



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **COUNCIL CHAMBER, COUNTY HALL, TOPSHAM ROAD, EXETER** on **TUESDAY 14 DECEMBER 2021**, at 6.00 pm, at which you are hereby summoned to attend.

This meeting is open to the public and those addressing the Council under the public speaking provisions in agenda item 3, but because of current social distancing restrictions brought about by the Corona Virus outbreak, any members of the public wishing to attend the meeting should contact the Democratic Services Team committee.services@exeter.gov.uk in advance, as there is limited capacity for public attendance. Priority will be given to those addressing the Council under the public speaking provisions.

In line with the advice from Steve Brown, Director of Public Health, at a recent Members' Briefing, all attendees are kindly requested to take a Lateral Flow Test prior to the meeting.

Further details for the meeting at County Hall, including COVID compliant protocols, will follow closer to the meeting.

If you have an enquiry regarding any items on this agenda, please contact John Street, Corporate Manager Democratic and Civic Support on 01392 265106.

The following business is proposed to be transacted:-

	Pages
1 Minutes	
To approve and sign the minutes of the meeting held on 18 October 2021.	5 - 16
2 Official Communications	
	Pages
3 Public Questions	
Details of questions should be notified to the Corporate Manager Democratic and Civic Support at least three working days prior to the meeting - by 10am on Thursday 9 December 2021. Further information and a copy of the procedure are available from Democratic Services (Committees) (Tel: 01392 265115) with details about speaking at Council to be found here: Public Speaking at Meetings .	

To receive minutes of the following Committees and to determine thereon:-

4 Planning Committee - 11 October 2021	17 - 44
5 Planning Committee - 15 November 2021	45 - 74
6 Licensing - 26 October 2021	75 - 76

7	Strategic Scrutiny Committee - 18 November 2021	77 - 88
8	Customer Focus Scrutiny Committee - 7 October 2021	89 - 98
9	Customer Focus Scrutiny Committee - 2 December 2021	99 - 120
10	Combined Strategic Scrutiny and Customer Focus Scrutiny Committees - 20 October 2021	121 - 134
11	Audit and Governance Committee - 10 November 2021	135 - 138
12	Audit and Governance Committee - 1 December 2021	139 - 144
13	Exeter Strategic Board - 11 November 2021	145 - 148
14	Executive - 2 November 2021	149 - 152
15	Executive - 30 November 2021	
	<u>Proposed amendment to Min. No. 116 of the Executive minutes of 30 November 2021.</u>	153 - 162

From: The Conservative Group

Proposed by Andrew Leadbetter

Seconded by Anne Jobson; Yolonda Henson; Peter Holland and Keith Sparkes

Amendments to recommendation from the Executive to the Full Council on 14th December 2021 with respect to:

The proposed changes to the role of the Chief Executive & Growth Director and Strategic Management Board.

That Executive recommends and Council approves:

- (i) That to ensure transparency and accountability Exeter City Council take over the work of Exeter City Futures CIC with respect to the Net Zero Exeter 2030 Plan and that strategic partners are invited to support and work with the Chief Executive Officer and ECC on the delivery of that plan.
- (ii) **That recommendation (1) and (2) are therefore deleted**
- (iii) **That recommendation (3) is amended to read:**
 - That the arrangements are reviewed by regular reporting to Scrutiny which shall include an update on each of the 12 key targets.
- (iv) **That recommendation (4) be deferred until the first review of the arrangements.**
- (v) **That recommendation (5) be deleted**
- (vi) **That a new recommendation (5) is added that reads:**
 - The Net Zero 2030 plan be added to the corporate risk register
- (vii) **That recommendation (6) stands**

16 Notice of Motion by Councillor K. Mitchell under Standing Order No. 6.

Exeter City Council opposes the harm caused to our LGBT+ community in the past through the denial of rights and equal treatment and further recognises that discrimination does still occur today.

This Council recognises and opposes the ongoing harm the practice of so-called conversion therapy brings to LGBT+ people.

This Council calls on the Government to follow through on the promises made, not just in this year's Queen's Speech, but for the past three years, to outlaw the practise of so-called conversion therapy.

This Council notes the Government consultation on this matter which concluded [on the 10th of December 2021](#) and calls on the Government to introduce an effective ban on conversion therapy within England, supported by a programme of work to help tackle these practices in all their forms.

Furthermore this Council will highlight and promote the continued support, counselling and advocacy our local groups provide to members of the LGBT+ Community.

This Council recognises the excellent work done by local people and organisations to support the LGBT+ community here in Exeter, and extends it's thanks and support to them.

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

Date: Monday 6 December 2021

Karime Hassan
Chief Executive & Growth Director

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COUNCIL

Monday 18 October 2021

Present:-

The Right Worshipful the Lord Mayor Councillor Trish Oliver (Chair)

Councillors Allcock, Atkinson, Begley, Bialyk, Branston, Buswell, Denning, Foale, Ghusain, Hannaford, Mrs Henson, Jobson, Leadbetter, Lights, Martin, A, Mitchell, K, Mitchell, M, Moore, D, Moore, J, Morse, Packham, Pearce, Pearson, Sheldon, Sills, Sparkes, Sparling, Sutton, Vizard, Wardle, Warwick, Williams, Wood and Wright

Also Present

50

PETER EDWARDS - FORMER LEADER OF EXETER CITY COUNCIL

The Lord Mayor reported with deep sadness the death of Peter Edwards, the former Leader of Exeter City Council. She, with Councillor Phil Bialyk, the Council Leader had, on behalf of Exeter City Council, expressed sincere condolences to Peter's family.

A tribute video of Peter Edwards was shown, which highlighted his huge achievements for the city over the years, including his farewell interview on his retirement with Karime Hassan, the Chief Executive & Growth Director.

Members stood and applauded in memory of Peter.

The Leader of the Council, led a series of tributes to Peter's outstanding contribution to the life of the city during his many years of service.

He stated that it had been a huge privilege to have known Peter as a loyal friend, having first met in the early 1970's when both had been employed by the then Devon General and as a colleague, at work and through the Transport Union, as a Labour Party member and as a Councillor. Peter had provided valuable support and encouragement in all these areas.

Peter had cared immensely for his home city and had served the people of Exeter in different capacities throughout his life. He was highly respected and held in high regard across the city, epitomised the previous Saturday at St. James Park in the tribute from Exeter City FC supporters.

The Leader continued by praising Peter's commitment, vision and judgement in leading the Council and referred to his many achievements. Of these, the most recent were the new Exeter Bus Station and the soon to be completed St. Sidwell's Point. Peter had been particularly committed to delivering a Passivhaus Leisure Centre of the highest quality for the enjoyment of future generations which would now be a fitting legacy to the work of a remarkable person.

The Chief Executive & Growth Director, on behalf of Council staff, praised Peter for the outstanding personal qualities he had shown as Council Leader. He had shown vision and courage, particularly during challenging times when difficult decisions had to be made and his many achievements were testimony to his drive and

ambition for the city. The Chief Executive made specific reference to some of these achievements such as the support for the investment in new flood defences to protect the city; the delivery, in his initial role as a Portfolio Holder and then as Leader, of new homes, of which many were affordable; ensuring John Lewis would be opened in Exeter which had been a key driver in maintaining a vibrant High Street; supporting the Exeter Chiefs in securing Sandy Park as one of the UK venues hosting the 2015 Rugby World Cup; helping attract the BBC Radio One Big Weekend event to Powderham Castle; as well as leading the delivery of the new Exeter Bus Station and St Sidwell's Point.

Councillor Leadbetter, as the leader of an opposition group, echoed the sentiments expressed, commending Peter's vision for the city and praising his commitment, dedication and service to Exeter and residents.

Councillor K. Mitchell, as a co-leader of an opposition group, referred to the genuine warmth and personable qualities of Peter, to his sense of humour and the sound advice he often provided, He referred particularly to the support shown to him in respect of LGBT matters which reflected Peter's true caring nature.

The Deputy Leader, Councillor Wright, in reflecting on Peter's legacy, referred to the naming of the Extra Care Unit as Edwards Court as a further, fitting tribute to his work. She also mentioned the encouragement and support he had given her in her early days as a Councillor and his faith in her with Portfolio responsibilities. Peter had been particularly keen to bring forward the development of newer and younger Councillors soon after they joined the Council.

Councillors Morse, Mrs Henson, Sutton, Hannaford, Warwick, Wardle, Sheldon and Sills paid their own tributes to Peter's many qualities, many referring to their personal memories of him.

The Lord Mayor concluded with her own personal memory of the help and support that Peter had provided and noted that Members' thoughts were with Peter's family and friends at this difficult time.

The meeting adjourned at 7.20 pm and re-convened at 7.35 pm.

51

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Harvey, Holland, Newby and Quance.

52

MINUTES

The minutes of the Ordinary and Extraordinary meetings of the Council held on 21 July 2021 were moved by the Leader, Councillor Bialyk and seconded by the Deputy Leader, Councillor Wright taken as read, approved and signed as correct.

53

COUNCILLOR IAN QUANCE

The Lord Mayor reported that, because of his illness, the Deputy Lord Mayor, Councillor Quance had last attended a meeting on 18 May 2021 - the Annual General Meeting - meaning his six month period for attendance would expire on 18 November 2021. The Lord Mayor therefore asked Members to approve an extension for any further absence by Councillor Quance up to the end of the 2021/22 Municipal Year.

The Leader moved that the Council approve an extension for any further absence up to the end of the 2021/22 Municipal Year. The motion was seconded by Councillor Wardle put to the vote and carried unanimously.

RESOLVED that an extension in respect of any further absence by Councillor Quance to the end of the 2021/22 Municipal Year be approved.

54

OFFICIAL COMMUNICATIONS

The Lord Mayor passed on her condolences, and those of Council Members, to the family and friends of Rick Lawrence who had worked at the RAMM and who had recently passed away.

The Lord Mayor also passed on her condolences, and those of Council Members, to the family and friends of Joe Mann MBE who had tragically died at the controls of a light aircraft last month. He had been Chair of the Devon Disability Collective and an Exeter City Councillor in 1994. He had been dedicated to the work of securing rights in the working place for disabled people which had led to changes that had transformed the law and informed both the Disability Discrimination Act in 1995 and the Equality Act 2000. The Lord Mayor reported that the City Council was working in partnership with Devon County Council to create a living memorial to Joe, aiming for an apprenticeship scheme for disabled people based at the County Council.

The Lord Mayor expressed her condolences, and those of Council Members, to the family of Sir David Amess MP who had been tragically killed in his constituency on 15 October 2021. She was pleased to report that HM the Queen had agreed to approve city status for Southend in honour of Sir David.

The Lord Mayor also reported the following:-

- the shortlisting of the new Exeter Bus Station for a prestigious regional award in the Building of the Year over £5 million category of the Michelmores Law Property Awards;
- the online consultation, following a one day exhibition, on the new Local Plan for Exeter which would run until 15 November 2021;
- her good wishes to all participants in the forthcoming international women's rugby tournament and to England's Red Roses rugby team in their match at Sandy Park against New Zealand's Black Ferns on 31 October 2021;
- her intention to take part in the Co Bikes #COP26 Challenge; and
- the appointment of Deputy Chief Executive, Bindu Arjoon as the new Chair of the Corporation of Exeter College.

The Lord Mayor advised that she had attended the following:-

- Gareth Steenson's Freemanship Ceremony in recognition of his years of service to the Exeter Chiefs, rugby and the city;
- the High Sheriff of Devon's Legal Service held on 12 October 2021, also attended by the Judiciary Service, Judges, Barristers, Council and Emergency Services leaders as well as other dignitaries from across the region;
- the Navratri celebration at the Hindu Temple and the Coldstream Guards Association Annual Lunch, both on 9 October 2021; and
- the Lord Mayor's Coffee morning on 16 October 2021 helping to raise funds for Inclusive Exeter her chosen charity to support project work across the city.

55

PUBLIC QUESTIONS

The Lord Mayor reported that no public questions had been received.

56

PLANNING COMMITTEE - 28 JUNE 2021

The minutes of the Planning Committee of 28 June 2021 were presented by the Chair, Councillor Morse, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 28 June 2021 be received.

57

PLANNING COMMITTEE - 6 SEPTEMBER 2021

The minutes of the Planning Committee of 6 September 2021 were presented by the Chair, Councillor Morse, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 6 September 2021 be received.

58

LICENSING COMMITTEE - 14 SEPTEMBER 2021

The minutes of the Licensing Committee of 14 September 2021 were presented by the Chair, Councillor Buswell, and taken as read.

RESOLVED that the minutes of the Licensing Committee held on 14 September 2021 be received.

59

STRATEGIC SCRUTINY COMMITTEE - 23 SEPTEMBER 2021

The minutes of the Strategic Scrutiny Committee of 23 September 2021 were presented by the Chair, Councillor Sills and taken as read.

RESOLVED that the minutes of the Strategic Scrutiny Committee held on 23 September 2021 be received.

60

AUDIT AND GOVERNANCE COMMITTEE - 28 JULY 2021

The minutes of the Audit and Governance Committee of 28 July 2021 were presented by the Chair, Councillor Wardle, and taken as read.

In respect of **Minute No. 55 (Annual Governance Statement 2020/21)**, the Chair moved and Councillor Atkinson seconded the recommendation and following a vote, it was carried unanimously.

RESOLVED that the minutes of the Audit and Governance Committee held on 28 July 2021 be received and, where appropriate, adopted.

61

AUDIT AND GOVERNANCE COMMITTEE - 29 SEPTEMBER 2021

The minutes of the Audit and Governance Committee of 29 September 2021 were presented by the Chair, Councillor Wardle, and taken as read.

RESOLVED that the minutes of the Audit and Governance Committee held on 29 September 2021 be received and, where appropriate, adopted.

62

STRATA JOINT SCRUTINY COMMITTEE - 12 JULY 2021

The minutes of the Strata Joint Scrutiny Committee of 12 July 2021 were presented by Councillor Atkinson, and taken as read.

RESOLVED that the minutes of the Strata Joint Scrutiny Committee held on 12 July 2021 be received.

63

HARBOUR BOARD - 27 SEPTEMBER 2021

The minutes of the Harbour Board of 27 September 2021 were presented by Councillor Pearce, and taken as read.

The Leader, in response to a question from a Member, confirmed that he would raise the issue of the impact of sewerage and field water run-off on the water quality of the Exe Estuary and its wildlife as well as wider environmental impacts in line with the Council's Net Zero 2030 goal with the Portfolio Holder for Environment and City Management and the Director with a view to this issue being considered by the Harbour Board.

RESOLVED that the minutes of the Harbour Board held on 27 September 2021 be received.

64

EXECUTIVE - 7 SEPTEMBER 2021

The minutes of the Executive of 7 September 2021 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 85 (Air Quality Annual Status Report)**, the Leader undertook to ensure that a question from a Member regarding the importance of meeting the World Health Organisation targets for carbon reduction and a request for a full discussion on Air Quality by the relevant Scrutiny Committee to ensure the lives of residents and communities are not adversely affected by polluted air, would be raised with the Net Zero team. A full response would be circulated to all Members.

The Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried.

In respect of **Minute No. 88 (Belle Isle Depot)**, the Leader, in response to a query from a Member confirmed that there was no intention to involve any part of Belle Isle Park in the re-development of the Belle Isle Depot.

RESOLVED that the minutes of the Executive held on 7 September 2021 be received and, where appropriate, adopted.

65

EXECUTIVE - 5 OCTOBER 2021

The minutes of the Executive of 5 October 2021 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 93 (Northbrook Park Update)**, the Leader, in response to a question from a Member, agreed that the Council's ambitions for North Brook Park was a continuation of the legacy championed by former Councillor Ivy Johns of protecting the Ludwell Valley and bringing it into the wider Valley Park system across the city. He also remarked that Peter Edwards had been similarly committed to Exeter's Valley Parks in supporting increased acreage for Ludwell Valley Park

and supporting the wider health and environmental benefits of protecting and enhancing the city's Valley Parks and open spaces.

In respect of **Minute No. 94 (Government Consultation on Giving Police and Crime Commissioner Greater Powers of Competence)**, the Deputy Leader, in response to a Member's query, referred to the work of the Police and Crime Commissioner and the Police and Crime Panel, of which she was a Member, in combating violence towards, and harassment of, women and girls and the commitment to promoting greater education to help mitigate these issues.

The Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 95 (Overview of General Fund Revenue Budget 2021/22 – Quarter 1)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 96 (General Fund Capital Monitoring Statement – Quarter 1)** the Leader, in response to Members' queries, advised that:-

- the issue of anti-social behavior on the Quay had been raised with the Police;
- the potential for replacing the Mallison Bridge would be raised at the December meeting of the Exeter Canal and Quay Trust but that, given the significant pressures on the Council budget, offering Council support to help replace the bridge was not a priority at present; and
- Members would be provided with a breakdown of the additional £50,000 annual budget provision for IT purposes, including the purchase of new iPad's for Councillors.

The Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 97 (HRA Budget Monitoring Report – Quarter 1)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 98 (Review of the Council's Governance Arrangements)**, Councillor Hannaford, as Chair of the Governance Review Board, commended the recommendations. In particular, he supported the proposed amendment to the Petition Scheme so that petitioners would be required to indicate through the tick box facility on the petition form, which of the eligibility criteria of living, working or studying in Exeter, they were relying on when signing the petition. He explained that it was not appropriate for individuals, other than those with clear links to the city, to lobby on issues directly affecting Exeter and its citizens.

The Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 99 (Amendments to the Scheme of Delegation)**, the Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 101 (Members' Training)** and **Minute No. 102 (Acquisition of Property to Support Liveable Exeter)**, the Leader moved and Councillor Wright seconded that both minutes be considered at the end of the

remaining business on the agenda in Part II with the Press and Public Excluded.
The motion was put to the vote and carried.

RESOLVED that the minutes of the Executive held on 5 October 2021 be received and, where appropriate, adopted.

66

CHAIR OF STRATEGIC SCRUTINY COMMITTEE

The Leader moved and Councillor Wright seconded the appointment of Councillor Denning as Chair of the Strategic Scrutiny Committee.

Councillor D. Moore moved and Councillor K. Mitchell seconded the appointment of Councillor Sparling as Chair of the Strategic Scrutiny Committee.

Both proposals were voted upon, the majority being in favour of Councillor Denning as Chair of the Committee.

RESOLVED that Councillor Denning be appointed Chair of the Strategic Scrutiny Committee.

67

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

Councillor Pearce, seconded by Councillor Sheldon, moved a Notice of Motion in the following terms:-

Standing Up for Responsible Tax Conduct

Full Council notes that:

1. The pressure on organisations to pay the right amount of tax in the right place at the right time has never been stronger.
2. Polling from the Institute for Business Ethics finds that “corporate tax avoidance” has, since 2013, been the clear number one concern of the British public when it comes to business conduct.
3. Almost two-thirds (63%) of the public agree that the Government and local councils should consider a company’s ethics and how they pay their tax as well as value for money and quality of service provided, when undertaking procurement.
4. Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.
5. It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £7bn per annum in lost corporation tax revenues.
6. The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by organisations with a combined annual income of £50bn and more than 6,500 outlets and premises, including many social enterprises and co-operatives.

Full Council believes that:

1. Paying tax is often presented as a burden, but it shouldn’t be.
2. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.
3. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are

paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.

4. Where substantive stakes are held in private enterprises, then influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned - e.g., no use of marketed schemes requiring disclosure under DOTAS regulations (Disclosure Of Tax Avoidance Schemes) or arrangements that might fall foul of the General Anti-Abuse Rule.
5. More action is needed, however, current law significantly restricts councils' ability to either penalise poor tax conduct or reward good tax conduct, when buying goods or services.
6. UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.

Full Council resolves to:-

1. Approve the Councils for Fair Tax Declaration.
2. Lead by example and demonstrate good practice in our tax conduct, right across our activities.
3. Ensure contractors implement IR35 robustly and pay a fair share of employment taxes.
4. Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
5. Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately as an artificial device to reduce the payment of tax and business rates.
6. Demand clarity on the ultimate beneficial ownership of suppliers and their consolidated profit & loss position.
7. Promote Fair Tax Mark certification for any business in which we have a significant stake and where corporation tax is due.
8. Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses who say what they pay with pride.
9. Support calls for urgent reform of EU and UK law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

The Leader supported the motion, particularly the principle of fair tax. The Council was operating in a fully tax compliant manner and should there be any budgetary issues involved in implementation, the matter would be brought to Executive for consideration.

Members made the following comments:-

- in supporting the Motion, the one concern was whether the Council has the resources to undertake the necessary actions, particularly in respect of recommendation 6 in tracing ownership and clarity on the ultimate beneficial ownership of suppliers;
- recognize that the Council already operates within the framework of the Inland Revenue Service IR35 rule;
- welcome cross party support for this initiative;
- note that the issue of fair tax is widely acknowledged both internationally and by many Councils and organisations in the UK; and
- issue of due diligence can be examined through the Audit and Governance Committee.

In presenting his Motion, Councillor Pearce thanked Members for their support and made the following points:-

- paying tax should not be viewed as a burden but of benefit to the wider community and as an anchor to many institutions. It can assist the Council in its wider aspirations such as its Green agenda and its Net Zero 2030 target;
- whilst recognising the resource implications, the Council can lead the way, set standards and be an example to other organisations in the city, particularly with regard to due diligence; and
- a minimum Corporation Tax of 20% is already recognised globally with many businesses signing up.

Councillor Pearce commended the Motion to Council.

Cllr Sheldon, in seconding the Motion, made the following points:-

- reflecting Theodore Roosevelt's quote of "Taxes are what we pay for a civilised society", taxes should be used for the wider benefit of the community and enhance and support public services; and
- it was important to demand clarity on the ultimate beneficial ownership of suppliers.

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

68

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

Councillor Wright, seconded by Councillor Ghusain, moved a Notice of Motion in the following terms:-

Universal Credit Uplift Removal

The Council notes that:-

1. More than 5.8 million people nationally claim universal credit and 40% are in work.
2. 8,118 people in Exeter claim Universal credit of which around 43% are in work
3. The Rountree Foundation has warned that the cut of £20 per week will plunge half a million more people into poverty, including 200,000 children.
4. Inflation jumped to 3.2% (Consumer price Index) in August this year -up from 2% in July. This raise in inflation is predicted to continue through the winter months (office for National Statistics)
5. Fuel costs are rising (currently at 12% increase) particularly affecting people on pre-payment meters. (OfGem July 2021). Most providers put pre-payment customers on the highest tariff, creating even more disadvantage for those already on the poverty line.
6. Rents have risen by 5.6% in the last 6 months -at the fastest rate since 2015.

The Council believes that:-

to withhold essential financial help to more than 5.8million Universal Credit claimants will have disastrous negative implications on health and well-being,

education, community well-being and the economy. This situation will then create increased financial burden on the Treasury to mitigate against these implications.

Exeter City Council calls for:-

1. HM Government to conduct an urgent review into the payment levels of Universal Credit in relation to the rise in food costs, fuel costs, rent increases and in the light of the removal of the £87 per month uplift afforded during the first tranche of the Covid-19 pandemic.
2. A raise in payment levels in line with the ongoing inflated costs of food, fuel and rents.

In presenting her Motion, Councillor Wright spoke from personal experience of the difficulties as a single mother in bringing up children with limited resources and stated that current circumstances were no different.

Councillor D. Moore, as a co-leader of an opposition group, referred to the areas in the city with the highest levels of indices of multiple deprivation which, combined with other financial pressures, would inevitably be the hardest hit. She also referred to the inadequate allocation of £5 million to Devon County Council from a Government nationwide Hardship Fund of £500 million.

Councillor Leadbetter, as the leader of an opposition group, stated that he could support recommendation 1 but not recommendation 2 and asked for separate votes to be taken, Councillor Wright, as mover of the Motion, agreed to his request.

Councillor Ghusain, in seconding the Motion, expressed her surprise that the Government had sought to remove the uplift at a time when food, fuel and heating costs were on the rise, thereby impacting on the poorest families and individuals. Noting that 43% of those on Universal Credit in Exeter were in work, she referred to certain companies now only taking employees back after the Pandemic on lower wages. She urged a review by the Government and an increase of Universal Credit in line with inflation.

