the site and therefore preserving value. Retaining a greater percentage of the site for green space may have an adverse impact on the value that could be achieved for the site. It will be for the planners to decide whether this was a sufficient amount of green space.</p>
<p><b>Questions from Councillor Prowse</b> The Newtown Community Association offered to facilitate a meeting as an attempt to feel 'consulted' over the closure decision. Did such a meeting take place?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>He confirmed that meetings took place in the Newtown community co-ordinated by Wild Zones with around 80 to 100 people participating. He also believed that members of Newtown Community Association were invited to participate and had done so.</p>
<p><b>Question from Councillor Prowse</b> Local concerns have been expressed about the future of the many healthy mature trees on the site.</p> <p>What active steps has the Council taken to give a six month temporary Tree Preservation Order on the entire site? This would allow a good assessment as to their future?</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>He advised that in simple terms we would never TPO trees in our ownership as we are the responsible public body.</p> <p>TPOs should only be used when the trees are under immediate threat which is not the case and one doesn't need to declare a TPO to require "an assessment". As part of any planning application on land part or fully occupied by trees the planners will insist on an Arboricultural report from a qualified person assessing the health and amenity value of the trees which would inform the planning decision. This site would be no different.</p>
<p><b>Question from Councillor Prowse</b> In a series of emails received by the Council prior to the Executive meeting of the 12 June 2018, one such email detailed the following statement</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p> <p>The statement was not true.</p>

<p>“Development of the site will have a serious negative impact on the area”.</p> <p>In addition, I am concerned that demolition and not repair of this facility gives the message that the Labour Party group governing Exeter City Council is too concerned with their signature project of St Sidwell’s Point, as their “legacy” and are happy to sacrifice the current needs of the community to that long-range future project.</p> <p>The lack of maintenance which led to the snow damage and the opportunistic way in which that was seized on as an excuse for prolonged closure both give that impression. The extended failure to repair Riverside and the poor state of Northbrook Pool add to the impression.</p> <p>Is any of the above statement correct?</p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; font-weight: bold;">DRAFT</p>
<p><b>Question from Councillor Prowse</b> As part of this scheme the County Council recently revoked the pay &amp; display parking that runs parallel to Bampfylde Street and replaced it with an extended bus bay.</p> <p>Did the County Council ask the City Council for recompenses for the lost revenue at this location?</p>	<p><u>Response made by Councillor Sutton Portfolio Holder Economy, Culture for Councillor Denham Portfolio Holder City Transformation</u></p> <p>She had spoken to officers and no such request has been made to our knowledge.</p>
<p><b>Questions from Councillor Prowse</b> Given the decision taken to close Clifton Hill which was recommended to the Full Council and such a decision was taken at the Executive meeting on the 12 June 2018. Were any</p>	<p><u>Response made by Councillor Bialyk Portfolio Holder Health and Wellbeing, Communities &amp; Sport</u></p>

budgetary provisions made in the budget for 2018/19 for loss of income due to the unexpected loss of revenue stream with its closure and the full implications of such a decision?

He said that no, we were unaware of these issues when the 2018/19 budgets were set. The budgets are agreed in February and the snow unfortunately came after that, in March. Councillor Prowse was advised that the Section 151 Officer was not at the meeting as he was annual leave.

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## CORPORATE SERVICES SCRUTINY COMMITTEE

Thursday 24 January 2019

### Present:

Councillor Sheldon (Chair)  
Councillors Warwick, Hannan, Holland, Lamb, Musgrave, Thompson, Vizard M and Wood

### Also present:

Chief Finance Officer, City Solicitor & Head of HR and Democratic Services Officer (SLS)

### In Attendance:

Councillor Peter Edwards - Leader and Portfolio Holder Growth & City Development  
Councillor Ollie Pearson - Portfolio Holder Support Services

### 1 MINUTES

The minutes of the meeting held on 22 November 2018 were taken as read, approved and signed by the Chair as correct.

### 2 DECLARATIONS OF INTERESTS

No declarations of disclosable pecuniary interest were made.

### 3 QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER 19

In accordance with Standing Order No 19, a member of the public, submitted two questions in relation to budget and financial reports.

A copy of the questions had been previously circulated to Members, and these, together with the appropriate responses from Councillor Edwards, Leader and Portfolio Holder for Growth & City Development, the ensuing debate, and closing remarks from the member of the public are appended to the minutes.

### 4 QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER 20

In accordance with Standing Order No 20, a question was submitted by Councillor Mrs Thompson.

A copy of the question had been previously circulated to Members, and together with the response from Councillor Edwards, the Leader and Portfolio Holder for Growth & City Development are appended to the minutes.

## ANNUAL PAY POLICY STATEMENT

The City Solicitor and Head of Human Resources presented the report on the annual Pay Policy Statement 2019/20, which outlined the annual pay policy for approval by Full Council each financial year in line with legislation. Local Authorities were required by Section 38(1) of the Localism Act 2011 to set out a written statement each financial year relating to:-

- the remuneration of chief officers;
- the remuneration of its lowest paid employees; and
- the relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers

The City Solicitor and Head of HR referred Members to the appendix, attached to her report which set out the levels of remuneration for various posts from April 2019. She confirmed that the required report on gender pay gap would be presented to the next meeting of Corporate Services Scrutiny Committee in March. She also responded to a Member's enquiry regarding any union representations on pay policy to the City Council's Joint National Consultative Committee meetings, and confirmed that, whilst there had been no representations at the local level, the average pay increase negotiations and pay deal were negotiated nationally and the unions were involved in that way.

Corporate Services Scrutiny Committee noted the report and recommended Executive and Council to note, and approve:-

- (1) the adoption and publication of the circulated Policy, Report and Appendices in accordance with the legislation; and
- (2) delegated authority be given to the City Solicitor and Head of Human Resources to make necessary amendments to the pay policy statement following any changes in legislation or subsequent increases in pay.