Members made the following comments:-

- the removal of the uplift is contrary to Government levelling up aspirations;
- statistics on the disparity between rentals and the Universal Credit support were highlighted at the Customer Focus Scrutiny Committee on 7 October 2021 forcing many to save on food and fuel costs in order to afford to pay their rents;
- the Exeter Food Bank provided support other than food and many people were forced to work more than one job to survive and suggesting that individuals work an extra couple of hours does not address the problem;
- the House of Commons Work and Pensions Select Committee had highlighted the rise in food poverty and the number of families living below the headline even before the Pandemic, a situation now exacerbated by this Government decision;
- over half of staff in education report providing food and clothing for children;
- the cuts total £87 a month which represents a potential loss of a weekly shop and the Government Hardship Grant is effectively a return to the Poor Laws administration by local parishes and the unsympathetic narrative of the “undeserving poor”; and

- it is merely a subsistence benefit and a civilised society should accept responsibility and support those who, by reason of birth or bad luck, cannot adequately support themselves.

Councillor Wright commended the Motion to Council.

Both parts of the recommendation were put to the vote. Recommendation 1 was CARRIED unanimously and recommendation 2 was CARRIED.

The meeting adjourned at 9.00 pm and re-convened at 9.10 pm.

69

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

In accordance with Standing Order No. 8, the following question was put by Councillor Holland to the Portfolio Holder for City Management.

Councillor Holland was unable to be present and his question was read out by the Corporate Manager Democratic and Civic Support.

Could the Portfolio Holder for City Development outline the procedure followed by Exeter City Council when notifying Devon County Council where permission has been granted for a 'Change of Use' from a domestic dwelling to a House of Multiple Occupancy? Also, how many such notifications have been made to the County Council during the last 15 months?

The Portfolio Holder for City Development responded that the City Council does not currently have a procedure for notifying Devon County Council where permission has been granted for a 'Change of Use' from a domestic dwelling to a House of Multiple Occupancy. There is no obligation to do this, and Devon County Council has not requested the information. All planning decisions are published online and are available for public viewing.

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

A prospectus for a Development Fund in Exeter was recently published. This showed the structure of an 'asset backed' investment fund, with the City Council, NHS Trust, County Council and University all being the first entrants into this fund, putting in assets as an equity stake. Please can the Portfolio Holder explain which type of Council asset has been used for the modelling that underpins this prospectus?

The Leader advised that a prospectus had not been 'published' for a development fund in Exeter and that an expression of interest which went to the Ministry of Housing, Communities and Local Government, was available on the Exeter City Futures website. This was part of the bid process to secure funding to develop a business case for an alternative way of funding the delivery programme for Liveable Exeter. The documentation did not imply commitment from any of the parties mentioned including the City Council. As part of the strategic case Exeter City Futures was exploring optimal structures for a Fund to establish its value-in-use to the city - with no specific assets yet earmarked for detailed modelling.

Councillor D. Moore, in asking a supplementary question, enquired if it was the intention to report back on the outcome of the above explorations and what scrutiny of these was likely to occur.

The Leader responded that it was too early in the process to bring forward any detail but that the Executive would be advised at the appropriate time and that the normal scrutiny channels would be available if required.

70 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT - EXCLUSION OF THE PRESS AND PUBLIC**

The Leader moved and Councillor Wright seconded the recommendation to move into Part II to exclude the press and public and following a vote, the motion was carried unanimously.

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 and 3 of Part 1, Schedule 12A of the Act.

71 **EXECUTIVE - 5 OCTOBER 2021**

In respect of **Minute No. 101 (Members' Training)**, the Leader moved and Councillor Foale seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 102 (Acquisition of Property to Support Liveable Exeter)**, Members discussed the implications of the Council's attempt to acquire and make enhancements to a City Centre property in terms of the contribution it would make to a key area of the city, the Council's overall Place Shaping ambitions and property portfolio and the longer term financial commitment.

In considering the practicalities of the investment and potential risks, particular reference was made to:-

- the opportunity would enable the Council to control long term investment in a key area to support the continued regeneration of the City as well as securing public ownership of a prime city asset;
- detailed discussions with HM Treasury, following which an agreement had been made, that the purchase would be suitable for the Liveable Exeter vision; and
- the longer term risk to the Council.

The Leader, in summarising the Council's intention, emphasised the Place Shaping implications, particularly the delivery of homes elsewhere in the city, as part of the Liveable Exeter vision. He referred to other major projects brought forward by the Council and suggested that the Council's vision for this area would similarly contribute to further growth and prosperity to the benefit of the wider city and its residents. He acknowledged the need for due diligence and for available options and progress to be presented to Members for approval.

The Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried.

(The meeting commenced at 6.00 pm and closed at 9.47 pm)

Chair

PLANNING COMMITTEE

Monday 11 October 2021

Present:-

Councillor Emma Morse (Chair)
Councillors Williams, Bialyk, Branston, Denning, Hannaford, Lights, Martin, A, Mitchell, M, Moore, D and Sutton

Apologies for absence

Councillors Buswell and Sparkes

Also Present

Chief Executive & Growth Director, Liveable Exeter Programme Director and Interim City Development Lead, Interim Service Lead for City Development, Principal Project Manager (Development) (MD), Principal Project Manager (Development) (HS), Planning Solicitor, Transport Planning Manager and Democratic Services Officer (HB)

53 FORMER LEADER OF EXETER CITY COUNCIL - PETER EDWARDS

The Chair reported with great sadness the recent passing of Peter Edwards, former Leader of Exeter City Council. Her thoughts and those of Members were with the family at this difficult time.

54 MINUTES

The minutes of the meeting held on 6 September 2021 were taken as read, approved and signed by the Chair as correct.

55 DECLARATIONS OF INTEREST

A Member declared the following interest:-

COUNCILLOR	MINUTE
Councillor Morse	Min. No. 57 – disclosable pecuniary interest

56 PLANNING APPLICATION NO. 20/0538/OUT - LAND OFF SPRUCE CLOSE AND CELIA CRESCENT, EXETER

The Principal Project Manager and Acting Major Projects Team Leader presented the outline application for up to 93 residential dwellings (Approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration) (Revised Scheme).

The Principal Project Manager explained that the application had been deferred at the previous Planning Committee on 6 September 2021 for a site visit by the Planning Committee on 28 September 2021. He reiterated the main elements reported at the September meeting including site photographs and an aerial view, panoramic views from the site and adjoining fields and referred to the Zone of Theoretical Visibility as set out in the Landscape and Visual Impact Assessment

showing viewpoints from surrounding residential areas and surrounding hills. Photomontages of viewpoints had also been provided by the applicant from Cumberland Way, Tithebarn Way, Birchy Barton and Hillyfield Road. He also referred to the receipt of 467 objections.

The Principal Project Manager went on to provide the following update:-

- Devon Wildlife Trust had withdrawn its objection to the application on 8 September 2021;
- the applicant had submitted a statement responding to the issues raised by Councillor Allcock at the previous Committee meeting, and a briefing note by their planning consultant addressing Policy LS1 and Policy CP16, as well as relevant appeal decisions;
- the applicant had also submitted a letter by their planning consultant on 7 October 2021, comments including:-
 - the presence or absence of a five year housing land supply is of marginal relevance and untested;
 - the National Planning Policy Framework (NPPF) states that there should be a presumption in favour of sustainable development;
 - the independent landscape assessment endorses the findings of the Landscape and Visual Impact Assessment (LVIA) submitted with the application; and
 - the Section 106 Agreement will deliver very significant benefits for the local community, including substantial public open space;
- an independent chartered landscape architect had reviewed revised plans, her comprehensive report included in the agenda. The report concluded that “the effects of the proposed development have been assessed and through a review found to be very localised, having a moderate impact on the valued landscape characteristics and minimal impacts on views from within the landscape and of the setting of the city. The proposed siting within the context of retained traditional hedgebanks will allow the development to be relatively smoothly assimilated into the local landscape.”;
- other comments of the landscape architect included:-
 - the ability to obtain views of the site from public locations was extremely limited and current site access was at the gift of the landowner;
 - the development as proposed could accord with the objectives of Policy LS1 of the Exeter Local Plan First Review and Policy CP16 of the Exeter Core Strategy;
 - provides unhindered quiet recreation in perpetuity contributing to the public enjoyment and access to the urban fringe;
 - parts of fields 1 and 2 that form this application on the revised Illustrative Masterplan are so well related to the urban fringe that they can be developed without unacceptably impacting on the policy objectives of the Core Strategy;
 - the development will not set a precedent for any other part of the landscape in the LS1 area or the land referenced in paragraph 4.11 of the Core Strategy,
 - should the site be consented for outline planning, the reserved matters application could and should deliver the design and landscape enhancement objectives of both policy DG1 and paragraph 130 of the NPPF; and
- since the previous Planning Committee, the Council had reviewed and updated its Five Year Housing Land Supply Statement which now stated that the Council could demonstrate, for the period commencing 1 April 2021, a supply of five years and five months. Therefore, the Council could demonstrate the required five year supply of deliverable housing sites with an appropriate buffer.

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

- now have a housing land supply of at least five years and five months, the Council having assessed this supply in line with the National Planning Policy Framework and with 12,000 homes sought within the Liveable Exeter programme. The tilted balance no longer applies and the core strategy policies are considered up to date.
- the Core Strategy vision sets out a commitment to sustainable growth though “maximising the use of previously developed land within the city” and sets out that Exeter will “build on its strengths and assets by safeguarding the hills to the north and north west,”
- it is a car-led development, cut off from community amenities;
- mitigating climate change and minimising the need to travel is a thread that runs throughout the core strategy and CP11 stipulates that developments should be “located and designed so as to minimise and if necessary mitigate against environmental impacts.”;
- the proposed site is up steep hills in both directions, which would make walking and cycling for anything other than recreation difficult. The nearest train station is a 22 minute walk away with the bus route limited. This development would therefore increase car dependency and worsen environmental impacts;
- measures to offset car use include financial contributions to improve walking and cycling infrastructure and a contribution to extend the F1 bus route to the development, but will not realistically reduce car use or dependency;
- the bus stop five minutes from Celia Crescent is too far for many and is an extremely limited route. Stagecoach is a private company and operates at its own discretion;
- the steep hills of this part of Exeter mean that, while residents might cycle or walk for exercise or recreation, it would be very difficult to cycle or walk to work, to the shops or into the city centre;
- maximising the number of parking spots within the site given its low density, is not a sustainable development;
- whilst a large parcel of open space is offered there are very few other amenities within walking distance. Besides a small local convenience store, and a takeaway, there are no local food shops. The nearest supermarket is a minimum 20 minute walk. The local secondary school does not have any available places, and GP surgeries are already oversubscribed.
- the offer of financial contributions for infrastructure will do little to address local pressure points or the deficit in community amenities;
- the definition of sustainability is to meet current needs whilst not sacrificing the ability of future generations to meet their needs. Adding 93 houses in an area that has been subject to so many new housing developments in recent years will not help achieve Exeter’s vision for sustainable, healthy communities;
- the site falls within an area that has been identified as requiring protection from development in a succession of documents and policies - the Exeter Fringes Study, designation as landscape setting within the Exeter Local Plan First Review, and discounted as being suitable for housing in the 2015 Strategic Housing Land Availability Assessment;
- there might be some parallels between the Home Farm and Clyst Road cases in terms of location and landscape sensitivity but those decisions were made in the context of a significant housing supply shortfall;
- the proposal conflicts with policy LS1, which prohibits all housing development on landscape setting land. Policy CP16 protects landscape setting land from the harmful impacts of development;
- whilst never adopted, Exeter’s Development Delivery Development Management plan is also a material consideration;

- officers determine that, while there would be some moderate impact on the immediate surroundings, the overall impact on the city's landscape setting would be minimal. However, while not presenting as severe a harm as other recent applications, this application still presents some harm. Locally, some of the hedgerows that currently shield the lower field from the site would be removed for access and, despite the replanting plans, will take decades to grow back;
- the transfer of three higher fields for perpetual community benefit and improved drainage systems and double yellow lines would be beneficial as would 32 affordable homes and financial contributions for city infrastructure. However, is the provision of the three higher fields worth losing the bottom two fields for? ;
- safety concerns of parents whose homes would no longer open onto a historic green but a busy two-way road; the loss of open space in Spruce Close that children are currently able to play on; and the concerns about the extremely narrow roads on both sides of the site that would have to accommodate significant additional traffic; and
- the housing and sustainability benefits offered by this proposal are not sufficient to outweigh the many ways in which it falls short of the core strategy vision, objectives and policies.

Steven Hanna spoke against the application. He raised the following points:-

- the developer has tried to divert attention to the development being below the ridge line but visual impact is not the only matter;
- community impact is severe and development will ruin the character especially of the historic green as would any access road;
- the access road is needed as it is a car driven development and every new home will have at least one car parking space. As such it cannot be a green and sustainable development;
- it is unsafe for children on that historic green;
- it is unsafe to reverse up or down the hill which won't be helped by yellow-lines or an additional 90 cars;
- the continuation of any bus service is not in the Council's control and it cannot be presented as sustainable when cars are still needed and local schools are over-subscribed;
- there is now a 100%, five -year housing supply; and
- the up-to-date policies should be tested to protect the heritage.

Ed Tremlett spoke in support of the application. He raised the following points:-

- the land had been in family ownership for over 100 years, forming part of a larger farm with a tenant increasing his farming activity generally including a pedigree herd of cattle;
- to help sustain this herd he has been trying to use the land at Pinhoe more productively, mainly to produce silage for winter feed. The grass was contaminated due to dog mess etc. and the tenant has asked for a solution;
- it was hard to restrict access as chains and padlocks on the gates have been removed;
- options examined had been a new stock proof fence around the entire area to deter access, ploughing to enable crop for the cattle which would produce more feed per acre or selling the land to a neighbouring landowner. All were negative options and would stop the public access;
- the application was a positive compromise. The development amounted to about 14 acres of the lowest level land, with 22 acres of the more attractive higher fields being gifted to the residents in perpetuity. It would ring fence the whole zone, giving total certainty to the green belt that surrounds the local area;

- there would be a lot of extra planting and landscaping to make the gifted land even more attractive and diverse. The situation was not sustainable as it is, and none of the other options would be of any benefit to the residents;
- the application would leave a positive and lasting legacy for the residents, securing them a large tract of countryside that can never be taken away.

Responding to a Member's query he advised that, as a landowner and not the developer, he could not provide information on design and relationship of housing to the ridgeline. The Principal Project Manager Development stated that the application was outline and scale was a reserved matter - the parameters plans would allow housing up to two storeys, but this would be determined at the reserved matters stage.

Members expressed the following views:-

- the Council now has a five year housing land supply;
- the site is an integral part of the hills around and in the north of the city and is of major landscape importance containing the urban extent of Exeter and providing a setting for the city. The development would undermine the Council's desire to protect the city's hills;
- the proposal would result in extending residential development beyond the built up area, potentially resulting in a harmful effect on the character and appearance of this part of the city;
- proposal does not accord with the Council's future development plans as set out in the Liveable Exeter strategy and its place making ambitions where priority is given to developing brown field sites with development of green space the lowest consideration;
- the site location necessitates a car driven development as residents, particularly the elderly, disabled and those with younger children would be unlikely to walk/cycle to reach the site and, as such, it would be an unsustainable development;
- the bus service in this area has been historically poor exacerbated by the current Stagecoach driver shortage;
- contributions to secondary education and GP services may not reflect local and wider city wide requirements;
- a car led development does not reflect the ambitions for a sustainable transport hierarchy in the city;
- unless bungalows are envisaged, the height of the houses will have an impact on the character of the hillside;
- potential disruption to bat navigation network and feeding corridor;
- whilst affordable housing remains a city priority with some 3,200 on the housing waiting list a car led development is not sustainable.

The Principal Project Manager stated that the proposal was considered to be a sustainable development when balancing the development plan policies, National Planning Policy Framework 2021 policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site. A Section 106 legal agreement and conditions were necessary to secure public open space, affordable housing, infrastructure contributions and other aspects of the development to make it acceptable in planning terms.

The recommendation was for approval, subject to the completion of a Section 106 Agreement and the conditions as set out in the report.

Councillor Bialyk moved and Councillor Hannaford seconded the refusal of the application which was voted upon and agreed unanimously. There followed a short adjournment for officers to agree the wording of the refusal reasons.

Councillor Bialyk moved and Councillor Branston seconded the substantive motion to refuse the application for the reason set out below which was voted upon and agreed unanimously.

RESOLVED that the application for outline application for up to 93 residential dwellings (Approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration) (Revised Scheme) be **REFUSED** as the adopted Core Strategy sets out an approach which steers development away from the hills that are strategically important to the setting of the city. The Local Plan sets out a sequential approach to development with greenfield sites being at the bottom of that hierarchy. As the Council can demonstrate a five year housing land supply greater weight is afforded to its adopted policies. It is considered that the development of this site would undermine the spatial approach set out in the development plan by allowing development on a site which lies in an area identified for protection, and as such the proposal is contrary to policy H1 of the Exeter Local Plan First Review 1995-2011 and Policy CP16 of the Core Strategy adopted February 2012.

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57 **PLANNING APPLICATION NO. 20/0691/FUL - CLIFTON HILL SPORTS CENTRE,
CLIFTON HILL, EXETER**

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

The Chair was taken by the Deputy Chair, Councillor Williams.

The Principal Project Manager (Development) (HS) presented the application for the demolition of existing sport facility and rifle range and re-development of the site to provide 42 new dwellings, associated car parking, amenity space and access.

The Principal Project Manager (Development) advised that the application had received planning permission on 14 December 2020 subject to conditions and the completion of a Section 106 Legal Agreement to ensure contributions for affordable housing, open space enhancements, secondary education, highways works and sustainable transport measures. The applicant had subsequently presented a Viability Assessment to demonstrate the proposals for residential development were not viable taking into account an alternative use on the site as purpose built student accommodation. An independent assessment had concluded that - "If the Authority is minded that sufficient evidence is provided to allow Purpose Built Student Accommodation to create an Alternate Use Value for the land, then it is our opinion that this would make the development unable to contribute to an on-site affordable housing contribution.";

The Principal Project Manager reiterated the main elements reported at the 14 December 2020 meeting and went on to explain the background to this change and the rationale for proposing to amend the resolution of the December 2020 meeting to omit the reference to affordable housing in the list of matters to be secured by the Section 106 Legal Agreement:-

The Principal Project Manager restated the four tests that were relevant to concluding whether the Alternative Use Value was appropriate as suggested in national guidance on viability in plan making and decision taking and that these were considered to be met in respect of purpose built student accommodation. It

was confirmed that evidence of the costs and values of the alternative use to justify the land value had been submitted and agreed. As such the Alternative Use Value was considered to be an appropriate basis to assess viability of the proposed development and that the proposed development was unable to contribute to on-site affordable housing. With the exception of the affordable housing offer the application was in all other respects identical to that considered by Committee on 14 December 2020. There had been no material changes to the site or surroundings since that time.

The Principal Project Manager referred to the following material changes in circumstances that had taken place since December 2020:-

- confirmation of the Tree Preservation Order in May 2021. The Tree Preservation Order had been made in December 2020 and was a material consideration in determining the application at that time; confirmation of the Order did not alter the weight that had been attached to it in decision making;
- updates to the National Planning Policy Framework July 2021. These reinforce the need for design quality and would not affect the recommendation; and
- the Council's revised Five Year Housing Land Supply position in September 2021. Weight was given to the lack of five year housing land supply in December, however the recommendation did not turn on that matter and hence this being revised upwards does not change the officer's recommendation.

The Principal Project Manager concluded by highlighting the following key elements:

- the site is a brownfield site within the urban area in a sustainable location close to a range of services;
- the proposal is acceptable in its design and general visual impact, including its impact on the Conservation Area and the Locally Listed Building;
- the proposal is not considered to be of any significant harm to residential amenity of nearby residential properties;
- the scheme will not provide affordable housing for viability reasons;
- the proposals, through replacement planting on-site and contributions to the improvement of off-site green spaces are considered to adequately compensate for the loss of trees on site;
- the development would help the Council maintain a five year housing land supply;
- concerns raised by local residents in respect of access matters can be suitably addressed through planning condition;
- Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise; and
- there are no material considerations which it was considered outweigh the above and would warrant refusal of this application.

The Principal Project Manager responded as follows to Members' queries: -

- the development has one parking space per house and three for the eleven flats and so is not a car free development, but is a low car development, the provision being below the adopted standard;
- as it was a sustainable site affordable to the applicant and was policy compliant in line with the valuation of the land as a market valuation, the future of the site was dependent on what the current owner wished to develop in accordance with the planning legislation which contains an opportunity to use alternative land value;

- the value of the land is dictated by policy compliant alternative uses and the viability assessment had not been restricted to earlier land use considerations; and
- there are four tests suggested in guidance which would need to be satisfied in terms of alternative land use value approach, this it is not by itself creating precedent as such as there is the opportunity to rely on alternative use value set out in the viability appraisal guidance.

Emma Osmundsen spoke in support of the application. She raised the following points:-

- Exeter City Living (ECL) is committed to delivering affordable homes on the Clifton Hill development, intentions unchanged since last year's application;
- will develop 11 apartments which will be sold to Exeter City Council as part of their council housing portfolio and held within the Housing Revenue Account;
- the financial capacity to deliver the affordable homes as a Section 106 requirement had changed which had necessitated the need to submit a liability case;
- the cumulative Section 106 Agreement requirements had added costs to the development over and above expectations, including contributions to open space, traffic orders and education which when combined with CIL obligations totalled £870,000. This was in addition to the increase in development costs over and above 'normal development' with the inclusion of a public accessible 'green street' for enhanced bio-diversity, the adoption of low carbon construction, ground source heat pumps and passivhaus certification;
- the site was a brownfield and contaminated and subject to abnormalities not encountered on greenfield sites. All of these factors combined, along with substantial price hikes for construction materials and labour had meant that the development is no longer viable if the affordable housing was to be delivered as a Section 106 requirement;
- whilst waiving a Section 106 obligation for affordable housing was not comfortable for the Council, ECL had been meticulous in their viability evidence to support the grounds for a departure from policy in this case;
- as the City Council's wholly owned development company, the development had been designed in line with the City Council's strategic vision for the future, and the objectives in its Liveable Exeter, Net Zero Exeter 2030 Plan and Building Back Better publications;
- no other open market development proposals in the City offered such a high level of Place making or fabric-first low carbon approach and was therefore reasonable grounds for a departure from policy in this case;
- the conclusions of the consultant, Burrows-Hutchinson Ltd drawn from their Financial Viability Assessments, indicate that with no Section 106 obligation, there was a strong chance of Homes England support for the 11 new homes. This would enable ECL not only to deliver 11 apartments as affordable homes; but to further achieve an acceptable financial return for ECL, which benefits the City as a whole.

Responding to a query on whether the bid to Homes England was likely to succeed and whether there could be a formal agreement between the Council and ECL if it did not succeed, Emma Osmundsun advised that, prior to the planning application, ECL had worked with HRA officers to secure the specification, design and the transfer value of the houses to the HRA. ECL wished to pursue the viability argument on grounds of increased costs and increased land value. To mitigate those costs by losing the Section 106 element, opened up the opportunity for approaching Homes England. It was a good opportunity and, although not guaranteed, there was nothing to suggest ECL would not get a grant.

Responding to a query if alternative third party funding could not be secured, Emma Osmundson stated that it remained the intention to provide 11 affordable units without a Section 106 Agreement and that there was an active obligation to utilise part of the site for affordable housing to be held in the HRA.

Members expressed the following views:-

- the Council had made a previous decision to pursue a housing scheme on Clifton Hill;
- can an assurance be provided as part of the resolution of the commitment to provide social housing on this site? Officers advised that this would not be appropriate as the viability analysis had shown it not to be viable to require affordable
- accept no guarantee that Homes England will support the application but support ought to be forthcoming given the offer of quality, cheap to run, Passivhaus housing in a sustainable city centre location.