## REVENUE BUDGET PROPOSALS 2019/20

The Chief Finance Officer presented the report, which outlined the strategic framework, and the prepared estimates and highlighted issues that would affect the actual setting of the overall level of Council Tax. The report also summarised the overall budget position arising from the information presented to Members in December and the current cycle of Scrutiny Committee meetings. He emphasised the importance of the Council being in a position to set a balanced budget and determine the council tax, in line with the statutory timeframe.

The Chief Finance Officer advised that the City Council was in the final year of a four year agreed local government finance settlement, following the submission of the required efficiency plan. The provisional settlement for 2019/20 was announced in December and, although the final settlement was awaited, it was not anticipated that there would be any significant change. The continuation of the more recent budget strategy of an increase in Council Tax of up to and including £5 would be presented to Members, which along with an estimated collection fund surplus of £96,331 would mean the City Council's Council Tax base would raise an extra £208,000. The Council Tax level was subject to discussion at the Council meeting on 26 February. He also confirmed that, following the Government deferral of any changes to the New Homes Bonus in 2019/20, the provisional award of New Homes Bonus was of £2.518m. The methodology for allocating the New Homes Bonus was

included in the report. He was disappointed to announce that the City Council had been unsuccessful in applying for participation in a further round of a local business rates retention pilot scheme. He responded to a Member who sought information on future opportunities. He advised that all Devon authorities would revert to acting as a pool.

He also reminded Members that, at the forthcoming Council meeting on 26 February, the proposals in the circulated report were for a balanced budget, and should Members wish to offer a further proposal or adjustment they would have to include replacement savings of an equal value.

Corporate Services Scrutiny Committee noted the report.

## 7 **CAPITAL STRATEGY AND CAPITAL PROGRAMME - 2019/20 - 2021/22**

The Chief Finance Officer presented the report, which sought approval of the Capital Strategy and General Fund and Housing Revenue Account Capital Programmes for 2019/20 and the schemes identified for the following two years.

He provided an overview of the recommendations which required the Council to prepare a three year capital expenditure plan and consider the affordability of its capital investment during all of the year, in which, it would have a financial impact on the authority. The Council should ensure that any borrowing decisions remained affordable, prudent and sustainable and he referred to the adoption of a number of prudential indicators to ensure that remained the case. He referred to the appendices circulated with the report which provided an overview of the General Fund available resources, HRA available resources, the General Fund Capital Programme, the Housing Capital Programme and the Capital Strategy. Members were informed of the new capital bids of £3,284,920m and pre-approved schemes of £36,413,870m for 2019/20, the bulk of which was allocated to the Leisure Complex build project. He also referred to a request being made through Place Scrutiny Committee for two additional bids, the final detail of which would be included in the report to the Executive.

Members were also updated on the Housing Revenue Account (HRA) for 2019/20. The HRA medium term financial plan provided for a Capital Programme of £20.591m, which would be comprised of £11.389m for improvements to the Council's existing housing stock, and £9.202m towards the provision of new homes. The proposed Capital Strategy was included as an appendix to the report and this set out in detail the Council's purpose, aims and the approach to capital investment.

Corporate Services Scrutiny Committee noted the Capital Programme 2019/20 – 2021/22 report and requested Executive and Council to note, and approve:-

- (1) the General Fund Capital Programme for 2019/20 as set out in Appendix 3;
- (2) the HRA Capital Programme for 2019/20 as set out in Appendix 4; and
- (3) the Capital Strategy as set out in Appendix 5.

## 8 **TREASURY MANAGEMENT STRATEGY REPORT 2019/20**

The Chief Finance Officer presented the report which sought Council approval of the Treasury Management Strategy Report, which also incorporated the Annual

Investment Strategy 2019/20, as required by the Local Government Act 2003. Although there had been no substantial change, the Council was required to approve the Treasury Management Strategy and Investment Strategy before the start of each financial year, to decrease the risk of exposure to financial loss of invested funds and the revenue effect of changing interest rates. He set out the key issues, listed in Section 8 of the circulated report for Members to consider.

Corporate Services Scrutiny Committee noted the Treasury Management report for 2019/20 financial year and recommended approval by Executive and Council.

9

### **PRUDENTIAL CODE FOR CAPITAL FINANCE IN LOCAL AUTHORITIES/ INCORPORATING ANNUAL STATEMENT OF MINIMUM REVENUE POSITION**

The Chief Finance Officer presented the report on the Prudential Code for Capital Finance in Local Authorities (incorporating the Annual Statement of Minimum Revenue Provision) which advised Members of the proposed 2019/20 Prudential Indicators for capital finance for adoption by the Council and set the annual statement of Minimum Revenue Provision (MRP). The objectives of the code were to ensure within the framework that the capital investment plans of local authorities were affordable, prudent and sustainable. The changes to the Prudential Indicators and MRP report would be incorporated within the Budget Book for approval at Full Council on 26 February 2019.

He highlighted the Capital financing required, the operational boundary and the authorised limit. He also referred to the minimum revenue provision, which is the amount set aside from revenue to meet the repayment of debt principal. He set out the detail of the five options which the Secretary of State considered to be prudent:-

- Regulatory Method
- Capital Financing Requirement Method
- Asset Life (Equal Instalment) Method
- Asset Life (Annuity) Method, and
- Depreciation Method

In response to a Member's question, the Chief Finance Officer explained that the costs associated with the capital programme were built into the medium term financial plan, which overall required savings of £2.4m to be balanced over the medium term. Subject to delivery of these savings, the Chief Finance Officer believed the rising costs were affordable. However, he noted that Members would face difficult decisions in terms of balancing the Medium Term Financial Plan over the next year.

Corporate Services Scrutiny Committee noted the report and requested Executive and Council to approve the adoption of:-

- (1) The Prudential Indicators set out in Appendix A-C; and
- (2) the Annual Statement of Minimum Revenue Provision for the Council.

10

### **ESTIMATES, FEES & CHARGES 2019/20**

The Chief Finance Officer presented the report on the proposed Revenue and Capital Estimates and Fees and charges for 2019/20 in respect of Corporate

Services, which would form a proposed annual budget which would be monitored throughout the year, in line with statutory legislation.

Corporate Scrutiny Committee supported the draft Revenue Estimates for 2019/20, the proposed Capital Programme and Fees and Charges for further consideration by Executive on 12 February and Council on 26 February 2019.

(The meeting commenced at 5.30 pm and closed at 6.10 pm)

Chair

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**PUBLIC Questions for Corporate Scrutiny Committee – 24 January 2019**

<p><b>Peter Cleasby</b> It is clear from the discussions in Scrutiny Committees on the draft budget for next year that councillors (and members of the public) are having difficulty in working out what the consequences of changes to budget lines are for actual services. For example, at Place Scrutiny Committee on 17 January budget lines 81B&amp;C showed a saving of £540,450 but officers explained that this was a “paper saving” with budgets distributed to other services.</p> <p>In the interests of transparency to which the Council claims it is committed, will this Scrutiny Committee instruct, or ask the Executive to instruct, officers to produce budget papers with a commentary in terms that councillors and the public can easily understand showing which services are being reduced and which increased, rather than relying on descriptions of movements to obscurely described individual budget lines?</p>	<p><u>Response made by Councillor Edwards, Leader &amp; Portfolio Holder for Growth &amp; City Development</u></p> <p>Exeter City Council was committed to being transparent. He had requested the Chief Finance Officer to revise an element of the Estimates sheet, which would set out the movements for each management unit, separating out the amounts that did not impact on the overall Council Taxpayer.</p> <p>The information would be added as an appendix to the General Fund, HRA Estimates and Capital Programme 2019/20 report, which would be considered at the Executive meeting on 12 February and subsequently included within the budget book.</p> <p>The Chief Finance Officer responded to a Member’s request for clarification stating that the request, as stated in the Leader’s response would be actioned with the information added to the main financial report to the next Executive.</p> <p>Mr Cleasby thanked the Leader for his response and for consideration and action of his request, which he felt would ensure that Members were fully informed.</p>
<p><b>Peter Cleasby</b> The quarterly statements of Council spending include payments where the recipient’s identity has been redacted, in line with the Council’s policy on redactions. During 2017 and 2018 fees of just over £152,000 in total were paid to suppliers of consultancy services whose identities</p>	<p><u>Response made by Councillor Edwards, Leader &amp; Portfolio Holder for Growth &amp; City Development</u></p> <p>The redacted information related to individuals such as landlords, consultants or recipients of council tax refunds and details of their names would be classed personal data.</p>

were redacted as Personal Data, not as Commercial Confidentiality, so redaction justification on the grounds of commercial confidentiality is not involved.

Most of these 69 payments were for services relating to marketing and communications, arts events and venues, and the Museum, and the frequency of redactions has increased significantly since late 2017. The Council's policy on redaction states: "where it is in the public interest to name an individual (e.g. information regarding sole traders and individuals in the public domain) the information will be disclosed unless the individual has specifically objected to its publication".

Will the Council please provide examples of the reasoning that led officers to conclude that these consultancy payments should be anonymised, and explain how it is in the public interest that the identity of the recipients of the £152,000 of public funds should be kept secret?

Publishing this information on the council's website was, in effect, publishing the information to the world at large and presented an element of risk. For example, an individual may not want information about their personal income made public or they may not want anyone to know that they are working in and around Exeter. In order to comply with the Council's data protection responsibilities, the names have been redacted.

Although every effort is made to give those individuals receiving a payment the opportunity to object to their details being published, we cannot be certain that everyone has received the notification. He noted the point that the public had a right to know how public funds were spent and this is why the amount and description would be included on the spreadsheet.

The Chief Finance Officer responded to a Member's request for clarification over the publication of such information and whether it was in respect of data protection or if there was another conflict of interest. He added that every effort was made to publish as much information as possible and certainly in relation to the disciplines of expenditure, but it was necessary to redact the name of individuals or payees. He advised that the Council's procurement process included both an internal and external audit check, as part of the necessary value for money audit detail. He would discuss this with the Procurement Team, and it was certainly in no one's interest to publish information on transactions relating to individuals.

Mr Cleasby thanked the Leader for his response. He wished to reiterate that he had no interest in seeking unnecessary information and had only sought specific information about the level of spending in relation to consultancy fees. He felt it was in the public interest to ensure that there was information on this matter. He also thanked the City Solicitor and Head of HR for offering a view in respect of the Council's current redaction policy. He clarified his comment 'disclosure of the information unless the individual has objected to its publication' and enquired would the information be shared with the public or just for Members. The City Solicitor & Head of HR agreed to discuss this matter with the Data Protection Officer and update Members and respond to Mr Cleasby.

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**MEMBER Question for Corporate Scrutiny Committee – 24 January 2019**

<p><b>Question from Councillor Mrs Thompson</b> In November when Tithebarn Way was monitored with speed cameras by the Police some drivers were recorded as driving at speeds in excess of 30mph on this road. As this road according to Police was at the time unadopted by Highways, could this pose any risks to the City Council and are there any planning conditions yet to be enforced to meet the standards required by DCC for the road to be adopted?</p>	<p><u>Response made by Councillor Sutton Portfolio Holder Economy and Culture for Councillor Denham, Portfolio Holder City Transformation</u></p> <p>The issue of adopting the road was entirely a matter between the developer and the County Council. There were no relevant outstanding planning conditions, and officers were not aware of any potential risk to the City Council in respect of liability.</p>
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## STRATA JOINT SCRUTINY COMMITTEE

Monday 14 January 2019

### Present:-

Councillors Clarence, Dewhirst, Haines, Lyons, Dent, Jung and Pierce

### Also Present

Strata IT Director, Compliance and Security Manager, the Director with responsibility for Finance, Strategic Lead Finance (East Devon District Council), Document Centre Manager, Business Systems Manager, Infrastructure and Support Manager and Democratic Services Officer

1

### APOLOGIES

These were received from Councillors Nicholas and Prowse and the Strata Director for Teignbridge.