A Member, in welcoming the commitment to provide affordable housing, expressed concern that the removal of a requirement for such housing in the Section 106 Agreement could set a precedent and suggested that lifting of this element of the Section 106 should only be supported if a formal undertaking could be attached to ensure the Council would purchase affordable housing in order to guarantee their delivery. Officers advised that this would not be appropriate as the viability analysis had shown it not to be viable to require affordable housing through the planning agreement. The Councillor was therefore seeking clarification that there would be a formal undertaking attached to the development that the Council would purchase the homes if the bid to Homes England did not succeed.

The Leader referred to the commitment made by the ECL representative to build affordable/social housing and stated that the Council was in an unique situation as it could hold the developer to this commitment and which could not be the case with private developers elsewhere in the city. As such, the issue of viability would not be setting a precedent. Furthermore, in engaging ECL, as the Council's own development company, higher environmental standards could be insisted on than would otherwise be the case with an alternative developer and that this approach was in line with the Council's place shaping agenda.

The Leader gave an assurance that regardless of the outcome of the bid to Homes England it was the intention to provide affordable housing at Clifton Hill. The Chief Executive & Growth Director confirmed that this statement was one of political intent and that the planning merits of the application should be judged separately.

Members noted this assurance from the Leader.

The Leader suggested that approval be delegated to the Chief Executive & Growth Director in consultation with the Portfolio Holder for City Development.

The recommendation was for approval, subject to the completion of a Section 106 Agreement and the conditions as set out in the report.

Councillor Sutton moved and Councillor Hannaford seconded the recommendation with an amendment to delegate final approval to the Chief Executive & Growth Director in consultation with the Portfolio Holder for City Development. The motion, with amendment, was put to the vote and carried unanimously.

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

- Open space enhancement contributions totalling £70,000.
- Secondary education contribution of £135,232.
- Highways works, sustainable transport measures, including cycle hub station and car club space with charging infrastructure, and Traffic Orders.

all Section 106 contributions will be index linked from the date of resolution.

the Chief Executive & Growth Director in consultation with the Portfolio Holder for City Development be authorised to **GRANT** planning permission for the demolition of existing sport facility and rifle range and re-development of the site to provide 42 new dwellings, associated car parking, amenity space and access, subject also to the following conditions (and their reasons) which may be amended:-

- 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

Updated Revised General Arrangement Plan 190908 L 02 02 revision F received 4/12/2020

Updated Revised Boundary Treatment Plan 190908 L 02 03 revision E received 4/12/2020

Updated Revised Refuse Strategy 190908 L 02 04 revision D received 4/12/2020

Updated Revised Vehicular Parking Strategy 190908 L 02 05 revision D received 4/12/2020

Revised Floor Plans Block 01 Drg 100 rev A received 17/11/2020

Revised Sections Block 01 Drg 110 rev A received 17/11/2020

Revised Elevations Block 01 Drg 120 rev A received 17/11/2020

Revised Floor Plans Block 02 Drg 200 rev A received 17/11/2020

Revised Sections Block 02 Drg 210 rev A received 17/11/2020

Revised Elevations Block 02 Drg 220 rev A received 17/11/2020

Revised Floor Plans Block 03 Drg 300 rev A received 17/11/2020

Revised Sections Block 03 Drg 310 rev A received 17/11/2020

Revised Elevations Block 03 Drg 320 rev A received 17/11/2020

Revised Floor Plans Block 04 Drg 400 rev A received 17/11/2020

Revised Sections Block 04 Drg 410 rev A received 17/11/2020

Revised Elevations Block 04 Drg 420 rev A received 17/11/2020

Updated Revised Floor Plans Block 5-7 Drg 501 rev A Received 3/12/2020

Revised Floor Plans Block 5-7 Drg 502 rev A received 17/11/2020

Revised Sections and Visualisation Block 5-7 Drg 510 rev A received 17/11/2020

Revised Elevations Block 5-7 Drg 521 rev A received 17/11/2020

Revised Elevations Block 5-7 Drg 522 rev A received 17/11/2020

Revised Floor Plans Block 8 Drg 800 rev A received 17/11/2020

Revised Sections and Visualisation Block 8 Drg 810 rev A received 17/11/2020

Revised Elevations SW Block 08 Drg 821 rev A received 17/11/2020

Revised Elevations NE Block 08 Drg 822 rev A received 17/11/2020
Revised Floor Plans Block 09 Drg 900 rev A received 17/11/2020
Revised Sections Block 09 Drg 910 rev A received 17/11/2020
Revised Elevations Block 09 Drg 920 rev A received 17/11/2020
Boundary Test Sections Sk004 1-3 rev B received 17/11/2020
Boundary Test Sections Sk004 4-5 rev B received 17/11/2020
Boundary Test Sections Sk004 6-8 rev B received 17/11/2020
Boundary Test Sections Sk004 9-10 rev B received 17/11/2020
Revised Street Elevations 020 rev A received 17/11/2020
Revised Street Elevations 021 rev A received 17/11/2020
Updated Revised Softworks Schedule revision C received 4/12/2020

As modified by other conditions of this consent.

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

- 3) Pre commencement condition: No development related works (except for the demolition and removal of the existing Leisure Centre and Rifle Range buildings) shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a programme of archaeological monitoring on-site, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.
Reason for pre commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.
- 4) Prior to the commencement of any phase of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.
Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.
- 5) 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.

- 6) Details of the secure sheltered cycle parking (including the electric bicycle parking) for the development shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until such details have been agreed in writing by the Local Planning Authority, and prior to occupation of each dwelling the cycle parking for that dwelling shall have been provided in accordance with the submitted details.

Reason: To provide adequate facilities for sustainable transport

- 7) A detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared, and is subject to the approval in writing of the LPA. The scheme must be based on the findings in South West Geotechnical Ltd's Geotechnical and Geo-Environmental Assessment (report no.: 12072 V3, date: October 2020) (including any additional data obtained after that report was submitted) and must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation or to demolish existing buildings to ground floor level, unless otherwise agreed in writing by the LPA. Following completion of measures identified in the approved remediation scheme and prior to occupation of the development, a verification report must be produced that demonstrates the effectiveness of the remediation carried out and provides confirmation that no unacceptable risks remain, and is subject to the approval in writing of the LPA.

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 LPA. An investigation and updated 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 verification report must be produced and approved in writing by the LPA.

Reason for pre-commencement condition: In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

- 8) Pre-commencement condition: No development (including demolition) shall take place until a Construction and Environment Management Plan (CEMP) for that phase of the development has been submitted to and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:

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

The CEMP 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.

The CEMP should include details of access arrangements and timings and management of arrivals and departures of vehicles.

An approved CEMP shall be adhered to throughout the construction period.
Reason for pre-commencement condition: In the interests of the occupants of nearby buildings. 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.

- 9) The following additional details shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall subsequently be implemented on site:
 - Details of the boundary treatment on the boundary with the rear of properties on Portland Street.
 - Details of the arrangement of substation, covered and secure cycle spaces, car parking spaces and landscaping details adjacent the retained Brick Office building.
 - Details of works to the Brick Office building.**Reason:** In the interests of controlling these details which are not submitted in detail as part of the application.
- 10) Before either of the access points onto Clifton Hill, as indicated on Drawing No. 190908 L 02 02 Rev D, are first brought into use that access shall have been provided in accordance with details and specifications that shall previously have been submitted to, and agreed in writing by, the Local Planning Authority.
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108/110 of the NPPF and CP9 of the ECC Core Strategy.
- 11) No part of the development hereby approved shall be brought into its intended use until a club car parking and a club-bike docking station (together with electricity supply to both elements) as indicated on Drawing No. 190908 L 02 02 REV D, or such other location as may subsequently be agreed in writing, has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To provide adequate facilities for sustainable transport and ECC Core Strategy CP9.
- 12) Prior to occupation of the development hereby permitted, a travel pack/car park management plan shall be provided informing all residents of walking

and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car sharing schemes and car clubs, as appropriate, the form and content of which shall have previously been approved in writing by the Local Planning Authority.

Reason: To ensure that all occupants of the development are aware of the available sustainable travel options, in accordance with Paragraph 111 of the NPPF.

- 13) Any gates that provide access to rear gardens must be capable of being locked from both sides. All external doors and accessible windows should as a minimum standard comply with the requirements of Approved Document Q (ADQ) of the Building Regulations and/or Secured by Design (SBD) standards as set out in Secured by Design Homes 2019.

Reason: In the interests of reducing opportunities for crime.

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

Reason: The proposed development site is located on a historic landfill site. This presents a risk of contamination that could be mobilised during construction to pollute controlled waters.

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

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

- 16) Notwithstanding the submitted plans 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.

- 17) 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.

- 18) Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 19) No building hereby permitted shall be occupied until surface water drainage works broadly in accordance with the Preliminary Drainage Strategy (Drawing No. PDL 101 Rev C dated 16.11.2020) have been implemented, and any connection to the Surface Water Sewer having been put in place, in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, National Planning Policy Guidance and the Department for Environment, Food and Rural Affairs Sustainable Drainage Systems Non statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority.
The submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. Include a timetable for its implementation; and
 - iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- Reason:** In the interests of sustainable drainage.
- 20) The development hereby approved shall only be undertaken in accordance with the recommended mitigation measures set out in the Unexploded Ordnance Risk Assessment dated 5th February 2020.
Reason: In the interests of human health.
- 21) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-
Part 1, Class A extensions and alterations
Part 1, Classes B and C roof addition or alteration
Part 1, Class E swimming pools and buildings incidental to the enjoyment of the dwellinghouse
Reason: In order to protect residential amenity and to prevent overdevelopment.
- 22) Prior to occupation of the dwellings with which they are associated each of the car parking spaces and garages shown on the approved plans shall be fitted with electrical supply to support an electric vehicle charging point.
Reason: In the interests of sustainable development and air quality.

- 23) The development hereby approved shall be constructed to The Passivhaus Standard, or such other energy and building performance standard that may subsequently be agreed in writing by the Local Planning Authority.
Reason: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.
- 24) Prior to the occupation of each dwelling hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications.
Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the NPPF.
- 25) The dwellings hereby permitted shall each only be occupied as single unit of accommodation within Use Class C3 (dwelling houses).
Reason: For the avoidance of doubt and to prevent the creation of an additional separate dwellings or the occupation as Houses in Multiple Occupation without that being considered by the Local Planning Authority.
- 26) Prior to commencement of any works on site (excluding demolition of existing buildings) a scheme of off-site replacement tree planting, together with a programme for implementation shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved programme thereafter.
Reason for the pre-commencement condition: In the interest of further mitigating the impacts of development on trees and protecting the amenity of the area.
- 27) The works within the root protection zones of retained trees as part of the development hereby permitted shall only be carried out in accordance with an Arboriculture Method Statement that shall have been submitted to and approved agreed in writing by the Local Planning Authority prior to commencement of development on site. The approved Method Statement shall thereafter be adhered to.
Reason: To ensure the protection of the retained trees during the carrying out of the development and protecting the amenity of the area.

Informatives

- 1) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Area (SPA), the Exe Estuary, which is a designated European site. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the

development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

- 3) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.
- 4) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- 5) Movement of waste off-site - The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here:
https://www.gov.uk/uploads/system/uploads/attachment_data/file/48888/waste-duty-care-code-practice-2016.pdf

and further **RESOLVED** that:-

the City Development Lead or Deputies be authorised to **REFUSE** planning permission for the reasons set out below if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) within six months of the date of this Committee or such extended time as agreed by the City Development Lead or Deputies for the reasons set out below:-

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for Affordable Housing, Open space contributions, highways works, sustainable transport measures and Traffic Orders the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, and 10, and policies CP5, CP7, CP9, CP10, Exeter Local Plan First Review 1995- 2011 saved policies, L4, T1, T3, DG5, Exeter City Council Affordable Housing

Councillor Morse returned and resumed the Chair for the remainder of the meeting.

58 **PLANNING APPLICATION NO. 20/1187/FUL - EXMOUTH JUNCTION GATEWAY SITE , PRINCE CHARLES ROAD, EXETER**

The Principal Project Manager and Acting Major Projects Team Leader presented the application for the re-development of the site and construction of a part three, part five storey building containing 51 residential units with associated access and servicing arrangements, car parking, landscaping and infrastructure ancillary to the residential use. (*Revised*)

The Principal Project Manager reported that the application had received a resolution to grant planning permission on 29 April 2021, subject to the completion of a Section 106 Legal Agreement and conditions, the applicant having subsequently contested condition 26, requiring a Locally Equipped Area of Play (LEAP) to be provided on the main Exmouth Junction site before the development subject of this application was occupied.

The Principal Project Manager went on to explain the background to this change and the rationale for proposing to remove condition 26 in favour of an additional obligation in the Section 106 Legal Agreement is considered acceptable;

- the condition had been added in accordance with the comments of the Public and Green Spaces Team taking into account the national guidance by Fields in Trust recommending that developments of 1-200 dwellings provide a Local Area for Play (LAP) and Local Equipped Area for Play (LEAP) on-site, or a financial contribution towards the improvement of an existing equipped/designated play space in lieu of on-site provision. The proposed development for 51 dwellings had include a LAP on-site, but not a LEAP due to its relatively small size agreed on the basis that a new LEAP would be provided on the main Exmouth Junction site;
- the applicant no longer owned the part of the main Exmouth Junction site where the 'Village Green' was located and were concerned that the Exmouth Junction Gateway apartment block would not be able to be occupied if the LEAP on the main site was not delivered, and they have no control over the land in question. They therefore requested the removal of the condition and a clause added to the Section 106 legal agreement which would allow a financial contribution to be paid to the Council in lieu, if the terms of the condition are not met; and
- the Public and Green Spaces Team had agreed a financial contribution of £80,000 for improving existing off-site play areas serving the development. This would only be paid if a LEAP has not been provided on the main Exmouth Junction site before the development is occupied.

The Principal Project Manager further advised:-

- revised plans showing balconies for all relevant one-bed flats had been received and the recommendation updated accordingly;
- the Council was now able to demonstrate a five year supply of deliverable housing sites with an appropriate buffer removing an automatic application of a presumption in favour of sustainable development. However, this did not change the conclusion that planning permission should be granted; and

- a Section 106 Legal Agreement would be needed to secure the affordable housing requirement and the contributions that had been requested, which were considered necessary for the development to proceed.

The Principal Project Manager also referred to the following main elements of the proposal:-

- 20% affordable housing in line with National Planning Practice Guidance and £27,387.65 financial contribution;
- a car-free scheme with one disabled parking space and one electric vehicle car club parking space. Residents would not be entitled to residents' parking permits to park on local streets;
- internal cycle store (90 spaces) and 50 external spaces;
- children's play space and rooftop amenity space;
- contributions of £88,968 secondary education; £63,750 towards E4 strategic cycle route along Prince Charles Road/Stoke Hill roundabout; £60,000 towards provision and improvement of off-site playing fields; and
- CIL Liability: £518,415.87 which did not include social housing relief.

The Principal Project Manager responded as follows to Members' queries:-

- the focus of contributions sought by the Highway Authority was on improving safety particularly around the Stoke Hill roundabout and did not include a covered bus shelter near to the roundabout adjacent to the development although this suggestion could be raised with the Authority,
- similarly, negotiations with the County Council on car free developments took into account the merits of each site and that there was no policy position to enforce car free developments in certain areas of the city. The development built on existing sustainable transport features within the area; and
- the developer's request in respect of the condition arose from the change in ownership of the main Exmouth junction site.

The proposed development was considered to be acceptable. It had been designed as an extension to the Exmouth Junction development site that was granted planning permission on 21 May 2021. It would be a car-free development, acceptable to the Local Highway Authority and would support the net-zero carbon 2030 target. The design and scale of the building were considered to be acceptable and it would follow the same architectural approach as the main Exmouth Junction development and act as a 'gateway building'. It would make effective and efficient use of the land in accordance with local and national policies and would help the Council maintain a five year housing land supply.

The recommendation was for approval, subject to the completion of a Section 106 Agreement and the conditions as set out in the report.

The recommendation was moved and seconded and carried unanimously.

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

- 20% of the dwellings will be affordable private rented (10 dwellings) in accordance with the glossary definition of Affordable housing for rent in Annex 2 of the NPPF (2019);
- £27,387.65 financial contribution for 0.2 of a dwelling towards off-site affordable housing;
- £88,968 towards secondary education provision;

- £63,750 towards improvements towards the E4 strategic cycle route/Stoke Hill roundabout;
- £60,000 towards provision and improvement of off-site playing fields;
- £80,000 on improving existing off-site play areas serving the development if a LEAP has not been provided on the main Exmouth Junction site (ref.19/0650/OUT) before occupation of the development
- £25,000 towards Tree Preservation Orders, unless this contribution has already been paid for 19/0650/OUT (“Exmouth junction”)

all Section 106 contributions should be index linked from the date of resolution.

the Deputy Chief Executive be authorised to **GRANT** planning permission for the re-development of the site and construction of a part three, part five storey building containing 51 residential units with associated access and servicing arrangements, car parking, landscaping and infrastructure ancillary to the residential use. (*Revised*), subject also to the following conditions:-

1. Standard Time Limit – Full Planning Permission

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 comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the approved plans listed below, unless modified by the other conditions of this consent:

- Site Location Plan (20001 (01)-S-001)
- Proposed Ground Floor Plan (20001 (03)-P-0G0 Rev 03)
- Proposed 1st + 2nd Floor Plan (20001 (03)-P-001 Rev 04)
- Proposed 3rd Floor Plan (20001 (03)-P-003 Rev 04)
- Proposed 4th & 5th Floor Plan (20001 (03)-P-004 Rev 04)
- Proposed Roof Plan (20001 (03)-P-0R0 Rev 02)
- Proposed SE Elevation (20001 (03)-E-001 Rev 04)
- Proposed SW Elevation (20001 (03)-E-002 Rev 04)
- Proposed West Elevation (20001 (03)-E-003 Rev 04)
- Proposed NE Elevation (20001 (03)-E-004 Rev 04)
- Swept Path Analysis – Large Refuse (VN201674-TR103)
- Indicative Landscaping (20001 (90)-P-0G0 Rev 01)

Reason: To ensure the development is constructed in accordance with the approved plans.

Pre-commencement Details

3. Construction and Environmental Management Plan (CEMP)

No development (including ground works) or vegetation clearance works shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

Reason: To protect the biodiversity of the site including protected species, taking into account the recommendations of the submitted Ecological Impact Assessment. A CEMP is required before any development begins to ensure that appropriate mitigation measures are identified and carried out during the construction phase.

4. Reptile Mitigation Strategy

No development (including ground works) or vegetation clearance works shall take place until a Reptile Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall be carried out by a suitably qualified ecologist and be based on the ecological mitigation and avoidance measures for reptiles contained in the submitted Ecological Impact Assessment (Burton Reid Associates, August 2020). The Strategy shall be adhered to and implemented in full.

Reason: To ensure that reptiles on the site will not be harmed by vegetation clearance works or other construction activities. These details are required pre-commencement as specified to ensure that an appropriate strategy is in place to protect reptiles on the site before construction works begin.

5. Contaminated Land

No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: In the interests of the amenity of the occupants of the building hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

6. Detailed Permanent Surface Water Drainage Scheme

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with Devon County Council groundwater monitoring policy.
- b) Evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins/tanks if infiltration based techniques are to be proposed.
- c) A detailed drainage design should be submitted which encompasses above ground sustainable drainage systems and the use of FEH rainfall data as well as the results of the information submitted in relation to (a) and (b) above.
- d) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- e) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- f) A plan indicating how exceedance flows will be safely managed at the site.
- g) Evidence there is agreement in principle from SWW for the connection into their system.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under a) - g) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

7. Tree Protection

No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing to protect trees and shrubs on or adjacent to the site 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: To ensure the protection of the trees/shrubs 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. Construction Method Statement

No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.

- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of security hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures monitor and control the emission of dust and dirt during construction (including, but not limited to, the measures recommended in Table 17 of Syntegra Consulting's Air Quality Assessment for Exmouth Junction Gateway, Exeter (date:18/08/2020)).
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the Local Planning Authority.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason: To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

9. Waste Audit Statement

Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

Pre-specific Works

10. Energy Performance Standard

Prior to the construction of the foundations of the building hereby permitted, the Design SAP calculation(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the dwelling(s) will achieve a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations. No individual dwelling shall be occupied until the As-Built SAP calculation of the dwelling has been submitted to and approved in writing by the Local Planning Authority to confirm that a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations has been achieved.

Reason: To ensure the dwelling(s) will achieve the energy performance standard required by Policy CP15 of the Core Strategy, taking into account the Written Ministerial Statement on Plan Making (25 March 2015) requiring local planning authorities not to exceed the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes, in the interests of reducing greenhouse gas emissions and delivering sustainable development. (Advice: Please see Paragraph:

11. Bird Nesting Season

No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird nesting season from March to September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have previously been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name and contact details of the ecologist. If nesting birds are found or suspected during the works, the works shall cease until the ecologist is satisfied that the nest sites have become inactive.

Reason: To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraphs 174 and 175 of the NPPF (2019).

12. Materials

Prior to the construction of the external walls of the building hereby permitted, samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials of the building shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

Reason: In the interests of good design and the character of the area, in accordance with Policy CP17 of the Core Strategy, Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF (2019).

13. Nesting and Roosting Boxes

Prior to the construction of the external walls of the building hereby permitted, details of the provision for nesting birds and roosting bats in the built fabric of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

Reason: To enhance biodiversity on the site in accordance with the Residential Design Guide SPD (Appendix 2) and paragraph 175 of the NPPF (2019).

14. External Lighting

No external lighting shall be installed on the site unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

Reason: To ensure lighting is well designed to protect the amenities of the area and wildlife.

15. Details of Building Services Plant

Prior to installation, details of all building services plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design (including any compound) and noise specification. The plant shall not exceed 5dB below the existing background noise level at the site boundary. If the plant exceeds this level, mitigation measures shall be provided to achieve this in accordance with details previously submitted to and approved in writing by the Local

Planning Authority. (All measurements shall be made in accordance with BS 4142:2014).

Reason: In the interests of residential amenity.

Pre-occupation

16. Detailed Landscaping Scheme

Prior to the occupation of any dwelling hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. The soft landscaping shall take into account the recommended ecological enhancements in the submitted Ecological Impact Assessment (Burton Reid Associates, August 2020). The hard landscaping shall be constructed as approved prior to the occupation of the development. The soft landscaping shall be planted in the first planting season following the occupation of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of good design in accordance with saved Policy DG1 of the Exeter Local Plan First Review and paragraphs 127 and 174 of the NPPF (2019).

17. Landscape and Ecological Management Plan (LEMP)

Prior to the first occupation or use of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management shall be undertaken in accordance with the LEMP.

Reason: In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, saved Policies LS4 and DG1 of the Local Plan First Review and paragraphs 127 and 175 of the NPPF. Also taking into account the recommendations of the submitted Ecological Impact Assessment.

18. Noise Mitigation and Ventilation Standards

Prior to occupation of the development, the noise mitigation and ventilation standards set out in Syntegra Consulting's Noise Impact Assessment for Exmouth Junction Gateway, Exeter (date: 18/08/2020) shall be implemented in full. The measures shall be maintained thereafter unless alternative noise mitigation measures are implemented in accordance with details submitted to and approved in writing by the Local Planning Authority, which shall be maintained thereafter.

Reason: In the interests of residential amenity.

19. S278 Agreement

The development shall not be occupied or brought into use until a Section 278 Highways Agreement has been entered into in order to secure the necessary works to the public highway. The s278 works shall include a pedestrian crossing of the road to the south of the site adjacent to the pedestrian entrance to the site and the footpath widening to the south. The works shall be implemented prior to the occupation of the development.

Reason: In the interests of pedestrian safety and promoting sustainable modes of travel taking into account the desire line between the development and supermarket, in accordance with Policy CP9 of the Core Strategy, saved Policies T1, T3 and DG1(a) of the Exeter Local Plan First Review, and paragraphs 108 and 110 of the NPPF (2019).

20. Vehicle Access

Prior to the occupation of the development hereby permitted, the vehicular access as shown on drawing number 20001 (03)-P-0G0 Rev 03 ('Proposed Ground Floor Plan') shall be provided in accordance with a plan previously submitted to and approved in writing by the Local Planning Authority. The plan shall include visibility splays to protect the users of the shared use pedestrian/cycle path to the south. The vehicular access shall be maintained thereafter and the visibility splays shall be kept free of visual obstructions above 600mm.

Reason: To provide a safe and suitable access to the site in accordance with paragraphs 108 and 110 of the NPPF (2019).

21. Cycle Parking

Prior to the occupation of the development hereby permitted, the internal and external cycle parking as shown on the approved plans shall be provided in accordance with details of the cycle parking (type of racks and weather protection) previously submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be maintained at all times thereafter.

Reason: To encourage cycling as a sustainable mode of transport in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport Supplementary Planning Document (March 2013).

22. Car Parking

Prior to the occupation of the development hereby permitted, the disabled car parking space and the EV Car Club space as shown on drawing number 20001 (03)-P-0G0 Rev 03 ('Proposed Ground Floor Plan') shall be provided. The EV Car Club space shall be provided in accordance with details of the vehicle charging point and car club, i.e. who the operator will be and how it will be managed, previously submitted to and approved in writing by the Local Planning Authority. These facilities shall be maintained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the disabled parking space and EV Car Club space are delivered and available for residents of the development in the interests of sustainable travel.

23. Travel Plan

No part of the development shall be occupied until a Travel Plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter the recommendations of the Travel Plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

Reason: To encourage travel by sustainable means, in accordance with saved Policy T3 of the Local Plan First Review and the Sustainable Transport SPD.

24. Travel Pack

Prior to the occupation of any dwelling in the development on a continuing basis, a travel pack shall be provided to the future resident(s) of the dwelling informing them of the car-free status of the development and that they will not be entitled to residents parking permits to park on local streets, and the walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car clubs and electric bike hire facilities available in the area, the form and content of which will have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that all residents of the development are aware of its car free status and the available sustainable travel options.

25. Play Space

Prior to the occupation of the development hereby permitted, the Play Space as shown on drawing number 20001 (03)-P-0G0 Rev 03 ('Proposed Ground Floor Plan') shall be provided in accordance with details of the play equipment previously submitted to and approved in writing by the Local Planning Authority. The play equipment and Place Space shall be maintained at all times thereafter. The Play Space shall be accessible at all times except for times when the play equipment is being maintained or replaced from damage or general wear and tear.

Reason: To ensure the play space is delivered and available for residents of the development in the interests of residential amenity.

and further **RESOLVED** that:-

the City Development Lead or Deputies be authorised to **REFUSE** planning permission for the reasons set out below if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) is not completed by 11 November 2021 or such extended time as agreed by the City Development Lead or Deputies for the reasons set out below:-

in the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters:-

- 20% of the dwellings will be affordable private rented (10 dwellings) in accordance with the glossary definition of Affordable housing for rent in Annex 2 of the NPPF (2019)

- £27,387.65 financial contribution for 0.2 of a dwelling towards off-site affordable housing
- £88,968 towards secondary education provision
- £63,750 towards improvements towards the E4 strategic cycle route/Stoke Hill roundabout
- £60,000 towards provision and improvement of off-site playing fields
- £80,000 on improving existing off-site play areas serving the development if a LEAP has not been provided on the main Exmouth Junction site (ref.19/0650/OUT) before occupation of the development

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6 and 10, and policies CP7, CP9, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L4, T1, T3, LS2 and LS3, Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

59

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Liveable Exeter Programme Director and City Development Strategic Lead was received

RESOLVED that the report be noted.

60

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

61

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 30 November 2021 at 9.30 a.m. The Councillors attending will be Councillors Bialyk, Morse and Williams.

(The meeting commenced at 5.30 pm and closed at 7.33 pm)

Chair

PLANNING COMMITTEE

Monday 15 November 2021

Present:-

Councillor Emma Morse (Chair)
Councillors Williams, Bialyk, Branston, Denning, Hannaford, Mrs Henson, Lights, Martin, A, Mitchell, M, Moore, D and Sparkes

Apologies

Councillors Buswell and Sutton

Also Present

Chief Executive & Growth Director, Interim Service Lead for City Development, Assistant Service Lead (Planning), Principal Project Manager and Acting Major Projects Team Leader, Principal Project Manager (Development) (MH), Transport Planning Manager and Democratic Services Officer (HB)

62

MINUTES

The minutes of the meeting held on 11 October 2021 were taken as read, approved and signed by the Chair as correct.

63

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

64

PLANNING APPLICATION NO. 21/1104/FUL - THE HARLEQUIN CENTRE, PAUL STREET, EXETER

The Principal Project Manager and Acting Major Projects Team Leader presented the application for development of two Co-Living (Sui Generis) accommodation blocks, following demolition of existing shopping centre and pedestrian bridge, change of use of upper floors of 21-22 Queen Street to Co-Living (Sui Generis), and all associated works including parking, landscaping, amenity areas, public realm improvements, new pedestrian bridge and provision of heritage interpretation kiosk. (*Revised*)

The Principal Project Manager and Acting Major Projects Team Leader reported the detail of a revised application for the site, permission having been granted previously for a co-living block and hotel on the site, the developer now seeking to replace the hotel with a second block for co-living. He set out a detailed description of the site and surrounding area, including: site photographs, the location of Central and St David's conservation areas, the location of listed and locally listed buildings, and the character of the surrounding built environment. He then presented the proposed scheme, including: layout plans, floor plans, elevations and Landscape and Visual Impact Assessment (LVIA) views.

The report set out the following key issues:-

- the principle of development;

- affordable housing;
- access and impact on local highways and parking provision;
- design and landscape;
- impact on heritage assets;
- residential amenity;
- impact on amenity of surroundings, air quality and trees and biodiversity;
- contaminated land;
- flood risk and surface water management;
- sustainable construction and energy conservation; and
- development plan, material considerations and presumption in favour of sustainable development.

The Principal Project Manager and Acting Major Projects Team Leader set out the following key elements:-

- demolition of existing 1980's shopping centre;
- two blocks of co-living accommodation plus change of use of upper two floors of 21-22 Queen Street into co-living accommodation;
- a total of 383 bedspaces (132 more than previous scheme for co-living block and hotel);
- Block 1 comprising 138 studios and 18 cluster flats with 107 bedrooms;
- Block 2 comprising 133 studios;
- 21-22 Queen Street comprising five studios;
- 20% affordable housing provided with 55 studios and 21 cluster bedrooms with priority to be given to essential local workers;
- provision of a new landscaped square and 'pocket park';
- retention of the ramp with a new interpretation centre beneath to include promotion of the nearby City Wall Scheduled Monument in association with RAMM;
- removal of four trees to facilitate access;
- new pedestrian bridge across Paul Street;
- improved access to City Wall;
- Paul Street narrowed to two lanes with wider foot/cycleways and public cycle parking; and
- the removal of 91 car parking spaces and with the retention of nine spaces for local businesses and two disabled spaces together with two Electric Vehicle car club spaces for co-living use.

The Principal Project Manager and Acting Major Projects Team Leader responded as follows to Members' queries:-

- the proposal for a new footbridge across Paul Street was an improvement on the existing bridge and improved permeability into the Guildhall Shopping Centre, although there were also alternative routes into the Centre;
- the proposals for an active street frontage with windows at ground floor level were positive;
- improved sustainable drainage would be provided in spite of archaeological and contamination constraints;
- the two types of accommodation were student flats and cluster flats. The former had their own kitchenette and bathroom and each cluster flat had a separate kitchen and amenity room to be shared by the residents, the number of bedrooms in each cluster varied between five and six. The rooms were for single occupancy;
- no data available on the national average length of occupancy for Co-living schemes;

- Co-living was new to Exeter, although this type had been built elsewhere, especially in London. It was geared to a particular section of the market, that is, individuals seeking such accommodation in preference to a house in multiple occupation,
- the Section 106 legal agreement would include a management plan and required on-site staff to ensure that the building was well managed and that anti-social behaviour was not a problem. It would require the production of an annual report to monitor the management;
- CP5 did not refer to co-living directly as it was a special form of housing aimed at young adults who would wish to live in a well-managed communal environment who might otherwise live in Houses in Multiple Occupation;
- as the hotel element had been removed there would be less overall number of jobs provided;
- the development included specific rooms for the disabled;
- the development was essentially car free with only minimal parking provision retained including two spaces for disabled use;
- waste and re-cycling had been future proofed with the size of the waste bin stores increased with the revised plans;
- in respect of cycle way provision and highway safety at the junction with Queen Street, the plans would need to fit in with current highway arrangements. Thereafter, changes agreed with the Highway Authority to improve safety would require a Section 278 Agreement under the Highways Act 1980; and
- it would be for the NHS Devon Clinical Commissioning Group to determine the split of the £98,048 financial contribution towards the three health facilities at Barnfield Hill Medical Practice, Southernhay Medical Practice and the St Leonards Medical Centre.

In respect of a question as to how safe access to the site by cars would be achieved and the nature of traffic arrangements for Iron Bridge and the Queen Street/Fore Street junction, the Transport Planning Manager responded that the changes had not been finalised but had been agreed in outline with the developer and would be brought forward under a Section 278 Agreement under the Highways Act 1990 for public works to highways and would also include future changes to Bartholomew Street and shared pedestrian/cycle usage. There would be a balanced benefit for both cyclists and pedestrians in addition to improved public realm.

Chris Dadds spoke in support of the application. He raised the following points:-

- it was the second application for the site following a long period of consultation relating to the principles of re-development, the site constraints and the impacts of the proposals, the previous application having been approved;
- the revised application included two blocks of co-living accommodation and excluded the hotel previously proposed. The two blocks were very similar in scale and location to those approved in 2020. The cluster rooms had been made slightly larger, and the amount of communal space increased;
- the new co-living blocks would contribute to meeting housing needs in the city and to the Council's vision for a Liveable Exeter. The proposals provided for high quality accommodation, within buildings managed 24/7, designed to Passivhaus Principles;
- the majority of the car parking within the basement of the site had been removed, the only car parking now proposed was for local employers, along with two spaces for disabled drivers and two Electric vehicle spaces, which it was anticipated would be occupied by a car club. In addition there would be 280 cycle parking spaces, for residents and visitors;
- had worked closely with officers and other stakeholders relating to the detail of the scheme, including discussions with the Police Liaison Officer, Fire Officer,

the Highways Authority, Environmental Health, the refuse team and Historic England;

- the development was more attractive than previously approved and provided more active frontages to the street and to the city wall and a safe environment for residents and neighbours; and
- accepted that there would be impacts, both on the historic environment and on neighbours but these would be minimised through careful design of the buildings and their active management.

He responded as follows to Member's queries:-

- it was the expectation that both blocks would be managed and monitored by the same management company and that part of the remit was to prevent anti-social behaviour given the transient nature of the occupants;
- there was a minimum of three months tenancy although there was a variety of experiences with co living models across the country with some tenancies shorter than three months. It was not possible to predict the nature of the market with completion of build some two years away;
- the management plan would set out the terms and conditions of tenancy;
- the remit of the management team was to encourage and develop community cohesion and could help residents run and organise events such as yoga, dining clubs etc;
- there would be 14 units catering for the disabled, representing 5% of the total units;
- up to 80% of the market value was the maximum chargeable for the affordable units;
- it was the intention to attract key workers and essential local workers which would be subject to negotiation with the Council in terms of the remaining 20%; and
- there would be no physical contact between the blocks and the City Wall.

The proposal was considered to be a sustainable development when balancing the development plan policies, National Planning Policy Framework 2021 (NPPF) policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site. A Section 106 legal agreement and conditions were necessary to secure affordable housing, infrastructure contributions and other aspects of the development to make it acceptable in planning terms. The proposed development was considered to be acceptable, bringing heritage benefits and the public benefits. The layout and design of the scheme were very similar to the previously approved application for a co-living block and hotel on the site. However, the scheme was considered to be an improvement over the consented scheme in terms of the quality of the architecture, increased active frontage along Paul Street and sustainability through removal of the public car parking spaces on the site.

Members expressed the following views:-

- it would be for the NHS Devon Clinical Commissioning Group to determine the split of the £98,048 financial contribution towards the three health facilities at Barnfield Hill Medical Practice, Southernhay Medical Practice and the St Leonards Medical Centre;
- the city centre is an ideal location for co-living units with access to many local amenities for the likely cohort of occupiers;
- helps meet the city's housing supply need and will contribute to reducing the 3,200 on the housing waiting list. It is a significant contribution to the housing need in Exeter;

- it will be a re-development of a brown field site;
- those who did secure units could bid for larger accommodation at a later date;
- smaller units have value in that the carbon footprint is significantly less than larger homes;
- the application brings significant contributions as part of the Section 106 Agreement including £175,000 towards public open space, £25,000 to repair and maintain the City Wall, and £45,000 to maintain and upgrade off-site play areas;
- improved landscaping for the area which enhances linkage to the RAMM and the Phoenix;
- there will be a market for this type of accommodation;
- welcome a car free development;
- concern that Policy CP5 does not refer to co-living, that there is no Build to Rent policy and rental levels are unknown;
- St David's has a high level of Purpose Built Student accommodation already and many in the ward are transient. This development does not therefore help achieve a balanced mix of accommodation within the area;
- concerns if pregnancy results in eviction and also the impact on the neighbourhood of potential anti-social behaviour; and
- great need for accommodation for key workers such as NHS staff, bus drivers etc. and, potentially, teachers.

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

The recommendation was moved and seconded and, following a vote, was carried.

RESOLVED that, subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:-

- Co-living Management Plan/Monitoring;
- 20% of the dwellings (55 studios and 21 cluster bedrooms) will be affordable private rented with first priority to essential local workers
- £252,546 habitats mitigation;
- £25,000 towards management, maintenance, repair and promotion of City Wall;
- £175,000 for maintenance/upgrade of off-site public open spaces;
- £45,000 for maintenance/upgrade of off-site play areas;
- £98,048 to improve facilities at either Barnfield Hill Medical Practice, Southernhay Medical Practice or St Leonards Medical Centre;
- £10,000 towards traffic regulation orders in the area;
- details of VMS/signage to manage the use of the Guildhall car park
- details of the type of materials used on the highway (section 44 of the Highways Act 1980);
- a Management Plan to ensure no parking is associated with the development and to ensure the operational facilities of the loading bays (in conjunction with the Guildhall);
- rights of access for all users for the new footbridge over the highway; and
- public access to the open space on the site and to the City Wall.

all Section 106 contributions should be index linked from the date of resolution.

the Deputy Chief Executive be authorised to grant planning permission for the

development of two Co-Living (Sui Generis) accommodation blocks, following demolition of existing shopping centre and pedestrian bridge, change of use of upper floors of 21-22 Queen Street to Co-Living (Sui Generis), and all associated works including parking, landscaping, amenity areas, public realm improvements, new pedestrian bridge and provision of heritage interpretation kiosk. (*Revised*), subject also to the following conditions:-

1. Standard Time Limit – Full Planning Permission

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 comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the approved plans listed below, unless modified by the other conditions of this consent:

Received 12 July 2021

- B1 Paul Street Elevation (19720-0330 P-00)
- B1 Elevation Courtyard 1 (19720-0331 P-00)
- B1 Elevation Courtyard 2 (19720-0332 P-00)
- B1 Elevation Queen Street 1 (19720-0333 P-00)
- B1 – Northernhay Elevation (19720-0334 P-00)
- B1 Landscape Gardens 1 (19720-0335 P-00)
- B1 Elevation Landscape Gardens 2 (19720-0336 P-00)
- B1 Elevation Landscaped Gardens 3 (19720-0337 P-00)
- B1 Sections 1 of 3 (19720-0350 P-00)
- B1 Sections 2 of 3 (19720-0351 P-00)
- B1 Sections 3 of 3 (19720-0352 P-00)
- GA – Ground Floor Plan (19720-2003 P-00)
- GA – Mezzanine Floor Plan (19720-2004 P-00)
- GA – First Floor Plan (19720-2005 P-00)
- GA – Second Floor Plan (19720-2006 P-00)
- GA – Third Floor Plan (19720-2007 P-00)
- GA – Fourth Floor Plan (19720-2008 P-00)
- GA – Fifth Floor Plan (19720-2009 P-00)
- GA – Roof Plan (19720-2010 P-00)
- B2 Elevation Landscaped Gardens (19720-0342 P-00)
- GA Ground Floor Plan (19720-2103 P-00)
- GA First Floor Plan (19720-2104 P-00)
- GA Second Floor Plan (19720-2105 P-00)
- GA Third Floor Plan (19720-2106 P-00)
- GA Fourth Floor Plan (19720-2107 P-00)
- GA Roof Plan (19720-2108 P-00)
- Stumpery Detail (19720-6001 P-00)
- Landscape Details 2 of 2 (19720-6003 P-00)
- Insect Hotel Detail (19720-6004 P-00)
- Footbridge Sections (19720-6020 P-00)
- Interpretation Centre (19720-6030 P-00)
- Proposed Highway Layout Plan (Paul Street) (0779 PHL-101 J)

- Queen Street/Paul Street General Arrangements (0779 GA-101 D)
- North Street/Paul Street General Arrangements (0779 GA-102 E)

Received 3 September 2021

- Rooftop Softworks Plan (19720-0012 P-01)
- B2 Paul Street Elevation – Block 2 (19720-0340 P-01)
- B2 Northernhay Elevation (19720-0341 P-01)
- B2 Iron Bridge 2 (19720-0343 P-01)
- B2 Iron Bridge Elevation (19720-0344 P-01)
- B2 Northernhay Elevation 2 (19720-0345 P-00)
- Proposed Site Sections (19720-0353 P-01)
- B2 Sections 1 of 2 (19720-0354 P-01)
- B2 Sections 2 of 2 (19720-0355 P-01)
- Streetscenes – Proposed NW & SE Elevations Proposed NW and SE Elevations (19720-0390 P-01)
- Street Scenes – Proposed NE & SW Elevations (19720-0391 P-01)
- GA – Lower Ground Floor Plan (19720-2002 P-01)
- GA Roof Plan (19720-2108 P-01)
- Landscape Details 1 of 2 (19720-6002 P-01)
- Indicative 3D views (19720-6040 1)
- Electrical Services External Lighting Strategy Ground Floor (EHQ-HYD-XX-00-DR-ME-00010 P08)

Received 15 October 2021

- GA Lower Ground Floor Plan (19720-2102 P-04)

Received 27 October 2021

- Softworks Landscape Plan (19720 0011 P-03)

Received 10 November 2021

- Hardworks Landscape Plan (19720 0010 P-04)

Reason: To ensure the development is constructed in accordance with the approved plans, unless modified by the other conditions of this permission.

Pre-commencement Details

3. Programme of Archaeological Work

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

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

4. Contaminated Land

No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

5. Surface Water Drainage

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- a) Detailed proposals for the management of surface water and silt run-off from the site during the demolition and construction phases of the development.

No development hereby permitted, except demolition works, shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- b) A detailed drainage design based upon the submitted Drainage Strategy (Ref. CB1780-Rep01-M; Rev. M; dated 2nd September 2021);
- c) Proposals for the adoption and maintenance of the permanent surface water drainage system; and
- d) A plan indicating how exceedance flows will be safely managed at the site.

The details under a) shall be implemented as approved throughout the demolition and construction phases. No building hereby permitted shall be occupied until the approved details under b) have been implemented, which shall be maintained thereafter in accordance with the approved details under c) and d).

Reason: To ensure that surface water drainage is managed sustainably in accordance with Policy CP12 of the Core Strategy and paragraph 169 of the NPPF (2021). These details are required pre-commencement as specified to ensure that appropriate surface water drainage management systems are in place during the demolition/construction phases and after the development has been completed, and that these systems will be properly maintained to prevent adverse risk to the environment.

6. Foundation Details, Landscaping Formation Levels and Service Trench Routes

No development shall take place within the application site until the following details have been submitted to and approved in writing by the Local Planning Authority:

- the means of construction of the foundations of the buildings;
- landscaping formation levels; and
- service trench routes (including foul drainage).

The details shall be implemented as approved.

Reason: To ensure that disturbance to important archaeological remains is minimised in accordance with saved Policy C5 of the Exeter Local Plan First Review, and that there will be no impact to controlled waters in accordance with saved Policy EN3 of the Exeter Local Plan First Review. These details are required pre-commencement as specified to ensure that no works commence that may impact archaeological remains and controlled waters.

7. Construction and Environmental Management Plan (CEMP)

No development (including ground works) or vegetation clearance works shall take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The document shall provide for:

- a) Demolition and construction programme including integration of archaeological tasks from Condition 3.
- b) Protection and monitoring arrangements and measures for the City Wall adjoining the site during the demolition and construction phases taking into account the recommendations of the submitted reports regarding the City Wall (*as referred to in the Heritage Officer's comments dated 20th August 2020 and 6th October 2020 under application ref. 19/1556/FUL*).
- c) The site access point(s) of all vehicles to the site during the demolition and construction phases.
- d) The parking of vehicles of site operatives and visitors during the demolition and construction phases.
- e) The areas for loading and unloading plant and materials during the demolition and construction phases.
- f) Storage areas of plant and materials during the demolition and construction phases.
- g) The erection and maintenance of securing hoarding.
- h) Wheel washing facilities.
- i) Strategy to measure and control the emission of dust and dirt during the demolition and construction phases (including boundary dust monitoring).
- j) No burning on site during the demolition and construction phases, or site preparation works.
- k) Strategy to measure and minimise noise/vibration nuisance to neighbours from plant and machinery during the demolition and construction phases.
- l) Demolition/construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- m) No driven piling without prior consent of the Local Planning Authority.
- n) Details and timing of any lighting.

The approved document shall be strictly adhered to throughout the demolition and construction phases of the development.

Reason: To ensure that the demolition and construction works are carried out in an appropriate manner to preserve and protect heritage assets, in the interests of the safety and convenience of highway users, and to minimise the impact on the amenity of the properties in the neighbourhood. These details are required pre-commencement as specified to ensure that a plan is in place to ensure that the development works are carried out in an appropriate manner.

8. Waste Audit Statement

Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit

template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that waste generated during demolition and construction is managed sustainably.

9. Tree Protection / Tree Protection Plans

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 (or any superseding British Standard). Unless otherwise agreed in writing with the Local Planning Authority, 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 areas, nor shall trenches for service runs or any other excavations take place within the fenced areas except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason: To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

10. Wildlife Licence

Demolition works, or any other works which cause disturbance to bats, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
- b) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure that Natural England as the licencing body is satisfied that the works can proceed without causing harm or disturbance to bats. This evidence is required before development begins to ensure that the works are not carried out without a wildlife licence being obtained.

Pre-tree and Vegetation Clearance Works

11. Bird Nesting Season

No tree works or felling, or other vegetation clearance works shall be carried out on the site during the bird nesting season from March to September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have previously been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name and contact details of the ecologist. If nesting birds are found or suspected during the works, the works shall cease until the ecologist is satisfied that the nest sites have become inactive.

Reason: To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraph 180 of the NPPF (2021).

During Demolition and Construction Phases

12. Unsuspected Contamination

If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by 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 for the protection of future occupiers and of controlled waters.

Pre-Specific Works

13. Energy Performance (Policy CP15)

Before commencement of construction of the superstructure of each co-living block hereby permitted, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO₂ emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO₂ saving shall thereafter be implemented and within 3 months of practical completion of each building the developer will submit a report to the Local Planning Authority from a suitably qualified consultant to demonstrate compliance with this condition.

Reason: In the interests of sustainable development and to ensure that the development accords with Policy CP15 of the Core Strategy. These details are required pre-commencement as specified to ensure that the requirements of Policy CP15 are met and the measures are included in the construction of the buildings.

14. Materials

Prior to the construction of the Co-Living accommodation blocks (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall be constructed in accordance with the approved materials.

Reason: In the interests of good design and the character and appearance of the Conservation Area, in accordance with Policy CP17 of the Core Strategy, saved Policies C1 and DG1 of the Exeter Local Plan First Review, and paragraphs 130 and 135 of the NPPF (2021).