Councillor Clarence was substituting for Councillor Prowse.

2

### INVESTORS IN PEOPLE

The Chairman welcomed Tina Hall attending as an observer on behalf of Investors in People for the Part I items only.

3

### MINUTES

The minutes of the meeting held on 24 September 2018 were approved and signed by the Chair as correct.

4

### DECLARATIONS OF INTEREST

No declarations of interest were made.

5

### QUESTIONS FROM THE PUBLIC UNDER PROCEDURAL RULES

None.

6

### QUESTION FROM MEMBERS OF THE COUNCILS UNDER PROCEDURE RULES

The following question was put by Councillor Lyons:-

"Who decides in Strata what is junk mail and what checks are made on this to ensure this is correct. My question is the result of the discovery that the LGiU (Local Government information Unit) to which the council subscribes was not going into my inbox, when I asked Strata staff I was told it was because they are blanket emails going to all councillors and was probably junk".

A copy of the question and reply is appended to the minutes.

7

**STRATA IT DIRECTORS REPORT - OVERVIEW OF STRATA PERFORMANCE -  
COVERING PERIOD OCTOBER UNTIL DECEMBER 2018**

The Strata IT Director presented the report on the last five months of activity the aim being to provide background to the core areas of specialisation within Strata and identifying key activities, successes and areas for improvement. The report covered Financial Management, Business Change Requests (BCR's) and Projects, Service Desk, Global Desktop Environment and main ongoing corporate projects. Key performance indicators were also provided covering incidents, service requirements, security, problems, maintenance and business change requests.

2018 had been a year of consolidation and stabilisation of the core services, a review of key processes and a restructuring of the management of the Strata organisation. The core objectives of Reduced Cost, Reduced Risk and Delivering the Capability and Capacity for Change had been delivered against the business needs of the three authorities and the savings delivered back to each authority

He highlighted the following key areas:-

- the original 2018 budget figure had been exceeded and savings in excess of £382,000 would be delivered, overachieving against the target by approximately £110,000;
- Strata had nearly completed the City Council's Global Communications roll out, the East Devon roll out had been completed and the project team would be moving onto Teignbridge in March 2019 to commence the roll out there;
- East Devon new office fit out was on-target with the official opening set for 11 February 2019. The primary challenge faced during the build up to handover had been the delivery of the required connectivity by VirginMedia and Openreach but this had now been addressed;
- OneTeignbridge project was progressing well with Teignbridge delivering a single sign-on solution making it easier for the public to engage online with the authority;
- protecting the three authorities from the dangers from cyberattacks was a high priority;
- the Public Services Network accreditation had been achieved for the next 12 months across all three authorities;
- Keith Watson, the new Data Analyst, had started focusing initially on working with the three authorities to deliver corporate dashboards;
- Strata had applied for Investors in People accreditation and staff interviews were currently being held;
- Strata was supporting the EX1 project through Environmental Health at Exeter;
- ModernGov was being rolled out to East Devon and Teignbridge Councillors and discussions were underway as to how best the application was delivered and accessed via Councillors whether via iPads or via existing Councillor owned devices; and
- Annual Strata Conference had been held at the RAMM on 7 December 2018.

The Strata IT Director and Business Systems Team Lead updated Members on progress with real time reporting on BCR, project status and reporting of incidents and problems. The decline in BCRs had continued into December and the three IT Requirements Boards were working well prioritising and scheduling BCR's. The transformation projects across all three authorities were predominantly delivering large projects such as OneTeignbridge which was delivering efficiencies and benefits to customers.

It was noted that there was a divergence of views at Teignbridge regarding the preferred way forward for rolling out new IT equipment for Members which reflected the different level of support required. Teignbridge was also the first of the three Councils to move off GCSx and the Strata Outlook secure email 'plugin' had been released to support secure email sending.

Strata Joint Scrutiny Committee noted the report.

8

#### **URL TO STRATA4@UPDATE**

"Members were encouraged to study Strata@4, to be found at :  
<http://strata.solutions/strata@4/>."

9

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

**RESOLVED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the Act.

10

#### **STRATA BUDGET MONITORING QUARTER III : 2018/19**

The Director responsible for Finance reported that Strata had been given a total of £6,504,000 to run the IT Services in 2018/19 along with funding for various capital projects. The Company also maintained an account for additional purchases throughout the year.

The Strata budget was on track to deliver around £505,000 of revenue savings for the three Councils in 2018/19. After five months, the Board was projecting savings of £504,736 against the total original target of £381,960.

The report also set out variations in the capital budget.

The capital project to deliver the data centre and other implementation projects was progressing with some additional expenditure on the data centre incurred, funded from the annual capital payment. The Councils had requested additional equipment for which they were subsequently invoiced. At present there were outstanding payments of £206,344 to be invoiced.

Strata Joint Scrutiny Committee noted and supported the report.

11

#### **STRATA BUSINESS PLAN OVERVIEW AND DISCUSSION**

The Strata IT Director presented a new Business Plan currently being considered by client leads and Chief Executives/Managing Directors of each authority for review/comment. Follow up meetings would receive feedback on the plan for specific authority IT service requirements to be incorporated. The new Business Plan was linked to Strata's overall aim of becoming more customer focussed in 2019 enabling the partner authorities to define their Business and IT strategies with the confidence that Strata had developed the infrastructure and resources to support these strategies.

It was a six year plan with an annual review cycle and laid out the predicted spend, costs and savings of the Strata service for this period. Each of the four business

discipline teams within Strata had defined both the staff and product costs over the proposed period.

The Strata IT Director detailed the business plan cycle covering a review and revision of the plan and implementation of changes setting out the main fundamentals of each. The key driver would be transitioning to transformational value from business as usual and the plan set out a suggested governance model and proposed adoption of a funding model and a revised savings profile.