15. Green Roofs – Details/Maintenance

Prior to the construction of the Co-Living accommodation blocks (not including the foundations), the detailed design of the green roof systems together with a scheme for their management and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The green roof systems shall be constructed, managed and maintained as approved.

Reason: In the interests of good design and biodiversity, in accordance with Policies CP16 and CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review, and paragraphs 130, 135 and 180 of the NPPF (2021).

16. Green Wall – Details/Maintenance

Prior to the construction of Block 2 (not including the foundations), the detailed design of the green wall system together with a scheme for its management and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The green wall system shall be constructed, managed and maintained as approved.

Reason: In the interests of good design, the character and appearance of the Conservation Area and biodiversity, in accordance with Policies CP16 and CP17 of the Core Strategy, saved Policies C1 and DG1 of the Exeter Local Plan First Review, and paragraphs 130, 135 and 180 of the NPPF (2021).

17. Nesting and Roosting Boxes

Prior to the construction of the Co-Living accommodation blocks (not including the foundations), details of the provision for nesting birds and roosting bats in the built fabric of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

Reason: To enhance biodiversity on the site in accordance with paragraph 9.28 and Appendix 2 of the Residential Design Guide SPD, and paragraph 180 of the NPPF (2021). Also to provide mitigation for the impact on bats in accordance with paragraph 4.4 of the submitted Ecological Assessment Addendum Report.

18. Obscured Glazing

Prior to the construction of the Co-Living accommodation blocks (not including the foundations), details of the obscured glazing indicated on the approved elevations shall be submitted to and approved in writing by the Local Planning Authority, which shall include the level of obscurity of the glazing. In addition, details of low level obscured glazing on the four windows nearest to Northernhay Street not indicated as obscured on drawing number 19720-0344 P-01 ('B2 Iron Bridge Elevation') shall be submitted to and approved in writing by the Local Planning Authority. The approved details under this condition shall be implemented as approved and maintained at all times thereafter.

Reason: To protect the privacy of neighbouring properties in accordance with saved Policy DG4 of the Exeter Local Plan First Review.

19. Bridge

The new footbridge over Paul Street shall not be constructed until an Approval in Principle for the design of the bridge has been agreed by the Local Highway Authority. The footbridge shall be constructed as approved.

Reason: To ensure the safe construction of the footbridge and the integrity of adjacent structures and land.

20. Arboricultural Method Statement

The submitted Arboricultural Method Statement for the construction of a path through the root protection areas of the trees to be retained within the pocket park shall be implemented in full. Prior to the commencement of these works, the Council's Tree Manager shall be notified of the date of the intended works.

Reason: To protect the trees in Tree Group 2 in the interests of the amenities of the area.

Pre-occupation

21. Detailed Landscaping Scheme

Prior to the occupation of the development hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including street furniture and all boundary treatments (including the design and security rating of the gates indicated on drawing number 19720 0010 P-04). Where applicable, it shall specify tree and plant species and methods of planting. The hard landscaping shall be constructed as approved prior to the occupation of the development. The soft landscaping shall be planted in the first planting season following the occupation of the development or completion of the development, whichever is the sooner, or in earlier planting seasons wherever practicable, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of good design in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraphs 130 and 135 of the NPPF (2021).

22. Landscape and Ecology Management plan (LEMP)

Prior to the occupation of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

The landscape on the site shall be managed in accordance with the approved LEMP.

Reason: In the interests of biodiversity and good design in accordance with Policies CP16 and CP17 of the Core Strategy, saved Policies LS4 and DG1 of the Local Plan First Review and paragraphs 130 and 180 of the NPPF (2021).

23. CCTV

Prior to the occupation of the development hereby permitted, a strategy for the distribution and management of CCTV on the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include the location and design of CCTV cameras, which should be integrated in an unobtrusive manner. The strategy shall be implemented as approved prior to occupation and maintained thereafter.

Reason: In order to help prevent/detect crime, disorder and anti-social behaviour in accordance with the advice of the Police Designing Out Crime Officer and saved Policy DG7 of the Exeter Local Plan First Review.

24. Under-croft Parking Area

Prior to the occupation of the development hereby permitted, Secured by Design measures for the under-croft parking area beneath Block 2 shall be submitted to and approved in writing by the Local Planning Authority. The measures shall address the issues raised by the Police Designing Out Crime Officer in their comments on the application. The measures shall be implemented as approved prior to the occupation of the development and maintained thereafter.

Reason: In the interests of crime prevention in accordance with saved Policy DG7 of the Exeter Local Plan First Review.

25. External Lighting Scheme

Prior to the occupation of the development hereby permitted, an External Lighting Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the location, type, illuminance and light spill of the external lighting on the site. The scheme shall be implemented and maintained as approved.

Reason: In the interests of good design (including public safety) and the character and amenity of the area, in accordance with Policy CP17 of the Core Strategy, saved Policies DG1, DG4 and DG7 of the Exeter Local Plan First Review, and paragraphs 130 and 135 of the NPPF (2021). Also to minimise disturbance to bats in accordance with paragraph 4.6 of the submitted Ecological Assessment Addendum Report.

26. Lighting Impact Assessment

Prior to the occupation of the development hereby permitted, a Lighting Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Impact Assessment shall assess the impact of internal and external light spill on neighbouring properties (taking into account the details submitted under conditions 24 and 25). The recommendations of the approved Lighting Impact Assessment to minimise harm to the neighbouring properties, including any timing controls, shall be implemented in full.

Reason: In the interests of the amenity of neighbouring properties, in accordance with saved Policy DG4 of the Exeter Local Plan First Review.

27. Detailed Design and Management of the Interpretation Centre

Prior to the occupation of the development hereby permitted, the detailed design and management of the Interpretation Centre shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of the proposed site interpretation panels. The Interpretation Centre shall be constructed and managed as approved.

Reason: In the interests of good design and the character and appearance of the Conservation Area, in accordance with Policy CP17 of the Core Strategy, saved Policies C1 and DG1 of the Exeter Local Plan First Review, and paragraphs 130 and 135 of the NPPF (2021).

28. Paul Street Highway Works

No part of the development shall be occupied until the proposed highway works on Paul Street (loading bays, vehicular access points and improved pedestrian/cycleway facilities), as indicated on drawing number PHL-101 Rev J ('Proposed Highway Layout Plan (Paul Street)'), have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: To provide safe and suitable access for vehicles, pedestrians and cyclists, in accordance with paragraphs 110 and 112 of the NPPF (2021).

29. Queen Street/Paul Street Highway Works

No part of the development shall be occupied until the proposed highway works on Queen Street/Paul Street, as indicated on drawing number GA-101 Rev D ('Queen Street/Paul Street General Arrangements'), have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: To provide safe and suitable access for vehicles, pedestrians and cyclists, in accordance with paragraphs 110 and 112 of the NPPF (2021).

30. North Street/Paul Street Highway Works

No part of the development shall be occupied until the proposed highway works on North Street/Paul Street, as indicated on drawing number GA-102 Rev E ('North Street/Paul Street General Arrangements'), have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: To provide safe and suitable access for vehicles, pedestrians and cyclists, in accordance with paragraphs 110 and 112 of the NPPF (2021).

31. Pedestrian Routes

No part of the development shall be occupied until the pedestrian routes through the site linking Paul Street to Northernhay Street via Maddocks Row have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: To provide safe and suitable access for pedestrians, in accordance with paragraphs 110 and 112 of the NPPF (2021).

32. Electric Hire Bikes

No part of the development shall be occupied until a facility for the hire of electric bicycles has been provided on the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The facility shall be maintained at all time thereafter unless otherwise agreed in writing with the Local Planning Authority.
Reason: In the interests of encouraging sustainable travel.

33. Cycle Parking

The Co-Living accommodation blocks shall not be occupied until secure cycle parking for the residents of the buildings has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The secure cycle parking shall be maintained at all times thereafter.
Reason: To encourage sustainable travel in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

34. Cycle Parking – Public Realm

Unless otherwise agreed in writing with the Local Planning Authority, the development shall not be occupied until the cycle parking shown on the approved drawings within the public realm for use by the general public has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. This general cycle parking shall be maintained at all times thereafter.
Reason: To encourage sustainable travel in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

35. Electric Vehicle Charging Points

No part of the development shall be occupied until the two electric vehicle charging bays beneath Block 2 have been provided in accordance with details of the charging points previously submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging bays/points shall be maintained at all times thereafter.
Reason: To ensure that this aspect of the application is delivered and in the interests of encouraging sustainable travel in accordance with the Sustainable Transport SPD and paragraph 112 of the NPPF (2021).

36. Car Club

Unless otherwise agreed in writing with the Local Planning Authority, the two electric vehicle charging bays beneath Block 2 shall be used exclusively to provide a car club facility on the site utilising electric vehicles only. The development shall not be occupied until this facility has been provided and it shall be maintained at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To discourage the use of private cars in the interests of sustainable travel in accordance with the Sustainable Transport SPD and chapter 9 of the NPPF (2021).

37. Travel Pack

Prior to the occupation of the development hereby permitted, a travel pack shall be provided informing all residents and staff of the car free status of the development, and the walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car clubs and electric bike hire facilities available, the form and content of which will have previously been submitted to and

approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: To ensure that all residents and staff of the development are aware of its car free status and the available sustainable travel options.

Post Occupancy

38. Waste and Recycling Bins

No waste or recycling bins or containers shall be stored outside the integral bin stores of the buildings hereby approved except upon the day(s) of collection.

Reason: In the interests of the amenity of the neighbourhood.

39. Communal Spaces

The communal and local amenity rooms within the Co-Living accommodation blocks, as shown on the approved floor plans, and the private outdoor amenity areas shall be used for communal use purposes only and shall not be sub-divided in any way to create additional private bedrooms/spaces.

Reason: To ensure sufficient communal space is available for the residents of the Co-Living accommodation blocks in the interests of residential amenity.

40. Plant Noise

The total noise from mechanical building services plant on the site shall not exceed the noise levels shown in the table of paragraph 9.3.8 of the submitted Acoustic Design Statement (Clarke Saunders Acoustics, 2 July 2021) (Report Ref. AS10946.1901009.R3.1.docx).

Reason: To protect the amenity of sensitive receptors in the vicinity of the site.

41. Access Control Measures

Access control measures shall be implemented for all access points to the buildings to prevent access by non-residents or staff.

Reason: In the interests of crime prevention in accordance with saved Policy DG7 of the Exeter Local Plan First Review, taking into account the recommendations of the Police Designing Out Crime Officer.

and further **RESOLVED** that:-

the City Development Lead or Deputies be authorised to **REFUSE** planning permission for the reasons set out below if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) is not completed by 15 May 2022 or such extended time as agreed by the City Development Lead or Deputies for the reasons set out below:-

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters –

- Co-living Management Plan/Monitoring;
- 20% of the dwellings (55 studios and 21 cluster bedrooms) will be affordable private rented with first priority to essential local workers
- £252,546 habitats mitigation;
- £25,000 towards management, maintenance, repair and promotion of City Wall;

- £175,000 for maintenance/upgrade of off-site public open spaces;
- £45,000 for maintenance/upgrade of off-site play areas;
- £98,048 to improve facilities at either Barnfield Hill Medical Practice Southernhay Medical Practice or St Leonards Medical Centre;
- £10,000 towards traffic regulation orders in the area;
- details of VMS/signage to manage the use of the Guildhall car park;
- details of the type of materials used on the highway (section 44 of the Highways Act 1980);
- a Management Plan to ensure no parking is associated with the development and to ensure the operational facilities of the loading bays (in conjunction with the Guildhall)
- rights of access for all users for the new footbridge over the highway
- public access to the open space on the site and to the City Wall

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, 8 and 10, and policies CP4, CP7, CP9, CP10, CP16, CP17 and CP18, Exeter Local Plan First Review 1995-2011 saved policies TM5, L4, T1, C5, LS2, LS3 and DG1, Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

The meeting adjourned at 6:50pm and re-convened at 7:07pm.

65

PLANNING APPLICATION NO. 21/1119/FUL - THE MEWS, BOWLING GREEN ROAD, RIVERSMEET, TOSPHAM, EXETER

The Assistant Service Lead Planning presented the application for a proposed single-storey rear extension and alterations.

The Assistant Service Lead Planning referred to photos showing the extension attached to the garage of the Coach House, with the frontage to Bowling Green Road presented as a continuous stone wall and with a small courtyard located behind the garage of the Coach House. The photos also illustrated the impact of the proposal on the neighbouring property.

He reported the following main elements of the proposal:-

- a raised roofline above the garage with a window in the rear elevation that had been moved away from the boundary with the Coach House;
- the provision of solar panels and conservation roof-light in the rear roof slope;
- the roofline above the garage was to be raised to bring it in line with the main roofline of the house to run at one continuous level. A window previously shown in the rear elevation had been moved further away from the boundary with the Coach House. There were two existing windows in this location, one of which was much closer to the boundary than the current proposed window;
- small new windows were to be inserted onto the front roof and first-floor elevation; and
- timber cladding to replace tiles hanging at the first-floor level.

The Assistant Service Lead referred to an error in the report stating that the reference to the roof height dropping down from the main roof by approximately 0.5 metres should read 1.13 metres. He referred to objections received relating mainly

to the raised roofline above the garage and the relocated window and overbearing, overlooking and overshadowing.

The Assistant Service Lead advised that whilst there would be some impact from the raised roof on the amenity of the neighbour at the Coach House, it was not considered sufficiently severe to justify refusal.

Responding to a Member, the Assistant Service Lead advised that the construction hours set out in the conditions were standard as recommended by Environmental Health. They could be varied, but this was not advised as it might be open to challenge.

Jeremy Meadow spoke against the application. He raised the following points:-

- there was no objection to the main part of the amended application, and he appreciated the modifications;
- the proposed first-floor extension was 1.13 metres in height, not 0.5 metres as set out in the report;
- he was speaking on behalf of his mother as there would be a severe impact on her privacy; she is nearly 90 and has lived in the Coach House for 34 years. The house sat behind a solid stone wall with a sense of enclosure with a secure garage door and with a courtyard in front of the house with the courtyard used multiple times a day and was a significant part of her ability to continue to live independently;
- overlooking – the proposed higher and larger windows, despite being further away, command more of a view of the courtyard and front of the house frontage than the current small window, which is much lower and camouflaged by ivy;
- overbearing – the garage roof slopes steeply down from roadside to the inner courtyard, and the immediately adjoining extension will tower over the property creating a hemmed-in feeling;
- overshadowing - the structure will reduce both the passage and feel of light both in the courtyard and indoors, obscuring the skyline through both upper and lower front windows;
- planning is about people as well as land. Policy clause 13.36 refers to feeling comfortable and at ease and not feeling overlooked and hemmed in as specific principles of residential development, and the submitted photos support these points;
- the occupant's health is deteriorating even before work starts; there was no prior consultation made before the planning process commenced;
- a compromise was rejected - to appropriately lower the overall extension height and omit the rear windows as the plan shows that the room has another window and skylight;
- if granted, it is hoped that there will be a safeguarding condition regarding the listed wall and that working hours start at 9:00 am; and
- he was positive about the planning officer's suggestion of lowering the height and removing the window. He would rely on the Council's conditions regarding building onto the listed wall.

He responded as follows to Members' questions:-

- his mother used the courtyard to sit in, which is her sanctuary and to access the road at the front of the property;
- the height of the first-floor roof raise was material as the proposed roof raise was more than double than stated - 1.2 metres, not 0.5 metres; and
- a frosted window would be an acceptable compromise.

Simon Briscoe spoke in support of the application. He raised the following points:-

- the extra height transforms the two bedrooms, and lifting the slope of the roof from shoulder height allows people to stand up fully;
- there will be little impact on a protected stretch of road;
- plans have been changed to help satisfy the neighbours with the size of the extension reduced, and it no longer touches the garden boundary wall with doors and windows moved;
- the neighbour's suggestion to have no windows was rejected, but two windows have been reduced to one, and the view will be at a more oblique angle and from further away with these changes leading to less visibility;
- as the extra roof height is at least six metres away from a window, it will have no measurable impact on internal light;
- there will not be any shadow on the neighbour's house or courtyard;
- the extra height on the roof - which does not form one of the walls creating the enclosure of the courtyard - will not be overbearing; and
- the objections related to privacy, light and overbearing do not stand up to scrutiny and are rejected.

He responded as follows to Members' questions:-

- request to change the hours of working could be challenging to implement as not aware of builders who start later than 8:00 am;
- have tried to facilitate the concerns of the neighbour; and
- the new window provides less visibility of the courtyard, and the suggestion of a frosted window is not appropriate for a bedroom.

Members expressed the following views:-

- the application had been considered at a Delegation Briefing and brought to the Committee on the request of local Members;
- the use of glazed windows for a bedroom would not be appropriate; and
- limiting hours of construction would only extend the overall period of works.

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

The recommendation was moved and seconded and, following a vote, was carried.

RESOLVED that planning permission for proposed extension and alterations 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 – Plan numbers 21-867 S.01, A.02 Rev B, A.06 Rev. B dated 18/8/21 and A.03 Rev. C, A.04 Rev. C, A.05 Rev. C, and A.07 Rev. C dated 28/9/21
Reason: 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 6 pm Monday to Friday, 8 am to 1 pm Saturday
Reason: To protect the amenity of the locality, especially for people living or working nearby.
- 4) No development or construction activity shall be undertaken within the area(s) outlined on the attached plan until the means of protecting archaeological remains have been agreed in writing with the Local Planning Authority. All works shall be carried out and completed as approved unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that significant archaeological remains are protected from damage during development.

Informatives

- 1) Following paragraph 38 of the National Planning Policy Framework, the Council has worked positively and pro-actively and has imposed planning conditions to enable the grant of planning permission.
- 2) Following the Conservation of Habitats and Species Regulations 2017, this development has been screened regarding the need for an appropriate assessment.
- 3) The Party Wall Act 1996 contains requirements to serve notice on adjoining property owners if planning to do work of any kind described in Sections 1, 2, or 6 of the Act.

66

PLANNING APPLICATION NO. 21/1054/RES - LAND FOR RESIDENTIAL DEVELOPMENT AT HILL BARTON FARM, HILL BARTON ROAD, EXETER

The Principal Project Manager (Development) (MH) presented the application for the approval of reserved matters of layout, scale, appearance and landscaping of planning permission ref. [19/1375/OUT](#) (Outline application for up to 200 dwellings).

The Principal Project Manager set out a detailed description of the site and surrounding area and the development, including: site photographs and aerial views. He referred to the following key issues:-

- the principle of development;
- access/impact on local highways and parking provision
- affordable housing;
- the scale, design, impact on character and appearance and impact on biodiversity and heritage assets;
- flood risk and surface water management;
- sustainable construction and energy conservation; and
- economic benefits and CIL/Section 106.

He also referred to the following:-

- the allocation of the site is within the strategic housing allocation of the Monkerton and Hill Barton Master Plan;
- the erection of 198 dwellings had been reduced from the originally applied for 200 as a result of negotiations;

- the road running between the site and the proposed linear green space, and the adjoining consented housing development did not form part of the current proposal and had been consented as part of the adjoining Persimmon development;
- the parking approach comprised a mixture of allocated and unallocated parking spaces, on-plot and right angle parking within in streets and a small number of parking courts;
- open space was provided in the form of a linear area on the southern/eastern boundary of the site and would incorporate an equipped play area and combined pedestrian/cycle path that would link to other existing and proposed routes in the area;
- detailed design matters raised by the Highway Authority and the submission of revised drawings and formal consultation responses, the Highway Authority stressing the need to maximise permeability with the wider Monkerton and Hill Barton Strategic Allocation; and
- a late representation referring to the appearance of construction vehicles on site prior to determination which it was understood related to an adjoining site.

The Principal Project Manager responded as follows to Members' queries:-

- the space between dwellings on the plans represent car parking ports and parking standards meet requirements;
- the quantum of play area at 11% is above the 10% requirement;
- the sustainable energy provision will meet building regulation requirements and there will be a connection to the District Heating Network
- there will be play facilities but there is not a community hall provided for as part of the wider site;
- there will be permeability to existing footpaths and the cycle path that links into the Met Office;
- the development is designed to facilitate a future bus route if the County Council and Stagecoach come forward with a proposal, although no route is currently planned; and
- a policy complaint figure of 35% of affordable housing was proposed.

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

- thanked the Planning Committee for previous decisions to protect the green spaces and hills defining the city and stated that he was not against the development in principle;
- opposed to excessive cumulative impact of individual developments in this area and their impact on local infrastructure including roads which has had an adverse impact on Pinhoe, changing it almost beyond recognition;
- the Core Strategy makes specific reference to the Monkerton/Hill Barton Master Plan which was intended to address the impact of a number of intensive; developments across disparate sites. CP18 states that developments must be supported by appropriate infrastructure provided in a timely manner and to mitigate adverse impacts;
- the development and others do not combine to address the requirement to provide a community centre, facilities such as a GP and appropriate local areas for play space. Local community facilities such as the GP are at capacity;
- there is no indication of support for a rail halt as set out in the Devon Metro Plan;
- the Strategic Master Plan refers to an open space framework providing formal and informal open space including parks, playing fields and allotments – the development does not recognise this requirement nor identify the physical space

for it to be provided. This absence is recognised in the objections from residents and the Exeter Cycling Campaign;

- the development lacks provision of a local convenience store referring to provision some distance from this development; and
- provision should be made to contribute towards the proposed Pinhoe hub as well as allotments.

Responding to a Member, Councillor Wood, confirmed that a community centre was vital to generate a community spirit and that a provision of 11% open space did not necessarily provide an identical area of play space.

Tom Rocke spoke in support of the application. He raised the following points:-

- it will deliver housing where the Council considers it should be located, as part of a sustainable urban extension at Monkerton and Hill Barton;
- the proposed development is an acceptable density that reflects the Council's aspirations set out in the Monkerton and Hill Barton Masterplan Study, and will make efficient use of suitable housing land that is in very short supply;
- good mix of homes is provided, ranging from one to five bedrooms comprised in a variety of unit types, including apartments, terraced, semi-detached and detached properties. The proposals will therefore provide for a mixed, balanced and inclusive community;
- 69 affordable homes will be provided, with a predominance of one and two bed units in response to the greatest need as reflected in the latest Devon Home Choice Quarterly Monitoring report;
- 11% of the site is dedicated to public open space, exceeding the Council's policy requirement for 10%. The principle of a green corridor open space was established through the Monkerton and Hill Barton Masterplan Study and in this location it will provide good accessibility to neighbouring homes that form part of the wider development of the area as well as to future residents on the site itself and will assist in alleviating pressure on existing facilities;
- the area includes a Local Area for Play (LAP) for younger children and a Local Equipped Area for Play (LEAP) for older children as well as areas for informal recreation and sitting out. Additional open space is to be provided as part of the ridge top park. An application for outline planning permission for that final phase has been submitted and includes a LAP, LEAP and Multi Use Games Area (MUGA); and
- the means of access to the site was approved under outline planning permission and the spine road through the site as part of the adjacent Persimmon development. The internal residential roads within the development will be predominantly shared surfaces, in which pedestrians and cyclists have equal priority to motorised means of transport and in which vehicle speeds are low.

He responded as follows to Members queries:-

- the air quality assessment submitted at outline stage had indicated that there would be no adverse impact on air quality;
- the proposal follows the principles set out by the Council in the Monkerton/Hill Barton Master Plan with the provision of a linear area of open space in the south west part of the site. It was important to consider provision in the context of the wider area including the David Wilson development to the west and the Persimmon development to the east and the final phase to the north just submitted with substantial open space with the ridge top park established in the Master Plan. The applicant had followed the framework set by the Council to the letter;

- the development is brought forward within the context of the Hill Barton Character Area on the basis of limited through traffic and open space for play with the neighbourhood core in the south west of the site providing community interaction space for this and adjacent developments;
- the Master Plan identifies two areas for local convenience stores, one at Pinhoe and the other at Hill Barton in conjunction with the proposed rail halt, although only land has been set aside to date. Moreover, significant community facilities would be developed at the Moor Exchange site once the market recovers; and
- CIL receipts would be used to fund community facilities.