He responded to Members' queries on savings profile, staff culture and numbers and a proposal to recruit a non-Executive Director. He also detailed proposed capital requirements going forward.

Strata Joint Scrutiny Committee noted and supported the draft Business Plan including the capital requirements set out in the report and recommended that the Strata Joint Executive Committee approve the Plan for consideration by the three Councils.

(The meeting commenced at 5.30 pm and closed at 7.20 pm)

Chair

## MINUTE ITEM 6

### STRATA JOINT SCRUTINY COMMITTEE

14 JANUARY 2019

### QUESTION FROM COUNCILLOR LYONS

Who decides in Strata what is junk mail and what checks are made on this to ensure this is correct. My question is the result of the discovery that the LGiU (Local Government information Unit) to which the council subscribes was not going into my inbox, when I asked Strata staff I was told it was because they are blanket emails going to all councillors and was probably junk".

Answer

The identification of spam (unsolicited emails) and malicious emails uses a combination of automated and manually configured filtering. The automated element uses a global spam specialist 'MailShell' along with various internet block lists and continually updates its automatic rules as email arrives. On top of this the Strata Security and Compliance team builds up rules that target cyber threats and the worst types of spam 'sextortion' being a current example. Spam is held as some of this is not appropriate for a work environment and also spam is very time wasting for those receiving it, and therefore like most organisations Strata limits this where possible.

Given the number of emails received, with approximately 1000 per day stopped as Spam and about 300 for security reasons, there will occasionally be incorrect decisions made for spam. To overcome this, the team add exceptions that override the automatic systems and the Strata Service Desk and the Security and Compliance team review emails that are blocked.

In the case of the LGiU emails they were both sent in bulk and are sent via a company called MailChimp that are known to send spam emails, and have various help pages on their support area like this <https://mailchimp.com/help/my-campaigns-are-going-to-spam-folders/> that show that others also treat emails sent via them as potential spam.

Therefore in summary for Cllr Lyons, there are no wholesale decisions made by Strata staff about a particular email sender or that blanket emails to a wide variety of senders should be blocked. A mass send of emails will however increase the likelihood that these will be treated as spam along with being sent via certain email delivery companies, in this case MailChimp. Where blocking is notified we can release these and if an ongoing newsletter can create rules to let them through.

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## STRATA JOINT EXECUTIVE COMMITTEE

Monday 28 January 2019

### Present:-

Councillor Peter Edwards (Chair)  
Councillors Christophers and Thomas  
Managing Director Teignbridge District Council, Chief Executive Exeter City Council, and  
Chief Executive East Devon District Council

Councillor Clarence (in attendance for Minute 4).

### Also Present

Strata IT Director, Director with Responsibility for Finance, Strategic Lead Finance (East Devon District Council) Head of Security and Compliance, Head of Infrastructure, Head of Business Systems and Democratic Services Officer (SLS)

1

### MINUTES

The minutes of the meeting held on the 28 September 2018 were taken as read and signed by the Chair as correct.

2

### DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interest were made.

3

### QUESTIONS FROM THE PUBLIC UNDER PROCEDURAL RULES

None.

4

### QUESTIONS FROM MEMBERS OF THE COUNCILS UNDER PROCEDURAL RULES

The following question was put by Councillor Clarence in relation to IT support.-

Following the Full Council at Teignbridge District Council meeting on 14 January, it was apparent that issuing all TDC Members with a tablet (Apple iPad) after the May 2019 elections was probably not the only IT solution that Members felt would enable them to perform their role as a Councillor. With that in mind do the TDC Executive still wish to pursue this idea or would it simply be better to allow members to function in a number of different ways with those, such as myself, using a laptop, receiving remote help by a member of Strata, with a Member's permission, with a Strata officer taking command of a members laptop remotely and showing him/her what to do? The rationale being a very cost effective way to receive the necessary IT help to function as a councillor.

Councillor Christophers thanked Councillor Clarence for the question, as colleagues at Teignbridge District Council had been working more closely with Strata and it was acknowledged that each of the District Authorities were all at different stages of their convergence journey.

A copy of the question and reply are appended to the Minutes.

**STRATA IT DIRECTOR'S REPORT - OVERVIEW OF STRATA PERFORMANCE -  
PERIOD OCTOBER - DECEMBER 2018**

The Strata IT Director presented the report on the last five months of activity the aim being to provide background to the core areas of specialisation within Strata and identifying key activities, successes and areas for improvement. The report covered Financial Management, Business Change Requests (BCR's) and Projects, Service Desk, Global Desktop Environment and main ongoing corporate projects. Key performance indicators were also provided covering incidents, service requirements, security, problems, and maintenance and business change requests.

He highlighted the following key areas:-

- they were on track to deliver the anticipated savings in excess of £382,000, overachieving against the target by approximately £110,000;
- Strata had nearly completed the City Council's Global Communications roll out to staff, at Exeter City Council and also East Devon District Councils. The project team would commence the roll out at Teignbridge District Council in March 2019;
- an investment in the global desktop had continued with a drive to look at user's email retention to improve the performance of the Outlook application;
- following a successful recruitment, a data analyst has been appointed, one task being to build a corporate dashboard for all three authorities;
- the East Devon new office fit out was on-target with over 200 staff already in place and were all connected to the IT. This had been a huge task and was the result of a phenomenal effort by all concerned;
- the One Teignbridge project had delivered real value with Teignbridge delivering a single sign-on solution to improve the resident's experience online with the authority;
- Modern.Gov was being rolled out to East Devon and Teignbridge Councillors and discussions were underway as to how best the application was delivered and accessed via Councillors whether via iPads or via existing Councillor owned devices;
- Strata was supporting the EX1 project through Environmental Health at Exeter;
- protecting the three authorities from the dangers from cyberattacks continued to be a high priority;
- the Public Services Network accreditation had been achieved for the next 12 months across all three authorities;
- the Annual Strata Conference had been held at the RAMM on 7 December 2018; and
- Strata had applied for Investors in People accreditation and they were currently awaiting the outcome of the process which had included staff interviews. He thanked Members of the Board for their support.