Members expressed their concerns regarding the failure to bring forward necessary community facilities in a timely manner and an apparent “houses first” approach rather than ensuring the necessary infrastructure was in situ not only in this area but in other areas of the city. They regarded this failure in the Pinhoe area as particularly serious given the number of developments already provided and with more on stream. Engendering social cohesion and interaction and providing for community building should be viewed as a vital adjunct when bringing forward developments.

Members also raised the following issues:-

- the application should be considered in the context of the overall Master Plan which sets out the “bigger picture” aspiration in terms of infrastructure and community facility provision. It would be important therefore for future reports on planning applications in this area to be accompanied by the agreed Master Plan and its current application;
- the developer has also missed the opportunity to bring forward other community facilities not referred to in the Master Plan which would help community cohesion;
- the report does not include Environmental Health comments on air pollution as it is a car led development in spite of Council aspirations to encourage car free developments;
- no reference to a sustainable transport plan as required by the Transport Supplementary Planning Document; and
- facilitating community cohesion helps combat mental health issues.

The Principal Development Manager stated that the proposals submitted by the applicant largely reflected the detailed illustrative Master Plan and that the principle of the residential development of this site and the access arrangements to serve it had already been established through the outline consent. The site also formed part of a Strategic Housing allocation within the Council's Adopted Core Strategy although some developments were yet to be delivered. An area had been identified for a small retail facility but that outline consent had been established for houses and not for community facilities.

The Chief Executive & Growth Director recognised Members frustration over the apparent failures of the planning system including the importance of prioritising community needs. However, with outline consent granted, those issues of concern could not be addressed at this stage. Developers were not obliged to defer to an adopted Master Plan which did not legislate against developers bringing forward their own Master Plans for individual developments. The Council had however achieved commitment by developers to bring forward open space provision for the community as part of the ridgeline park to the north of this development and it was within the Council's capacity to fund community contributions through CIL. The Liveable Exeter project was a Council response to delivery of housing provision given the current planning system.

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

The recommendation was moved and seconded and, following a vote, was carried.

RESOLVED that subject to satisfactory clarification in respect of highway matters and the formal consultation response from the Highway Authority, planning permission for reserved matters of layout, scale, appearance and landscaping of planning permission ref. [19/1375/OUT](#) (Outline application for up to 200 dwellings) be **APPROVED**, subject to the following conditions (and their reasons) and any other appropriate conditions as recommended by the Highway Authority in the formal consultation response:-

- 1) 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 1st July, 21st and 22nd October 2021 (including drawing numbers listed on the Rocke Associates Drawing and Documents Schedule dated 21st October 2021) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 2) All conditions imposed on the outline approval 19/1375/OUT are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3) The details to be submitted pursuant to Condition 9 of the outline planning permission shall include information stating how vehicles, machinery and other equipment involved in the construction phases of the scheme will be deployed and managed to prevent interference and obstruction to Met Office satellite receivers in relation to their operational schedules, and construction work shall subsequently be undertaken strictly in accordance with the agreed plan.
Reason - To ensure adequate protection to the line of sight of the Met Office satellite reception facility at Met Office during construction.
- 4) The ridge heights of the proposed development shall not exceed the heights specified for each of the proposed dwellings as indicated on the 'Proposed Roof Height Plan' drawing (drawing ref: 2019 VH RH_01_P2) - dated 21st October 2021) and the accompanying 'Northings Eastings FFLs and RHs Hill Barton_P2' spreadsheet, which accompany the application. The Met Office shall be consulted on any proposed amendments to the layout and heights of the proposed development.
Reason - To ensure adequate protection to the line of sight of the Met Office satellite reception facility.
- 5) Samples of the materials to be used 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.

- 6) The development hereby approved shall be implemented and thereafter be maintained strictly in accordance with the provisions, recommendations and mitigation measures contained within the following documents submitted as part of the application -
Ecological Management Plan prepared by ead ecology dated 18th October 2021 report ref: 211019_EAD Ecology_P1106_EMP_01 and
Construction Ecological Management Plan by ead ecology dated 19th October 2021 report ref: 1019_EAD Ecology_P1106_CecoMP_01
Reason - In the interests of preserving and enhancing the ecological value of the site both during and post construction.
- 7) Notwithstanding the submitted Landscape Management and Maintenance Plan, no trees shall be planted as part of the landscaping scheme for the site until the Local Planning Authority (in consultation with the Met Office) has approved in writing provisions within a revised 'Landscape Management and Maintenance Plan' to ensure that new tree planting shall only include species which are expected to reach a height at maturity of no higher than the ridge height of the dwellings as shown on the Proposed Roof Height Plan or that long term management provisions are in place to ensure that all trees and hedgerows provided as part of the landscaping scheme will be managed at a height so as not to cause unacceptable interference to Met Office satellite reception facility.
Reason - To ensure adequate protection to the line of sight of the Met Office satellite reception facility at Met Office.
- 8) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-
Part 1, Class A extensions and alterations
Part 1, Classes B and C roof addition or alteration
Part 1, Class E buildings incidental to the enjoyment of the dwelling house
Part 1 Class F hard surfaces
Reason: In order to protect residential amenity and to prevent overdevelopment.
- 9) 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.
- 10) Notwithstanding the details shown on drawing no Q7015_D, submitted via agent email dated 21st October 2021 in which it was referred to as an illustrative only drawing, full details of the layout and play equipment/street furniture and boundary treatments to be provided as part of the proposed open space shall be submitted for approval as part of the information to be submitted pursuant to condition 14 of the outline planning permission reference no. 19/1375/OUT. Thereafter the open space/paly area shall be implemented strictly in accordance with the approved details.

Reason - To ensure that the details of the open space and associated play facilities are acceptable prior to their installation.

- 11) Prior to occupation of the apartments included within the development, details shall be submitted to the Local Planning Authority of the secure covered cycle parking provision to serve the apartments. The apartments shall not be occupied until such details have been agreed in writing by the Local Planning Authority, and the cycle parking has been provided in accordance with the approved details.
Reason: To comply with the standards set out in the Sustainable Transport SPD and provide for sustainable travel.
- 12) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of the proposed tie in connections to Membury Crescent/Peppercombe Avenue and Cranbrook Walk. Access must be provided and maintained in accordance with details that shall have been submitted to, and approved in writing, by the Local Planning Authority in conjunction with the Local Highway Authority and retained for that purpose at all times.
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF.
- 13) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of suitable priority for pedestrians on all side road junction. Access must be provided and maintained in accordance with details that shall have been submitted to, and approved in writing, by the Local Planning Authority in conjunction with the Local Highway Authority and retained for that purpose at all times.
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF.
- 14) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of suitable pedestrian and cycle access on the east – west route through the site (to the south of plot 189). Access must be provided and maintained in accordance with details that shall have been submitted to, and approved in writing, by the Local Planning Authority in conjunction with the Local Highway Authority and retained for that purpose at all times.
Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108 and 110 of the NPPF.

Informatives

- 1) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.
It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.

- 2) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 3) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).
- 4) Your attention is drawn to the consultation response from the Airfield Operations Duty Manager dated 30th July 2021, and in particular the documents referred to therein -
 - Airport Operators Association (AOA) Advice note 4 Cranes and other Construction Issues, and
 - Civil Aviation Authority (CAA) CAP1096 Guidance to crane users on crane notification process and obstacle lighting and marking.

67

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Deputy Chief Executive was submitted.

RESOLVED that the report be noted.

68

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

69

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 30 November 2021 at 9.30 a.m. The Members attending will be Councillors Morse, Sparkes and Williams.

(The meeting commenced at 5.30 pm and closed at 8.50 pm)

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LICENSING COMMITTEE

26 October 2021

Present:

Councillor Chris Buswell (Chair)
Councillors Branston, Foale, Holland, Mitchell, K, Moore, J, Pearson, Vizard, Warwick and Wright

Apologies:

Councillors Newby and Quance

Also present:

Service Lead - Environmental Health & Community Safety, Service Lead Legal Services, Principal Licensing Officer and Democratic Services Officer (MD)

9 **Minutes**

The minutes of the meeting held on 14 September 2021, were taken as read, approved and signed by the Chair as correct.

10 **Declarations of Interest**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

11 **Draft Statement of Gambling Policy 2021-2023**

The Licensing Committee received the report which detailed the responses to the proposed updated Gambling Act 2005 Statement of Licensing Policy which had been shared with the statutory consultees, following agreement at the Licensing Committee meeting on 14th September 2021. The Council had a statutory responsibility to review the policy every three years and the updated policy would require approval by full Council to come into effect by 31 January 2022.

A consultation had been undertaken between 20 September 2021 and 20 October 2021, with the various stakeholders who held an interest in the policy, which included existing licence holders, gambling support providers, and statutory consultees. All responses received to the minor amendments to the policy, were included in the report presented to Members.

RECOMMENDED that the updated Gambling Act 2005 Statement of Licensing Policy be approved and that the Executive and Council be requested to support and adopt the updated policy.

The meeting commenced at 5.30 pm and closed at 5.37 pm

Chair

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STRATEGIC SCRUTINY COMMITTEE

18 November 2021

Present:

Councillor Barbara Denning (Chair)

Councillors Newby, Allcock, Atkinson, Hannaford, Jobson, Moore, J, Pearce, Sheldon and Vizard

Apologies:

Councillors Branston, Buswell, Mitchell, K and Sills

Also present:

Director Finance, Commercial Manager, Net Zero & Business and Democratic Services Officer (SLS)

In attendance:

Councillor Philip Bialyk	- Leader
Councillor Bob Foale	- Portfolio Holder for Transformation & Environment
Councillor Rachel Sutton	- Portfolio Holder for Net Zero Exeter 2030
Councillor Duncan Wood	- Portfolio Holder for Leisure & Physical Activity

26 **Minutes**

The minutes of the meeting held on 23 September 2021 were taken as read, approved and signed by the Chair as correct.

27 **Declaration of Interest**

No declarations of pecuniary interest were made by Members.

28 **Questions from Members of the Council Under Standing Order 20**

In accordance with Standing Order 20, the following questions were submitted by Councillor Sparling:-

Councillor Foale, the Portfolio Holder for Transformation and Environment responded to the following questions as set out below:-

1. According to Public Health England in the latest Air Quality Annual Status Report, almost 1 in 20 deaths in Exeter in 2017 were attributable to particulate air pollution. Can the Portfolio Holder confirm that the Air Quality Action Plan is sufficient to safeguard the health of Exeter's residents? Additionally, what plans are there to set new air quality targets following the release of the updated World Health Organisation guidelines, which strongly suggest the target for Nitrogen Dioxide should be 75% lower than the current legal limit?

The statistics quoted in the question would benefit from some context. Public Health England's Public Health Outcomes Framework tool shows that in Exeter in 2017, the fraction of mortality attributable to particulate air pollution was 4.4%. This is equal to the regional figure for the whole of the South West (4.4%) and below the national level of 5.1%. Exeter therefore has levels of particulate matter

which are causing harm, but this problem is less severe than in nearly 75% of the country.

With regard to the second point, the Council has a legal duty to monitor air quality and work to achieve the current national standards for air quality. It would be for Central Government to alter these standards in light of the recent World Health Organisation (WHO) report. The Council is working with Devon County Council to reduce air pollution and recognises that even where compliance with the current standards is reached, there may still be harm caused. However, it will continue to prioritise those areas with the highest concentrations (i.e. above the current standards). It was also worth noting that the Department for Environment Food and Rural Affairs (Defra) Appraisal of our last Annual Status Report was extremely complimentary, commenting on both the structure, the detailed and accurate work and robust quality assurance procedures. Defra finished off by saying that 'the Council should continue their good and thorough work'.

Councillor Sparling asked the following supplementary question as to whether the Transport Working Group could be convened to look into this issue further, especially as the Working Group had been discussed, but had not yet met.

Councillor Foale said he would raise that matter with colleagues.

2. Can the Portfolio Holder describe the transformation and impact on services that One Exeter will have and how it will create savings?

A report outlining the detail of the work streams of the One Exeter Transformation Programme and its implications for Council services and identified savings requirements from the Council's Medium Term Financial Plan is being prepared for Council in February, to run parallel with the budget-setting process for 2022/23.

Councillor Sparling asked the following supplementary question of the impact the One Exeter Programme was expected to have on improving services?

Councillor Foale responded and stated that this work had to be looked at in context of this Council, which had lost a significant sum year on year and there was now over £7.5 million savings to be made over the next three years. There was a duty of care to look at all areas of expenditure that could be considered and make the Council as efficient as we can after these savings are made. A recommendation will be made to the Executive in February in line with our normal budget setting procedure.

29 **Commercialisation Work Stream**

Following a reference to the University of Exeter, Councillor Allcock declared an interest that a family member worked for the University.

At the meeting of the recent Combined Strategic and Customer Focus Scrutiny Committees, a number of work streams were discussed as part of identifying any savings in the Council's Medium Term Financial Plan (MTFP). Councillors were asked to consider how they could be involved in developing and identifying the Council's commercial prospects. David Greensmith, the Commercial Manager was invited to attend the meeting and he provided an overview of the Council's commercial projects, including the particular project focus of the Waste Management and Public and Green Spaces services, and outlined the team's future plans as part

of the commercialisation work stream within the One Exeter Programme. (A copy of the presentation was attached to the minutes).

The Commercial Manager referred to the importance of working collaboratively to deliver an improved Waste Management service, to reduce costs as well as working towards a reduction in carbon. The City Council had the advantage of being able to dispose of commercial waste at the Waste to Energy plant on Marsh Barton, which made an important contribution to the Council's Net Zero ambitions. Other project areas included a waste contract working with the University of Exeter, exploring ways to reduce the transport movements associated with the collection and disposal of residential and commercial clinical waste. Work had taken place around cemeteries and a further pilot involved the Parks and Green Spaces service and roll out of a gardening service for residents and commercial partners in the city. They were particularly proud of the waste management compliance project, which offered education and advice for hirers using any of the Council's land or services. A number of options to improve the Home Call Service had also been considered with the Council's Legal Services which could offer benefits to other Local Authorities and Housing Associations.

The Commercial team were currently working on 33 projects across all service areas, working towards the One Exeter Programme to support the Council's MTFP. The Commercial Manager calculated that from changes identified to the services provided, there was a projected minimum income of £1.3million until 2026. Further details would be presented to Members on individual projects as they progressed.

The Commercial Manager responded to Members' suggestions and comments -

- the team's work and any expansion of existing services in the city was driven by the Commercial Strategy, and the incrementalism approach of keeping as local as possible. A project scoring matrix and SWOT analysis were used to ensure that any opportunity explored would offer a viable return, was a good fit for the city and met the Strategy's criteria. A copy of the Commercial Strategy was available on the Council's web site.
- a greater awareness of the environment and events such as COP26, the United Nations Climate Change Conference which took place in Glasgow last month was starting to change the emphasis of national contracts impeding local decisions. There was local negotiation which was enabling national companies to help them with their Net Zero journey. The Portfolio Holder Net Zero Exeter 2030 had also been working with the Commercial team and this discussion was taking place with local businesses.
- he welcomed the Member's question about the areas that might be pursued to reduce the Council's deficit. There were three contracts that involved detailed discussions that would make a significant impact to the MTFP. A number of Service Leads and their teams were working on this and he was confident that they will meet the target savings over the three years.

A Member made the following suggestions for further consideration -

- to identify any opportunity for renting out river or canal moorings for leisure use and holiday makers.
- hire out the Council's electric or commercial vehicles when the vehicles were not in use.
- use some of our parks and open spaces for adventure activities.

The Commercial Manager thanked the Member for these suggestions and referred to his brief to look at areas where he could deliver the best return on investment, which would be subject to Council approval. He made the following brief responses, and referred to a detailed analysis of the River and Canal use which had shown that the viability of such opportunities was low, against a significant investment. There were similar viability issues with adventure activities in our parks, but there may be other space that could be used, and whilst using the Council's electric vehicles (EV) was a valid suggestion, when they are not being used, they were being charged.

He also responded to the Member's comment on EV charging points in the city's car parks and of the many challenges from the lack of electrical infrastructure to support high demand from charging. There is an ongoing review of all EV charging across the city, including work with Devon County Council to maximise the opportunity in our car park spaces. A significant investment would be required.

Members noted the presentation and the Commercial Manager to explore the suggestions made and report back to Members.

30 **Forward Plan of Business**

Members noted the Forward Plan.

The meeting commenced at 5.30 pm and closed at 6.05 pm

Chair



Page 31

Commercialisation - ECC

Scrutiny Meeting 18TH November

Presented by David Greensmith
Commercial Manager
Net Zero & Business

Minute Item 29



Project Focus - Current

- Waste Management Services
- Public and Green Spaces
- Corporate Property
- Legal Services
- One Exeter Plan



Current Projects - 1

- Strategic Business Partners – Waste
 - Exeter University - Secured
 - Gov Bodies – April 2022 STC
 - Developing Partnership
- Organic Growth – Waste
 - Sales have increased by 20% year on year



Current Projects - 2

- Clinical Waste Residential
 - Residents
 - Pharmacies
 - GP Surgeries
 - Improved customer service
- Commercial Clinical Waste
 - Improved income to the city
 - Improved Savings
 - 80,000 Kgs Carbon Savings - Transport
 - Reduced pollution
 - Increased employment
 - Public Sector Pound
 - Transport accounts for 37% carbon emissions



Current Projects - 3

- Cemeteries
 - Columbarium due for construction 2022
 - Crematorium Services
 - Re purpose property - Corporate
- Parks & Green Spaces
 - Services for residents of the city*
 - Services for commercial partners*
 - Winter Wonder Land Hire - WMP
 - Legal
 - Waste
 - Carbon Saving



Current Projects - 4

- Home Call - Options
 - SMART Home care services
 - Outsourced Services – Call Handling
 - Partnership Working – Cost Saving
 - Collaboration with Health Providers
- Legal Services
 - Working to support local partners
 - Housing Associations
 - Local Authorities



One Exeter Programme

- 33 Projects – Detailed Plan
- Working across all service areas
- Projects between 2022 – 2026
- Projected Income > £1.3 Million *
- Carbon – Finance ∞ Linked
- One Exeter Plan is a united team target
 - Legal
 - Finance
 - Procurement
 - Communication
 - Commercial
 - Councillors



Questions

CUSTOMER FOCUS SCRUTINY COMMITTEE

7 October 2021

Present:

Councillor Matthew Vizard (Chair)
Councillors Mitchell, M, Allcock, Atkinson, Begley, Denning, Mrs Henson, Martin, A, Pearce, Sparling, Wardle and Warwick

Apologies:

Councillors Quance and Sparkes

Also present:

Service Lead Housing Tenancy Services, Service Lead Housing Needs & Homelessness, Service Lead Revenues, Benefits & Customer Access and Democratic Services Officer (HB)

In attendance:

Councillor David Harvey	-	Portfolio Holder for City Management
Councillor Amal Ghusain	-	Portfolio Holder for Communities and Culture
Councillor Ruth Williams	-	Portfolio Holder for Supporting People
Councillor Laura Wright	-	Portfolio Holder for Council Housing Development and Services

20 **Minutes**

The minutes of the meeting of the Customer Focus Scrutiny Committee held on 1 July 2021 were taken as read, approved and signed by the Chair as correct.

21 **Declarations of Interest**

No declarations of interest were made by Members.

22 **Questions from the public under Standing Order No 19.**

No questions from members of the public were received.

23 **To receive questions from Members of the Council under Standing Order No. 20**

In accordance with Standing Order No 20 the following questions, which had been circulated in advance to Members of the Committee, had been submitted by Councillors Allcock, Sparling, Vizard and Wardle. The responses of the respective Portfolio Holder are set out in italics.

Question to the Portfolio Holder for Supporting People – Cllr Williams

Councillor Wardle

Following many reports that local people in the South West are being out priced from renting privately due to the increase in holiday homes, second homes and airbnb lettings, can the Portfolio Holder clarify the extent of this problem within the Exeter City Council area and whether a co-ordinated response with other Councils is planned, including some form of local taxation and regulation?

Response

The situation in Exeter is similar to other Devon authorities but there are also differences as Exeter does not have the same problem with holiday lets but does experience changes in people's living arrangements in coming to live and work in new locations. In the longer term it is hoped that the Council's Liveable Exeter Vision of providing 12,000 homes by 2040 will provide a solution especially the provision of affordable homes for rent and purchase.

The challenge of affordability and supply is a significant one in Exeter as well as in the surrounding districts and Devon and Cornwall as a whole. The Housing Needs service has a small private rented access team that works with letting agents and landlords directly brokering homeless individuals and families into private rented property wherever suitable. The service provides a landlord incentive package including financial support to tenants (e.g. deposit and/or rent in advance, references, finders fees and/or home improvement subsidy and ongoing landlord and tenancy support).

The number of landlords approaching the Council has reduced over the last 18 months primarily as a result of the pandemic. The single most common reason behind the reduction in local lets is that landlords have been selling up during this time of inflated housing prices. A survey of 11 local lettings agents this week confirmed that properties are not being lost to holiday lets or airbnb's but being bought as homes particularly by people moving into the area from other parts of the country, London being frequently cited.

Agents report figures ranging from 40% to 60% reduction in the number of properties coming onto the local rental market. They also report that minimum tenant income thresholds have risen to 3 x the monthly property rent (previously 2 to 2.5 x). This is likely to be the result of demand far exceeding supply meaning landlords can exercise more choice, including financial security, in their selection of tenants.

Our survey of agents suggests a minimal transfer of property lets to the local student market but a notable reduction in the buy-to-let market. Agents report that changes in taxation alongside costs associated with rising property quality standards have also driven up sales of former tenanted homes. Demand for tenancies has significantly increased with 100% of agents reporting an increase in interest from prospective tenants. Some agents have reported "phenomenal" and sustained rises in demand e.g. up to 70 viewing requests for a one-bed property within 24 hours of being advertised. Other agents have reported tenants offering up to £200 over the asking rent for one and two bed properties.

Despite less landlords approaching the Council's housing access service the actual number of lets in the year to date (April 2021 – present) is broadly on track with last year's outcomes (31 lets in the six months to date compared to 66 in the 12 months from April 2020 to March 2021). Pre-pandemic letting figures were lower than this so there is no discernible pattern of reduction in actual outcomes at present. However the lack of churn of tenancies, as households have generally not moved on during the pandemic, may yet render an impact in the next six months.

To my knowledge the question of regulation and control has not been raised as such. District housing services have discussed the challenges being faced in the private rented market but have primarily focused on more creative and incentivised offers to attract landlords rather than run the risk of turning them away to other less social sources of tenants such as private letting agents.

Supplementary question and answer.

Can the City Council review all holiday letting within its area to ensure the owners are paying the proper amounts for waste collection and recycling?

Can the Council also actively seek the co-operation of other Devon authorities to lobby the Government to review all holiday accommodation to ensure that it is properly regulated and to allow local councils to be able to charge council tax on such accommodation rather than, as in many reported cases, claim small business rates as self-catering accommodation?

Answer

Due diligence has been met in respect of this situation in Exeter with no detriment to the Council and co-ordinated action by Devon authorities to examine and seek solutions to this problem would be helpful.

For a holiday let to be business rated in Exeter (and therefore eligible for business grants and any relevant relief) the business owner must satisfy criteria that the holiday let is a genuine business. This will include proving that the accommodation is available for a large period of the year (over 30 weeks) on a commercial basis to be booked either via a website or using holiday let agencies or other methods etc. to fee paying public. Social media and internet investigation will be used to make sure this is the case as well as the business owner own declaration where reliefs are applied for.

Councillor Allcock

At the end of September, central government announced the creation of a £500 million Household Support Fund to help families in need meet essential living costs. Could the relevant Portfolio Holder provide an update on whether Exeter City Council will be administering this fund and, if so, when residents can expect more information on how to access these grants?