The Strata IT Director and Business Systems Team Lead also updated Members on progress with real time reporting on Business Change Requests (BCR) project status and real time reporting of incidents and problems. They would continue to work on the out of hour's strategy to ensure that any periods of down time were further minimised.

Strata Joint Scrutiny Committee had considered the report at its meeting on 14 January 2019 and its comments were reported.

**RESOLVED** that the report be noted.

6

### URL STRATA@4 UPDATE

The Strata Director had been advised that Tim Gibson, an independent journalist, consultant and academic was invited to provide an independent view of the Strata story so far.

Members were encouraged to study Strata@4, to be found on the Strata web site at: <http://strata.solutions/strata@4/>.

7

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

**RESOLVED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 3 of Part I, Schedule 12A of the Act.

8

### STRATA BUDGETING MONITORING QUARTER 3: 2018/19

The Director responsible for Finance reported that Strata had been given a total of £6,504,000 to run the IT Services in 2018/19 along with funding for various capital projects. The Strata budget was on track to deliver around £505,000 of revenue savings for the three Councils in 2018/19. After five months, the Board was projecting savings of £504,736 against the total original target of £381,960.

The report also set out variations in the capital budget.

Strata Joint Scrutiny Committee had considered the report at its meeting on 14 January 2019 and its comments were reported.

**RESOLVED** that the report be noted.

9

### STRATA BUSINESS PLAN OVERVIEW AND DISCUSSION

The Strata IT Director presented a draft of the new Strata Business Plan for 2019/20 and beyond, entitled 'The Agent for Change' which was currently being considered by client leads and Chief Executives/Managing Directors of each of the three authorities for review and comment. He sought Member's views and hoped that each of the authorities would be able to offer a complete or partial sign off. The new Business Plan was linked to Strata's overall aim of becoming more customer focused in 2019 to enable the partner authorities to define their Business and IT strategies, including the development of the transformational agenda for each authority and delivery of a cost effective, flexible and reliable modern IT platform with the infrastructure and resources to support these strategies. The Business Plan cycle also included a suggested governance model (subject to discussion) proposed adoption of a funding model and revised savings profile. Detail of the projected finance model had been supplied to the respective finance teams of each Authority. The Strata IT Director responded to a question from Councillor Thomas on the financial base used for savings over the next five years.

The Managing Director Teignbridge District Council indicated that the Authority wished to undergo a fundamental change in its infrastructure capability to enhance access across all services. He reiterated the need to ensure that the IT service met the future requirements of Teignbridge District Council during a significant period of change in its organisational arrangements. He confirmed that whilst they would continue on the convergence journey, he suggested it may be at a slightly different

pace. Members agreed that there were many advantages to the convergence approach with increased compatibility and ability to pick up and run a proper business within the three authorities. The Chief Executive Exeter City Council said that he understood the need to ensure that each authority carried out an exercise to satisfy themselves that the timeline of the convergence approach was appropriate for them. He added that the previous suggestion of a non-Executive Director, acting as a critical friend would be beneficial to the Board.

The Strata IT Director thanked Members for congratulating Strata for its excellent work, and achievements to deliver an innovative and quality service, within a price framework which met the requirements of the constituent Authorities.

Strata Joint Scrutiny Committee had considered the report at its meeting on 14 January 2019 and its comments were reported. Strata Joint Scrutiny Committee in principle supported the draft Business Plan including the capital requirements set out in the report and recommended that the Strata Joint Executive Committee approve the Plan for consideration by the three Councils.

It was agreed that the Leaders and Chief Executive of all three Authorities meet to discuss the convergence specification and timetable further as part of continual review.

10

**COUNCILLOR EDWARDS**

Members thanked Councillor Edwards for his service to the Strata Management Board, and wished him well in his forthcoming retirement as Leader and Member of Exeter City Council.

(The meeting commenced at 5.30 pm and closed at 6.45 pm)

Chair

**QUESTION RECEIVED for Strata Executive Committee 28 January 2019**

**Question Received from Councillor Chris Clarence Teignbridge District Council**

Following the Full Council at Teignbridge District Council meeting on 14 January, it was apparent that issuing all TDC members with a tablet after the May 2019 elections may not be the best IT solution to enable Members to function as a Councillor. With that in mind do the TDC Executive still wish to pursue this idea or would it simply be better to allow Members to function in a number of different ways with those, such as myself, using a laptop, receiving remote help by a member of Strata, with a members authority, with a Strata officer taking command of a members laptop remotely and showing him/her what to do? The rationale being a very cost effective way to receive the necessary IT help to function as a councillor.

The Strata Director also sent an email to Councillor Clarence with the detail set out below, and also provided a response at the meeting and in particular in relation to his query on receiving 'remote assistance'. The Head of Infrastructure and Support would investigate that further and seek the views of the team. A separate response would be made to the Councillor.

**Councillor IT Support**

As previously outlined at the Joint Scrutiny Committee meeting in September, Strata was able to support Councillor IT on a reasonable efforts basis. Any IT incident (an issue with an element of IT) needs to be raised via the Strata Service Desk (01626 215222). Once raised, an incident will be logged on the Service Desk system and an incident number allocated. The incident will then be passed to a specialist for investigation / resolution / guidance / etc.

There is in place a document entitled the Customer Service Plan, which provides details of the service, how to raise calls, how to escalate calls and how to raise a complaint. There are process flows to show how a call (incident) will be processed.

Strata handle approximately. 1600 calls / incidents / requests for service via the service desk per month at the current time.

There is also in place as part of the Strata Support Service, a 24/7/365 service which enables officers (and potentially councillors) to call Strata anytime night or day if an urgent / emergency situation should arise – with a member of Strata 1<sup>st</sup> line and 2<sup>nd</sup> line staff on call outside of normal office hours (including weekends and bank holidays).