Response

Draft documentation is awaited from the Department for Work and Pensions on the Household Support Fund as they had contacted the Council on 1 October 2021 advising that they hoped to set out details of the scheme shortly (see Minute Number 24 below). What we know is that this new scheme is designed to help vulnerable households with the essentials, including food costs and utility bills. The fund will start in October and run over winter. Those in need of support and organisations interested in bidding for funding are being advised to contact their local authority, as it will be up to each local authority to decide precise eligibility for the scheme and how best to support members of their communities. When we know the details we will prepare a local scheme for member consideration and sign off. When the grant is live, those who have previously asked the Council for support will be contacted and it is hoped that support will be administered as efficiently as the assistance provided as part of the Covid Pandemic support scheme.

Supplementary question and answer.

Will the Council engage with the various community partnerships to ensure that as many as possible are reached?

Answer

Available support will be publicised through the range of media channels including the website and social media as well as the e newsletter to some 9,000 residents and partners such as Exeter Citizens Advice Bureau, Community Associations and Community Builders will also be involved.

Question to the Portfolio Holder for Communities and Culture – Councillor Ghusain

Councillor Allcock

As winter approaches, rocketing energy costs, the withdrawal of the £20 Universal Credit uplift and the end of the furlough scheme risk pushing hundreds of thousands of families into fuel poverty can the relevant Portfolio Holder(s) outline what support Exeter City Council is offering to Council and private tenants who are struggling to keep their homes warm or facing impossible choices between essential household expenditure?

Response

This issue overlaps across City Council portfolios and Councillors have already signed a petition on this matter. Exeter City Council is continuing to resource the Exeter Citizens Advice Bureau as part of a three year contract to provide advice, guidance and practical support to those residents suffering from financial hardship. We are continuing to support local community and charity food organisations by developing a local network to better focus resources and access to free food to those residents that need it most. We are supporting the health and wellbeing of residents across the city, and particularly those most disadvantaged through COVID by delivering our flagship programme, Wellbeing Exeter, to 2024.

Supporting residents in financial difficulty at this challenging time is a priority for the Council. As a landlord, we work closely with our tenants to help them meet their financial obligations using solutions tailored to the circumstances of the household. This includes checking they are claiming all they are entitled to, re-profiling rent payments due to us to create a temporary breathing space, and signposting to grants available as well as other avenues of support. We have limited discretionary funds that we can draw on to help in times of crises and those funds are used to help private tenants too. Our wellbeing support hub, as referred to above, set up during the initial stages of the pandemic continues to take calls and online requests for assistance and staff dealing with those requests draw on support available within the Council as well as drawing in support from community groups and voluntary agencies. Staff are aware of the two Government schemes available to alleviate fuel poverty, and will ensure information is available for residents, and if needed, help them to claim.

The warm home discount scheme provides a £140 rebate on energy bills to low income households. The scheme opens on 18 October and is a one-off discount on someone's electricity bill or gas bill. Eligibility is based on getting the guarantee credit element of pension credit or being on a low income and meeting the energy suppliers criteria for the scheme.

The cold weather payment scheme starts on 1 November and eligibility is dependent on getting certain benefits or support for mortgage interest. Recipients get £25 for each seven day period of very cold weather between November 2021 and 31 March 2022.

Question to the Portfolio Holder for Council Housing Development and Services – Councillor Wright

Councillor Allcock

Can the relevant Portfolio Holder provide an update on the Council's retrofit programme and what progress has been made to improve the energy efficiency of council housing and reduce fuel costs?

Response

With regard to the request for the update on the retrofit programme we confirmed earlier this year that we had successfully secured Government Grant of £1.1million to tackle fuel poverty in some of our least energy efficient homes. This funding is supported by direct contribution of £1.3 million from the Council (housing revenue account) and forms part of the objective for the Council to achieve carbon neutrality for its housing stock by 2030. The total package is therefore £2.4 million.

Delivery of the first phase of the programme for this year has seen £600,000 of the Government grant part funding the completion of energy retrofit measures to 120 properties - a further 100 properties will be completed by the end of the financial year utilising the remaining £500,000 grant. Activity has been focussed on properties in the Priory Ward of the City off Burnthouse Lane. The retrofit programme sees the whole house refurbished to deliver the very highest energy standards and includes a new heating system, wall and roof insulation, new windows and doors, and photovoltaic roof panels.

Early results for the completed first phase confirms that average energy performance (SAP) ratings have improved from SAP Band E to SAP Band B – with 42 of the first 120 properties achieving a SAP rating of A. We have reduced carbon emissions for the 120 properties from an average of 4.5 Tonnes per property per year to 0.4 Tonnes per property per year – a 90% reduction. We are working closely with our tenants on the affordable warmth aspects and, to date, we have seen some large reductions in tenant fuel bills, case studies and testimonies for which are currently being collated.

Question to the Portfolio Holder for Environment and City Management – Councillor Harvey

Councillor Vizard

Could the Portfolio Holder provide a brief update on the very welcome recent trial of electric powered waste collection vehicle, and the plans for rolling out kerbside food waste and glass collections?

The trial of the electric powered refuse collection vehicle (or 'eCollect' as christened by Dennis Eagle) proved to be a great success. It was here for a few days which gave a variety of crews and drivers the opportunity to try it out. Both drivers and loaders were all very positive about the vehicle and it completed the day's work on a single overnight charge with some to spare. The electric vehicle worked just as effectively as our normal diesel vehicle but with the added benefits of zero emissions and less noise for our loaders working alongside. We are now investigating the financial costs of leasing these vehicles over a number of years before we place our first order.

The first part of the food collection roll out will commence in the late autumn, in common with many areas of the UK manufacturing there have been delays in the supply chain which have pushed back the delivery of our food caddies. Our latest delivery date will give us enough containers for the first phase of the roll out.

With regard to kerbside glass collections we are still waiting for the outcome of the two Government consultations which impact on this area, including the proposed introduction of a deposit return scheme. The outcome of these consultation will impact on the volumes of glass we collect but may also come with associated Government funding for service transition. Once the revisions to statutory regulations are clearer, we can plan accordingly for our glass collection system.

Following my helpful recent discussion with the Interim Waste, Recycling and Fleet Lead about bins being left blocking pavements which can cause inconvenience and sometimes even dangerous detours into the road for people who may be elderly, disabled or who have pushchairs, could the Portfolio Holder or an officer please confirm:-

- a) whether to incentivise responsible behaviour by households and landlords, the Council will look again at charging for replacement green bins (as it does for black bins) that have had to be removed by the Council team after a reminder sticker has first been issued but ignored?; and

Response

We used to charge for green bins but this charge was removed in an effort to boost recycling rates. It is important to ensure that we capture everything which can be recycled to guarantee that it doesn't just simply end up in the residual waste bin. An additional green bin in larger households encourages recycling and we want to remove any barrier to recycling wherever we can.

We work hard with landlords every year prior to students returning, to ensure that they are clear about their responsibilities for waste and recycling but that unfortunately doesn't always transfer across to the tenants. We will continue to work with them to improve presentation of bins for collection and their removal afterwards.

- b) whether the Council will consider adding a function on the website for the public to report bins that have been left out on pavements or in roads after collection for, say, longer than 24 hours?

Response

Residents in Exeter are generally very good at putting their bins away after collection and bins left on streets are not a large problem across the city in general. There are however a few hot spots where we have to occasionally return to with reminders for people to take their bins in and keep the footpaths clear of obstructions. There is no specific reporting mechanism for this on the website currently but it could easily be reported via the general enquiry form. We could introduce a separate reporting channel for this but as the instances are fairly low it would be a lower priority when compared to some of our other planned improvements to reporting methods.

Councillor Sparling

Residents have been in contact asking for more details of the food waste collection service. Can the Portfolio Holder confirm if a page will be added to the Council's Bins

and Recycling webpage to include updates on the implementation of the Food Waste Collection trial and service rollout, with details such as areas to be covered in the trial and an estimated timeline of implementation of the trial and full rollout?

Response

The new service roll out has a fully developed communications package and will have a dedicated recycling communications officer. The information for residents will be spread across a range of media including our website, social media and sent directly in print form.

The first phase of the roll out will be used to gather information and data on productivity and highlight any problems or obstacles which will be used to tweak the remaining roll out across the City. Once that first phase has run for a reasonable length of time and we have the data we require, together with information from suppliers on lead times for new vehicles and containers, we can develop a detailed programme for the remaining phases.

Supplementary question and answer.

Is it the intention to discuss the rollout with residents etc. in the more difficult areas of the city such as the city centre?

Answer

Issues relating to obstacles on bin rounds, difficulties with communal bin storage and incorrect disposal in green/black bins are picked up by operatives of the waste collection vehicles and staff also examine individual streets and areas where problems could occur during collection.

Councillor M. Mitchell - Can the Portfolio Holder provide an update regarding the implementation and ongoing monitoring of the Clear Streets Charter?

Response

The Clear Streets Charter is managed jointly by Devon County Council and Exeter City Council. As legislation surrounding obstructions on the public highway is enforceable under the Highways Act, the inspections and any enforcement activity are undertaken by Devon County Council as Highway Authority. The inspections are tied in with their general safety inspections which look for defects such as trip hazards. Primary walking routes (which will include most of the commercial parts of the City Centre) are inspected monthly. Most enforcement so far has been of an informal nature with businesses complying once the danger to people with sight defects or those who are less mobile, has been explained. Informal discussions are not routinely recorded and to my knowledge there has not been any requirement for formal enforcement so far. In addition to these formal inspections, our operational staff, such as our street cleansing operatives who are regularly in the City Centre or other district centres, will highlight dangers to their supervisors as they come across them.

Action to tackle wheelie bins which are not put away after they have been emptied and are causing an obstruction, are dealt with under powers held by Exeter City Council as Waste Collection Authority. These are dealt with as they are reported by residents to the waste team.

The Clear Streets Charter is not just about footway obstructions and there are many other subjects included within it, such as planning for new developments, café licences and design of public spaces, where Exeter City Council has a much larger role. The full Charter is available to view on our website in the clean, safe, city section.

Supplementary question and answer.

As the implementation of the Charter involves multifaceted issues across a number of agencies, will the Portfolio Holder support scrutinisation of its implementation?

Answer

Yes, with the involvement of the County Council as a joint signatory to the Charter.

24 Presentation on Homelessness and associated issues

The Chair invited Councillor Denning to make a brief introduction as she had proposed potential evictions, the homeless and housing as a topic for scrutiny.

Councillor Denning advised that, with the removal of the Universal Credit uplift payment of £20 per week, more tenants in social and private housing would have difficulty in paying their rent and could become homeless. Moreover, families unable to pay their mortgages could also face losing their homes. The lifting of the ban on evictions could lead to additional homelessness with Exeter City Council being the first port of call for advice and help.

Councillor Denning had suggested a review of existing strategy to ensure that, in the event of a high level of evictions, the City Council, as well as other agencies, would be able to cope with the additional work load.

The Chair welcomed Laura Fricker, Service Lead, Revenues, Benefits and Customer Access and Richard Crompton, Service Lead Housing Needs and Homelessness who provided comprehensive presentations on their areas of work, the challenges being faced, the prevention and early interventions in place to address homelessness and further potential solutions with associated resource implications.

The Service Lead, Revenues, Benefits and Customer Access also provided an update on the draft documentation on the Household Support Fund recently published by the Department of Work and Pensions. The scheme would be operated through Devon County Council who would work collaboratively with Districts through the period 6 October 2021 to 31 March 2022. The Fund would primarily support households in the most need with food, energy and water bills. The information has been circulated separately to all Members.

The full presentation has been circulated separately to all Members.

Members recognised the challenges being faced by the service, noting in particular the pressures associated with the average case load of 50 clients per case officer and the recent increasing trend in homelessness and victims of domestic abuse. Mindful of current officer workload, a review by a small working group was suggested which could focus on the design of the existing system and potentially identify savings. The involvement of Exeter Citizens Advice Bureau and the Exeter Community Trust could also be beneficial.

Councillor Denning moved that a Task and Finish Group be set up to review the support being offered to those presenting themselves at risk of homelessness and/or victims of domestic abuse. The motion was seconded by Councillor Pearce, put to the vote and carried.

The Chair advised that the Scrutiny Programme Board would be asked to agree the way forward including representation on the working group.

25 **Forward Plan of Business**

Members noted the Forward Plan.

The meeting commenced at 5.30 pm and closed at 7.35 pm

Chair

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CUSTOMER FOCUS SCRUTINY COMMITTEE

2 December 2021

Present:

Councillors Mitchell, M, Allcock, Atkinson, Begley, Denning, Mrs Henson, Pearce, Sparkes, Sparling, Wardle and Warwick

Apologies:

Councillors Vizard, Martin, Quance and Ghusain

Also present:

Director Net Zero Exeter & City Management, Engineering, Waterways, and Parking Services Manager and Democratic Services Officer (HB)

In attendance:

Councillor Harvey

Portfolio Holder City Management

26 **Chair**

In the absence of the Chair, the meeting was chaired by the Deputy Chair, Councillor M. Mitchell.

27 **Minutes**

The minutes of the meeting of the Customer Focus Scrutiny Committee held on 7 October 2021 were taken as read, approved and signed by the Chair as correct.

28 **Declarations of Interest**

No declarations of interest were made by Members.

29 **Questions from the public under Standing Order No. 19**

In accordance with Standing Order 19, a member of the public, Mr Peter Hill, had submitted the following question, which in Mr Hill's absence had been tabled together with the answer.

Question

Since the Clear Streets Charter launch in 2018, pavement obstacles to the visually impaired have, undeniably, persisted. A Freedom of Information reply states there is no Charter implementation plan and no performance measures - i.e. no effective management of Charter aims. Why have the Charter commitments not been given dedicated resources?

Answer

The Clear Streets Charter was a collation of all of the duties and responsibilities that both the City Council and the County Council already had, in relation to keeping the streets safe for people of all abilities. This included pavement obstructions but also continued into other areas such as planning, licencing and designing new public spaces. Bringing all these duties and responsibilities together into one charter

underlined the importance of these existing duties to both authorities and to the businesses and residents in the City.

To both the City and County Councils this is business as usual and so there is no need for a charter implementation or performance measures which overcomplicate the message. The message is simply that in all of our decisions and actions we need to consider the safety of all of our residents and visitors. The Charter does not need additional resources it just required embedding into all of our decision making. There will always be challenges and occasions where we need to take action over pavement obstacles but the Charter has proven to be a success. One such example of this is the involvement of the RNIB in the design of the new bus station from its inception to completion.

The Chair reported that he had submitted a request for a review of the Implementation of the Council's Street Charter for Exeter for consideration by the Strategic Management Board and the Scrutiny Programme Board.

30 **To receive questions from Members of the Council under Standing Order No. 20**

No questions had been received from Members under Standing Order No 20.

31 **Car Parks and Environmental Considerations**

The Chair reported that at the meeting of the recent Combined Strategic and Customer Focus Scrutiny Committee when a number of work streams were discussed as part of the Medium Term Financial Plan, Councillors were asked to consider how they could be involved in the future development of the Council's car parking service.

The Council's Engineering, Waterways and Parking Service Manager, attended the meeting and took Members through an overview of the service setting out the number, location and condition of the Council's car parks. The presentation provided detailed figures for each of the 49 car parks showing their type, the income for the last two years including income per bay and options for re-purposing. An annual surplus of £5,858,381 had been returned in 2019/20 compared with £1,093,970 for 2020/21.

The Council's Engineering, Waterways and Parking Service Manager explained that the previous Council approach to car parking had been to aim the city centre car parks at short-stay shoppers with a pricing structure designed to encourage high turnover in sites with the more peripheral sites such as Triangle and Howell Road providing cheaper, long-stay parking for commuters, the emphasis being to facilitate as many cars as possible to boost the city centre economy. Regular, incremental tariff increases had followed as the Council sought to maximise income generation.

The intention of the current strategy was to reduce the number of cars travelling into the city centre, prevent congestion within the central area by encouraging drivers, where possible, to walk a longer last leg of their journey and to encourage a longer dwell time in central car parks so that the shopping public also saw the High Street as a place to visit at leisure to eat and drink. Increasing, or at least maintaining, car park income was also a goal.

The current parking stock was being reviewed to ascertain where it might be prudent to either re-purpose or re-develop current car parks

The presentation set out the current tariffs with the following suggested as potential options for the way forward:-

- extend the charging period;
- introduce flat-rate overnight charging;
- introduce 'Dynamic' charging which could seek to levy an additional fee on top of the usual parking tariff for those arriving or leaving a car park during designated 'rush hour' periods. The aim being to smooth out peak travel times;
- reduce Blue Badge concession;
- re-classify some 'Local' car parks;
- introduce charging in current 'free' car parks;
- all the above estimated to deliver an additional £300,000;
- any tariff changes would require a lead in period of eight weeks, once Council approval confirmed;
- enforcement and compliance; and
- competitors meet market demand.

(A copy of the presentation is attached to the minutes)

The Director and the Council's Engineering, Waterways and Parking Service Manager responded to Members' queries:-

- £8.8 million would have been a predicted income generation without the Covid Pandemic at an occupancy level of 86%. Confidence was returning and a 75% level was anticipated for 2022/23. However, maintaining current tariff levels would result in a £2 million shortfall in 2022/23, whereas implementing the agreed tariffs would reduce the shortfall to £1 million if in place before April 2002, for which there was a eight week lead in period;
- key players in the commercial sector considered that tariffs were less of a barrier for trade and that congested arterial roads and slow journey times were more off-putting for visitors. Individual businesses however had regularly campaigned against tariff rises when advertised. Free car parking however would fly against the city's environmental ambitions so it requires a balanced approach;
- it was not considered that consolidating the parking estate and reducing overall car park numbers would see competitors seeking to capture the market as there was little land opportunities for such speculation;
- re-purposing of car parks could be explored where they were in close proximity to each other and duplicated provision. Of the Guildhall, Harlequins and Mary Arches Street car parks, the latter was in a poorer condition and, on this basis, could be a choice for an alternative use. Re-purposing could involve replacing car park income with alternative revenue streams;
- research was required on the night time use of car parks with view to charging. At present, it was estimated that there were 200 vehicles parked across the city in the car parks. Apart from the Guildhall, John Lewis and Mary Arches car parks, which offered premium night time parking, other car parks were free between 6pm and 8am;
- the recently created Net Zero team would be developing a strategy in respect of electric charging points in our car parks and looking at the business case for their installation and operation to meet anticipated future demand. A small number of charging points were already available within a handful of car parks;
- additional enforcement would protect income. The current nationally set penalty charge was £25 (with prompt payment discount), whereas one city was known to charge £26 per day;
- costs for future maintenance of car parks has been factored in to the capital programme and did not impact on the car parking budget; and

- an income of £101,297 had been generated in 2019/20 from miscellaneous rentals to commercial businesses etc.

The following questions had been put to the Committee in advance of the meeting by Councillor Sparling, with the answers provided by officers for each set out in italics below:-

- what would a tariff look like that did not lead to a shortfall, taking into account that electric vehicles, whilst better in regards to air pollution, are not a solution to congestion and also seeking to protect the ability of Blue Badge holders to access the City without an increase in cost;
there are 1.9 million users of car parks annually; a 50p across the board increase on top of the agreed tariff for 2022/23 would eliminate the £1million shortfall;
- what would be the effect of removing free parking periods from all car parks and potential revenue from introducing car parking fees in open spaces and leisure centres and how much would this generate over a three year period?;
- *there are 194 bays that fall into this category. Assuming every bay brought in £1 per day, that would equate to £70,000 per annum;*
- what research has been undertaken into a Workplace Parking Levy for the City and what were the outcomes?; Could secure cycle parking provision be made available at all car parks, especially in light of the car parks rarely being at 100% capacity?
a comprehensive work place levy can only be implemented by a unitary transport authority and a good example is Nottingham City which used the levy to fund its tram network. A number of parking bays at Princesshay 3 car park have been given over to provide cycle locker facilities for businesses within the Broadwalk House offices above and other commercial opportunities are being explored such as secure cycle parking.

Members made the following observations and suggestions with the responses of officers, where given, set out in italics below:-

- future policy should not discourage coach visits to the city;
- *the increase from £5 to £18 for coaches in the Haven Banks car park was viewed as being easier to absorb by a commercial operator rather than steep percentage increases impacting directly on individual motorists;*
- consider introducing a different, cheaper tariff structure for the weekends. Increasing charges could lead to the public using other shopping centres;
- *car parks are busiest at weekends. When free parking on Sundays was offered, shop workers had predominantly taken advantage. Congestion was considered by the local Chamber of Commerce as being more off putting to shoppers than parking charges. Our charging strategy is designed to reduce congestion;*
- support a tariff increase to reduce the income shortfall of £1 million and suggest that Exeter City Living would not be able at present to incorporate a car park such as Parr Street into its portfolio. Also suggest using the Triangle Car Park for coach use and maximising the use of the Bromhams Farm Car Park and a previously approved charging scheme to limit all day parking will be implemented;
- *the Triangle Car Park would have insufficient space for coaches. The Environment Agency will shortly hand back Bromhams Farm Car Park;*
- a broader approach is necessary to examine opportunities on the fringes of the city as slow access to the city centre, as for example along Alphington Road, can result in visitors avoiding the city. Retail outlets offer free car parking along this artery. Develop a strong, clear message for the city in line with environmental ambitions;

- support a holistic approach and working with the County Council as part of the Net Zero goal. As vehicle ownership is expensive in any event, increased charges should not prove an obstacle. Improve cycle parking provision at car parks. Technical solutions should be examined for better enforcement;
- *the City has a good relationship with the County Council and terms of reference will be brought forward for the new Transport Working Group which will be an advisory body. Use of Automatic Number Plate Recognition for enforcement purposes in car parks by local authorities is restricted but is under review by the Government;*
- important to achieve balance to continue ensuring Exeter is a prime visitor and shopping destination. Increased charges would discourage hotel use;
- potential longer term solutions could include:-
 - charging to reflect emission levels of vehicles via vehicle registration;
 - city to bring forward its own Park and Ride sites; and
 - free hopper buses from outlying car parks, possibly for coach users only;
- hire of cargo bikes from retail outlets, possibly in conjunction with Co-Cars;
- introduce Clean Air Zones;
- future policy will need to achieve a balance and be mindful of diverging goals including:-
 - maximising income;
 - bringing people into Exeter;
 - reducing congestion; and
 - reducing pollution;
- focus should be on encouraging improved, affordable access to the city centre for residents as, in the current economic climate, shopping visits to this and other centres may be economically prohibitive;
- *Exeter still offers a premium shopping experience and the High Street is recovering well; and*
- utilise capital funding to enhance our parks and open spaces to attract more visitors into the city and make it a place for families.

The Chair thanked Members for the useful and informed suggestions which would help the preparation of an officer report to feed into the new 2022/23 tariffs included within the proposed budget as part of the Medium Term Financial Plan. In order for Members to input further into car parking policy and tariff setting, future reviews by the Committee should ideally be timetabled earlier in the year.

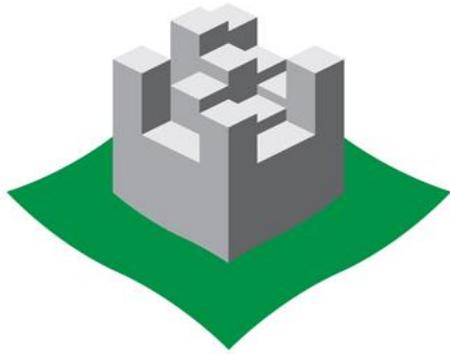
32 **Forward Plan of Business**

Members noted the Forward Plan.

The meeting commenced at 5.30 pm and closed at 6.52 pm

Chair

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Exeter
City Council

Car Parking Overview

December 2021

Background

For many years the Council's approach to car parking was a simple one. The city centre car parks were aimed at short-stay shoppers with a pricing structure designed to encourage high turnover in sites such as Guildhall and Mary Arches Street.

Meanwhile, those more peripheral sites such as Triangle and Howell Road provided cheaper long-stay parking for commuters.

The emphasis was on facilitating as many cars as possible as this was deemed to be beneficial to the city centre economy. Being 'full' was considered to be a success and an indicator of a thriving city.

As the global financial landscape began to change in 2007/08 the income derived from car parking became ever more important in order to allow the Council to deliver both the level and range of services it desired for the citizens of Exeter.

Regular tariff increases followed as the Council sought to maximise income generation while still ensuring car parking was supporting city centre business need.