**Councillor IT Training**

As discussed at the Joint Strategy Committee / Joint Strata Executive Committee in September 2018, Strata have proposed the introduction of an IT trainer to support both Officers and Councillors across the three partner authorities to boost IT training across all three authorities. A recruitment process is under way. The aim is to provide a multi-faceted approach to IT training, with classroom training, round table training, desk side training, workshops, top tips, 1 2 1's, etc. – it is expected that councillors will also be able to access the training which will be able to be booked via the Strata service desk.

The Strata team are exemplars of a high quality IT service, with highly dedicated staff working to meet the ever increasing demands of the three partner authorities. The IT landscape is for ever changing and more and more council services are now delivered over IT. This is unlikely to decrease for the foreseeable future. The Strata team are always focussed on doing their best to keep IT systems functioning, whilst protecting the authorities from the ever present dangers of the modern cyber world.

An offer was also made for a 1-2-1 meeting to offer to answer Councillor Clarence any further questions he may have.

Councillor Clarence was also sent a copy of the Strata Customer Services Plan.

DRAFT

## EXECUTIVE

Tuesday 15 January 2019

### Present:

Councillor Edwards (Chair)  
Councillors Bialyk, Morse, Pearson, Sutton and Wright

### Apologies:

Councillors Denham, Harvey and Leadbetter

### Also present:

Chief Executive & Growth Director, Director (BA), Chief Finance Officer, Director (DB),  
Service Lead Housing Tenancy Services and Democratic Services Manager

## 1 MINUTES

The minutes of the meeting held on 11 December 2018 were taken as read, approved and signed by the Chair as correct.

## 2 DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interest were made.

## 3 PROPOSED CONSULTATION ON PUBLIC CONVENIENCES

The Director (DB) presented the report requesting permission to start a public consultation on the proposals to close a number of public conveniences to achieve the required budget savings and enable a balanced budget to be set.

Members were informed that further central government funding cuts meant that the City Council had to find additional savings of £3.9 million over the next two financial years. All non-statutory services were under pressure to deliver savings Public Conveniences were not a statutory service the Council no longer had enough funding to maintain all the sites that it operated.

The consultation would start next week and run for three weeks, this would be on-line and papers copies would be available at the Civic Centre. Part of the consultation would be around the concept of a community toilet scheme which had been successful in other parts of the Country including Bristol.

Members were asked how they would like the final decision to be made, delegated to the Director or brought back to Executive.

Councillor Pierce, speaking under Standing Order No.44, raised concerns regarding the potential closure of the Public Conveniences at Topsham Quay and that they were essential for the Economy and Tourism in Topsham.

The Leader stated that this process was the start of a consultation and that Councillor Pierce should encourage the Topsham residents to write in.

The Director (DB) confirm that so far 19 letters had been received in support of the Topsham Fore Street toilets.

Members support the final decision be brought back to Executive to make.

**RESOLVED** that the following be noted:-

- (1) In common with many cities around the UK, the Councils public toilets no longer serve the needs of residents and were costly to maintain. Many were hidden away and in poor condition. They attract serious and repeated anti-social behaviour including widespread drug use and are regularly vandalised. Understandably many are infrequently used;
- (2) Further central government funding reductions mean that the City Council had to find an additional saving of £3.9 million over the next two financial years. Every service was being challenged to ensure that it provides value for money and all non-statutory services were under considerable pressure. Public conveniences were not a statutory service and the Council no longer had enough funding to maintain all the sites it operate;
- (3) the Council operate 26 public conveniences across the City Council area, with two of those currently closed due to anti-social behaviour; and
- (4) a consultation on proposals to rationalise the Council's existing provision to a more manageable number and suggested alternative proposals to improve the availability of good quality publically accessible toilets be approved and the consultation results be brought back to Executive to make the final decision.

4

#### **HOUSING RENTS AND SERVICES CHARGES**

The Chief Finance Officer presented the report setting out the proposed changes to council dwelling rents, garage rents and service charges with effect from 1 April 2019.

Members were advised that this was the final year of implementing the 1% rent cut, this would result in an overall reduction of £400,000 to the Housing Revenue Account in 2019/20.

People Scrutiny Committee considered the report at its meeting on 10 January 2019 and its comments were reported.

**RESOLVED** that:-

- (1) rents of Council dwellings are reduced by 1% from 1 April 2019;
- (2) garage rents are increased by 3% from 1 April 2019;
- (3) service charges remain at their existing levels, with the exception of charges specified below from 1 April 2019:-
  - (a) 10% increase in emergency light testing in line with routine testing costs and additional installations;
  - (b) 20% decrease in respect of the Older Persons' property service charge reflecting a frozen post; and

- (c) 5% reduction in respect of door entry systems in line with system maintenance costs.

5

**2019/20 BUDGET STRATEGY AND MEDIUM TERM FINANCIAL PLAN**

The Chief Finance Officer presented the report providing a strategic overview of the budgetary position for the 2019/20 financial year and beyond including an indication of the likely level of available resources, the known demand for resources and the proposals to ensure that a balanced budget was achieved.

The Chief Finance Officer advised Members that this was the last year of a four-year Central Government Settlement agreement with the provisional settlement for 2019/20 being announced in December 2018. The approximate award for New Homes Bonus was expected to be £2.518 million for 2019/20 and unfortunately the application for Devon Authorities to be a 75% pilot for Business rates was unsuccessful. The Councils budget strategy for next year assumed a council tax increase of £5 along with the estimated surplus on the collection fund of £96,331 and increase in the tax base this would raise an extra £208,000.

The Council had a legal responsibility to produce a balanced budget and that savings of £2.4 million had to be found next year on top of the savings already identified.

In response to the Leader, the Chief Finance Officer stated that there was uncertainty going forward as to what funding would be available for future years and that the Council needed to reduce its budget where possible.

**RECOMMENDED** that Council:-

- (1) note the contents of the report; and
- (2) approve the proposals to establish a balanced revenue budget and capital programme.

6

**COUNCIL TAX BASE AND NNDR 1**

The Chief Finance Officer presented the report setting the 2019/20 Council Tax base in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012. The report also sought to delegate to the Chief Finance Officer (Section 151 Officer) the Council's estimate of Business Rate Income (NNDR1) for the next financial year.

Members were advised that the amount calculated for the Council as its tax base for the year 2019/20 would be 36,988 this was an increase of 441 properties over the figures for 2018/19.

**RESOLVED** that:-

- (1) in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, the amount calculated by Exeter City Council as its tax base for the year 2019/20 shall be 36,988 and;
- (2) responsibility to approve the Council's NNDR1 return by 31 January 2019 be delegated to the Chief Finance Officer (Section 151 Officer).

7                    **CREATION OF A SECOND POST OF A CIL AND SECTION 106 MONITORING OFFICER**

The Director (BA) presented the report which sought approval to establish a new, second, permanent position of Community Infrastructure Levy (CIL) and Section 106 Monitoring Officer in City Development. The new position would be funded through Community Infrastructure Levy receipts which were intended to be used for administration purposes, and through future receipts secured through Section 106 agreements for similar purposes. The postholder would work to ensure that both CIL and Section 106 monies were effectively monitored, secured, and spent in accordance with legislative requirements.

The Portfolio Holder for Economy and Culture supported this post to ensure that the both CIL and Section 106 monies were received in good time to help deliver essential infrastructure for the City.

**RECOMMENDED** that Council approve the use of Community Infrastructure Levy - derived funds to create the new position – Community Infrastructure Levy and Section 106 Monitoring Officer.

8                    **EXETER SCIENCE PARK COMPANY. SHAREHOLDER REPRESENTATIVE**

The Chief Executive & Growth Director presented the report seeking approval for the Exeter City Council's Shareholder representative on the Exeter Science Park Company. Members were also advised there was a requirement to appoint a Director to replace David Hodgson, it was proposed that this be Jon-Paul Hedge as he would bring Communications and Marketing experience to the Board.

Members supported the way forward.

**RESOLVED** that David Hodgson be appointed as Exeter City Council's Shareholder representative for the Exeter Science Park Company and Jon-Paul Hedge be appointed as a Director of the Exeter Science Park Company.

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

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1,2 3 and 4 of Part 1, Schedule 12A of the Act.

10                    **ST LOYES MANAGEMENT REPORT**

The Director (BA) presented the report in relation to the management of Exeter City Council's Extra Care Scheme (Exeter's Extra Care Scheme) formally known as St Loyes Extra Care. It was anticipated that the scheme would be completed by 2020 and would be an asset held within the Housing Revenue Account (HRA).

The Service Lead Housing Tenancy Services advised of the two options available to the Council in relation to the management of Exeter City Council's Extra Care Scheme. Option one requiring the housing management function to be carried out in house by the City Council's Housing Service Team including maintenance, tenancy matters and all care elements to be provided on a commissioned basis and option

two requiring the housing management function to be carried out by a care provider in addition to the care provider under a management agreement.

People Scrutiny Committee considered the report at its meeting on 10 January 2019 and its comments were reported.

**RESOLVED** that:-

- (1) the preferred option two in relation to the management of Exeter's Extra care Scheme (EECS) as set out in section 8 of the circulated report be approved; and
- (2) the Director responsible for Housing be given delegated authority in consultation with the Portfolio Holder for the Housing Revenue Account, to agree the eligibility criteria for allocations to EECS in negotiation with Devon County Council (DCC) and the nominated care and housing management provider following that appropriate procurement specialist consultants are engaged to provide expert advice on the setting up of any agreements with DCC and the care/ management provider.

11

### **WASTE OPERATIONS MANAGEMENT STRUCTURE**

The Director (DB) presented the report seeking preliminary approval for a minor restructure in the Waste Operations management team. No posts would be added nor deleted but three postholders would have some of their duties changed.

**RESOLVED** that:-

- (1) the proposed restructure in the Waste Operations team be supported; and
- (2) the consultation and implementation plan as described in this report be approved.

(The meeting commenced at 5.30 pm and closed at 6.06 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 26 February 2019.**

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**SEATING IN THE GUILDHALL**

# Agenda Annex

		Deputy Lord Mayor Councillor Lyons (L)	Chief Executive & Growth Director	Lord Mayor Councillor Hannaford (L)	Corporate Manager Democratic/Civic Support	City Solicitor & Head of HR	
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Democratic Services Manager (Committees)				Director	Chief Finance Officer	Director
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Councillors	Councillors	Councillors		Councillors	Councillors
Warwick (L)	Robson (L)	Edwards (L)		Leadbetter (C)	Mitchell (LD)
M Vizard (L)	Foggin (L)	Sutton (L)		Newby (C)	Musgrave (G)
Pattison (L)	Sheldon (L)	Pearson (L)		Mrs Henson(C)	Pierce (C)
Wood (L)	Keen (L)	Denham (L)	TABLE	Thompson (C)	Prowse (C)
Lamb (L)	N Vizard (L)	Morse (L)			Holland (C)
Begley (L)	Owen (L)	Bialyk (L)			Henson, D. (C)
	Sills (L)	Wright (L)			

Cllr Branston (L)	Cllr Foale (L)	Cllr Harvey (L)	Cllr Packham (L)	Cllr Gottschalk (L)	Cllr Wardle (L)	Cllr Hannan (L)
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**L: Labour: 29**  
**C: Conservative: 8**  
**LD: Liberal Democrat: 1**  
**G: Green 1**

**Portfolio Holders**

Edwards: Leader, Growth & City Development  
 Sutton: Deputy Leader and Economy & Culture  
 Bialyk: Health and Wellbeing, Communities & Sport  
 Denham: City Transformation  
 Harvey: Place and Commercialisation  
 Morse: People  
 Wright: Housing Revenue Account  
 Pearson: Support Services

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