Current Position

Much work was done around 2016 to help inform a revised parking strategy. Part of that work involved workshops with representatives from city centre business, the general public and partner organisations.

It emerged that key players in the commercial sector didn't consider tariffs alone to be a barrier for trade but instead cited the congested arterial routes and slow journey times as a major factor in deterring people visiting the city.

The strategy adopted as a result of this work can be summarised as follows:-

1. Reduce the number of cars travelling into the city centre
2. Increase the dwell time of those cars that do
3. Do so without detrimentally affecting city centre footfall
4. Increase, or at least maintain, car park income

This was broadly being achieved during the two years immediately before the Covid pandemic by means of a revised tariff structure.

The new structure made it more expensive to park the closer to the city centre someone drove. So travelling along the Alphington Road corridor, for example, a motorist would have the option of parking at Haven Road or Okehampton Street for £3.50 a day. Continuing further in as far as Cathedral & Quay would cost £11.00 a day, closer still to Magdalen Street would be £13.00 and centrally in Guildhall, Mary Arches Street or John Lewis would be £15.00

The intention being to prevent congestion within the central area by encouraging drivers, where possible, to walk a longer last leg of their journey.

The new structure also did away with the previous large rise in tariff for anyone staying beyond 3 hours in a short stay car park. This was changed in order to encourage a longer dwell time in central car parks as the emphasis changed from the High Street being somewhere to 'nip in' and shop to being somewhere to visit at leisure to shop, eat and drink.

Planning for the Future

1. What have we got?

2. Where are they?

3. What's their condition?

4. How do we re-purpose?

5. What options for tariffs?

1. What have we got?

Parking Site	Type	No. of Bays	Income 2019/20	Income 2020/21	Annual Income per Bay
Bampfylde Street	Pay & Display	88	241,458	172,215	£ 2,744
Bartholomew Terrace	Pay & Display	46	18,218	7,200	£ 396
Belmont Road	Pay & Display	27	45,554	22,087	£ 1,687
Bystock Terrace	Pay & Display	50	121,531	73,999	£ 2,431
Cathedral & Quay	Pay & Display	395	327,016	130,220	£ 828
Civic Centre	Free Visitors	16	-	-	-
Clifton Hill	Pay & Display	10	954	136	£ 95
Flowerpot Lane	Pay & Display	70	25,926	12,133	£ 370
Gordons' Place	Pay & Display	38	24,860	12,063	£ 654
Guildhall	Pay on Foot	440	1,470,758	633,393	£ 3,343
Harlequins	Pay & Display	91	221,828	117,496	£ 2,438
Haven Road	Pay & Display	176	198,853	111,511	£ 1,130
Holman Way	Pay & Display	68	80,357	53,145	£ 1,182
Howell Road	Pay & Display	337	543,438	232,164	£ 1,613
John Lewis	Pay on Foot	425	751,488	222,965	£ 1,768
King William Street	Pay & Display	244	300,839	91,792	£ 1,233
Magdalen Road	Pay & Display	213	358,221	124,395	£ 1,682

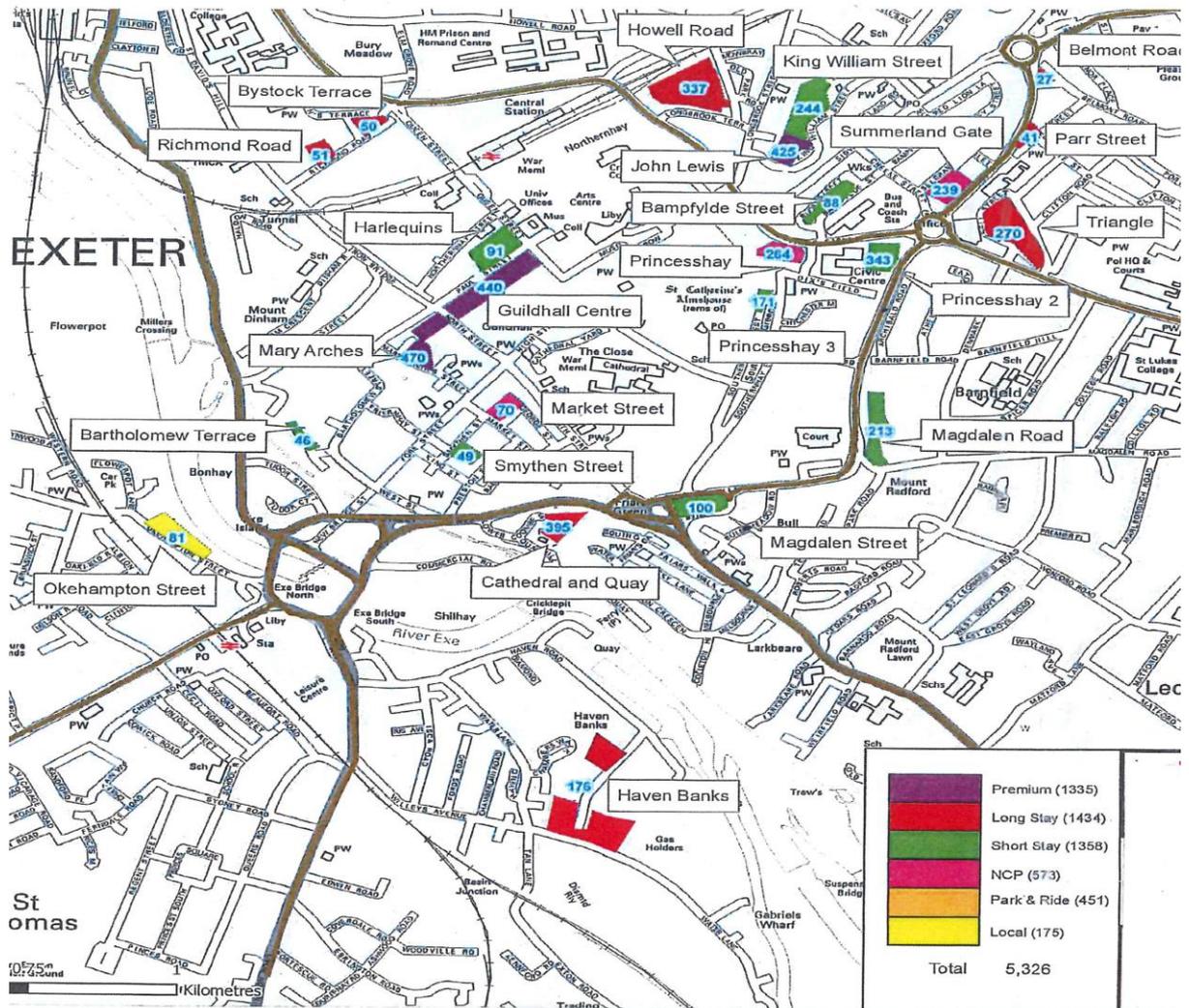
Magdalen Street	Pay & Display	100	334,779	179,455	£ 3,348
Mary Arches Street	Pay on Foot	470	1,112,454	195,868	£ 2,326
Mathews Hall	Pay & Display	32	78,548	42,837	£ 2,455
Okehampton Street	Pay & Display	81	64,932	32,049	£ 802
Parr Street	Pay & Display	41	44,238	11,598	£ 1,079
Princesshay 2	Pay & Display	343	304,270	137,620	£ 887
Princesshay 3	Pay & Display	171	428,871	182,341	£ 2,508
Richmond Road	Pay & Display	51	22,984	7,757	£ 451
Smythen Street	Pay & Display	49	147,610	90,206	£ 3,012
Station Road, Exwick	Pay & Display	18	6,905	8,349	£ 384
Tapper's Close	Pay & Display	26	16,484	5,898	£ 634
Topsham Quay	Pay & Display	26 (+64 seasonal)	100,523	56,736	£ 1,733
Triangle	Pay & Display	270	562,569	173,625	£ 2,084
Albert Street	Free Off-Street Residents	17	-	-	
Clifton Street 1	Free Off-Street Residents	9	-	-	
Clifton Street 2	Free Off-Street Residents	4	-	-	
Clifton Street 3	Free Off-Street Residents	7	-	-	
East John Walk	Free Off-Street Residents	8	-	-	
Leighton Terrace	Free Off-Street Residents	3	-	-	

Lower Albert Street	Free Off-Street Residents	6	-	-	
Oxford Road	Free Off-Street Residents	11	-	-	
Parr Street	Free Off-Street Residents	10	-	-	
Sandford Walk 1	Free Off-Street Residents	4	-	-	
Sandford Walk 2	Free Off-Street Residents	8	-	-	
St Matthews Close	Free Off-Street Residents	25	-	-	
Duryard	Free Off-Street Recreational	16	-	-	
Bromhams Farm	Free Off-Street Recreational	26	-	-	
Cowick Barton	Free Off-Street Recreational	28	-	-	
Bettys Mead	Free Off-Street Recreational	12	-	-	
Hamlin Lane	Free Off-Street Recreational	22	-	-	
King George V	Free Off-Street Recreational	74	-	-	
Station Road, Pinhoe	Free Off-Street Recreational	16	-	-	
Permits/Season Tickets	Various	n/a	361,968	159,140	
Penalty Charge Notices	Various	n/a	47,648	66,497	
Solar Panel Income	Mary Arches Street & John Lewis MSCPs	n/a	31,262	35,565	
Other Miscellaneous	Rents, Recharges etc.	n/a	101,297	56,524	
Total Net Income			8,498,641	3,458,979	

Expenditure					
Pay	Car Parks & Cash Collection		588,863	393,264	
Premises	Car Parks & Cash Collection		1,300,750	1,286,836	
Supplies & Services	Car Parks & Cash Collection		291,362	218,168	
Transport	Car Parks & Cash Collection		1,484	1,870	
Support Services	Car Parks & Cash Collection		149,980	120,000	
Capital Charges	Car Parks & Cash Collection		307,821	344,871	
Total Net Expenditure	Car Parks & Cash Collection		2,640,260	2,365,009	
Annual Surplus			5,858,381	1,093,970	



2. Where are they?



3. What's their condition?

a) All Surface car parks are currently in reasonable condition

b) Multi-storey and Basement car parks require attention as indicated in the table below

Green = Good Amber = Fair Red = Poor

Site	Structure	Lighting	Decor	Lifts
Guildhall	Amber	Green	Green	Green
Mary Arches	Red	Amber	Red	Red
Harlequins	Green	Amber	Amber	N/A
Cath & Quay	Red	Red	Red	Red
John Lewis	Amber	Green	Green	Amber
King William	Red	Amber	Amber	N/A
Princesshay 2	Amber	Amber	Amber	N/A
Princesshay 3	Green	Green	Amber	Green

4. How do we re-purpose?

- a) Rare to be at 100% capacity.
- b) Our ambition to reduce the number of journeys made into the city by car.
- c) A number of sites within close proximity of each other. (e.g Belmont Road/Parr Street and Guildhall/Harlequins/Mary Arches Street).
- d) Reduce overheads without impacting on income.
- e) Emphasis on replacing car park income with an alternative revenue streams.



Car Park and Existing Issues	Nearby Alternatives	Re-Purposed Use Options
Mary Arches (poor condition of overall site, including pedestrian bridge, requiring significant capital investment, upper decks currently house a large solar panel array)	Guildhall and Harlequins	<p>Sell for redevelopment</p> <p>Demolish and operate surface car park from same site with reduced overheads</p> <p>Repair/refurbish and continue to run as car park</p> <p>Repair/refurbish and run as joint car park/visitor attraction ('urban chic' theme for go-karting, skateboarding, crazy golf, silent discos, film set/video shoot location, street art exhibitions etc)</p>
Belmont Road (small site in area with alternative car parks)	Parr Street and Triangle	Sell for redevelopment
Cathedral & Quay (known structural problems, ASB, poor lighting)	Magdalen Street	<p>Development for upper decks already planned</p> <p>Ensure appropriate security to deter ASB and gentrify site with secure parking options, wider bays, EV provision etc</p>
King William Street (recent structural concerns, ASB, spare capacity across this site and John Lewis MSCP)	John Lewis	<p>Maintain John Lewis MSCP as a car park but repurpose King William Street for 'urban chic' themes mentioned above but also scope for netted-in 5-a-side football/netball/tennis use at Leighton Terrace deck</p> <p>King William underground section could potentially be used as base for boxing/martial arts type clubs</p> <p>Alternatively this section could be utilised to support active travel (co-share bikes, cycle racks, lockers, showers etc)</p>

5. What options for tariffs?

a) Do Nothing - £2M shortfall in 2022/23

b) Implement Agreed Tariffs - £1M shortfall if in place before April 2022 (8 week lead in period)

Premium Car Parks (Guildhall, Mary Arches, John Lewis)		
Stay	Current Tariff	Proposed Tariff
1 hour	£3.30	n/a
2 hours	£4.40	£4.50
3 hours	£5.50	£5.60
4 hours	£6.60	£6.70
5 hours	£7.70	£7.80
6 hours	£8.80	£8.90
7 hours	£9.90	£10.00
All day	£15.00	£18.00
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	£2.20	n/a
2 hours	£3.30	£3.40
3 hours	£4.40	£4.50
4 hours	£5.50	£5.60
5 hours	£6.60	£6.70
6 hours	£7.70	£7.80
7 hours	£8.80	£8.90
All day	£13.00	£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	£2.20	n/a
2 hours	£3.30	£3.40
3 hours	£4.40	£4.50
4 hours	£5.50	£5.60
5 hours	£6.60	£6.70
All day	£11.00	£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	£1.00	n/a
2 hours	£1.50	£2.00
3 hours	£2.00	£3.00
4 hours	£2.50	£4.00
All day	£3.50	£5.00
Zone 3 Car Parks with Maximum Stay (Bromhams Farm, Clifton Hill, Gordons Place, Station Road (Exwick))		
1 hour	£1.00	n/a
2 hours	£1.50	£2.00
3 hours maximum stay (6 hours maximum stay at Bromhams Farm)	£2.00	£3.00
Other charges		
Coach Parking at Haven Road 2 (per day)	£5.00	£18.00
Season Ticket (per annum)	£1,500.00	£1,800.00
Residents Annual Car Park Permit (within catchment zone)	£150.00	£200.00
Residents Annual Car Park Permit (if electric vehicle and within catchment zone)	£150.00	Free
Business Annual Car Park Permit (within catchment zone)	£250.00	£250.00
Cathedral & Quay Dedicated Business Bay (within catchment zone and subject to availability)	£750.00	£800.00



c) Other tariff considerations:-

Extend charging period

Introduce flat-rate overnight charging

Introduce 'Dynamic' charging

Reduce Blue Badge concession

Re-classify some 'Local' car parks

Charging in current 'free' car parks

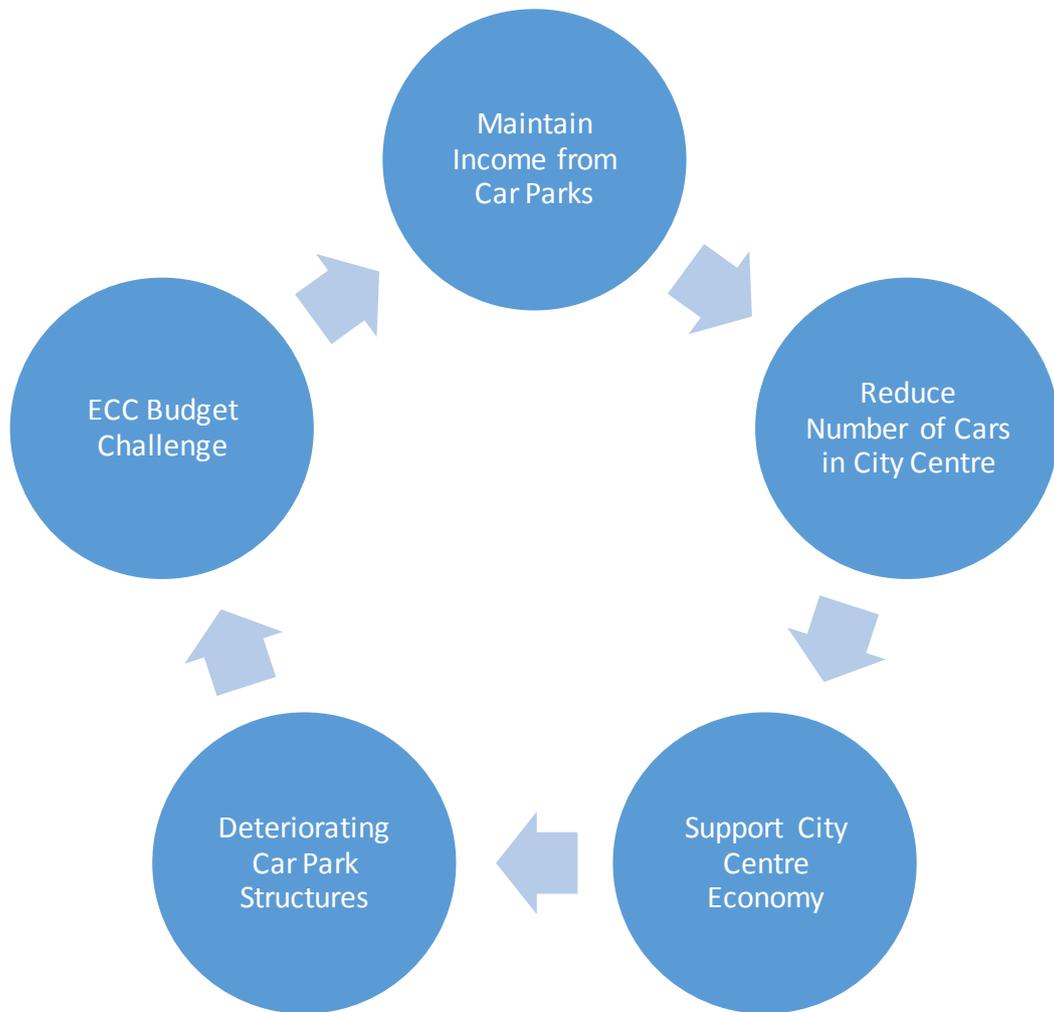
All the above estimated to deliver an additional £300K

Lead-in time extended as no existing Executive approval

Enforcement and compliance

Competitors meet market demand

Squaring the Circle:-



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COMBINED STRATEGIC SCRUTINY AND CUSTOMER FOCUS SCRUTINY COMMITTEES

20 October 2021

Present:

Councillor Vizard (Chair)

Councillors Atkinson, Allcock, Branston, Denning, Jobson, Mitchell, M, Moore, J, Newby, Pearce, Sheldon, Sparkes and Sparling

Apologies:

Councillors Buswell, Hannaford, Mrs Henson, Martin, A, Mitchell, K, Quance, Sills and Wardle

Also present:

Chief Executive & Growth Director, Director Corporate Services, Director Finance, Democratic Services Officer (SLS) and Democratic Services Officer (HB)

In attendance:

Councillor Bialyk	Leader
Councillor Harvey	Portfolio Holder City Management
Councillor Sutton	Portfolio Holder Net Zero Exeter 2030
Councillor Williams	Portfolio Holder Supporting People
Councillor Wood	Portfolio Holder Leisure & Physical Activity

1 **Appointment of Chair**

Members were invited to confirm Councillor Vizard as the Chair for the meeting and indicated their affirmation by a show of hands.

RESOLVED that Councillor Vizard be appointed Chair of the meeting of the Combined Strategic and Customer Focus Scrutiny Committee.

2 **Declarations of Interest**

No declarations of discloseable pecuniary interest by Members were made.

3 **Medium Term Financial Plan Update**

The Director Finance presented an update on the current progress in the development of the Medium Term Financial Plan (MTFP) which was either as the result of a Council decision or due to elements outside of the Council's control, such as decisions governed by Central Government. He reported the reductions required to form a balanced budget over the MTFP which had increased from the previous figure of £6 million to £7.5 million up to the period 2024/25. The increase was made up of a £600,000 expectation prior to Covid in relation to the Leisure budget, and a £900,000 budget in respect of the decision taken by improving the waste collection service and the introduction of a food waste collection service.

The Director Finance further explained the important influences on the process which included the following:-

- challenges projected outside the Council's control in terms of the Business Rate re-set, New Homes Bonus and additional income;
- the given projected challenges of inflation, additional services pressures and additional debt repayment; and

- Year by year total pressures.

The pressures were offset by a potential £1.1 million of additional income.

- Business Rate re-set £2.4 million
the Government's intention was to reset the rates with the £2.4 million potentially shared out across the rest of the country, and an anticipated share of around £300,000 for Exeter. It was anticipated the Government reset would take place within the period of the Council's MTFP and tie in with the revaluation of business rates for businesses around the country in 2023.
- New Homes Bonus £1.9 million
the Government had announced the end of New Homes Bonus (NHB) and despite consulting on a replacement scheme, have not announced its replacement or of the future opportunities for generating future income.
- Inflation £1.5 million
Inflation was a significant pressure, driven by the rising fuel prices as part of the goods and supplies needed for service delivery and was likely to impact on the Council's budget.
- Additional Services costs £1.7 million
additional services costs such as the decision to bring back Leisure in-house in the middle of a Pandemic has resulted in income having been significantly impacted, but as the service seeks to recover, it will be part of the solution as well. The additional cost of delivering a new waste service with food collection in the city was also included.
- Additional debt repayment £1.1 million
the debt repayment process included repaying borrowing for historic decisions when money was set aside from the NHB so as to minimise service reductions.

In addition, the following savings would be made over the next three years which included an additional £2 million in 2022/23; £3.6 m in 23/24 and £1.9m in 24/25 (reserves of £600k will reduce the impact of the £3.6m figure)

The following was also highlighted –

- Leisure Services - and the aim to deliver a cost neutral service in the future in the lifetime of years 2 and 3 of the MTFP.
- an organisational change programme will look at the way we deliver services to the public to identify efficiencies.
- thinking about the way the discretionary services and statutory services are delivered.
- the use of technical accounting methods to offset the reductions required and the recharge of funds from the General Fund to a number of services including building control and licensing.
- consideration of potential asset disposals using capital receipts to build more assets, repay debt or to finance the capital element of the fleet lease.

- a review of the asset maintenance programme, and the investment of £37m in enhancing assets in financial years 3 to 5, with the assumption that a reasonable reduction in the ongoing maintenance may be realised.
- to discuss with partners identifying additional external funding of a number of discretionary services.
- the Council's Human Resources to look at options of changes to the way staff work to benefit both the staff and the Council, and
- developing income generation through greater commercialisation of some service areas.

The timeline was provided, in respect of the process through to next February when next year's Council Tax was set and the budget delivered.

- October 27 Comprehensive Spending Review;
- Early November Finalise proposed reductions for 2022-23;
- November-December Detailed Budget Setting;
- December Local Government Settlement (hopefully);
- January Informal Presentation of Budget to Members
Budget Strategy/One Exeter programme approval
Finalise Budget
- February Budget to Executive/Council

The presentation is attached to the minutes.

The Director Finance responded as follows to Members' queries:-

- in view of the uncertainty associated with potential changes to the formula, the re-setting of the Business Rate and whether the Government would only provide a single year settlement, as opposed to three years which would be better for planning, it was not possible to predict a negative or positive scenario going forward;
- whilst certain Government grants and the limit on Council Tax increases were fixed elements, uncertainty in respect of the funding formula could present difficulties - for example the possible removal of the day visitor element from which Exeter benefited would have a negative impact. Similarly, whilst Exeter did have areas of deprivation it was relatively prosperous and changes in this national index could impact both negatively or positively;
- the final settlement was also dependent on decisions for the public sector as a whole, including the share allocated to upper tier authorities with much larger and complex budgets;
- every year tough decisions were made to put forward a set of options to deliver a balanced budget;
- indicative figures for all services to determine any efficiencies would be worked through and statutory services such as planning would continue to be delivered;
- the impact of inflation was based on the Council's Goods and Services and not the Retail Price Index. These included utilities, software licences and fuel. Software licences were difficult to predict and dependent on individual company decisions. It was anticipated that utility prices could increase significantly over the winter months (though the inclusion of the Council's solar panels would help). Whilst refuse rounds were often re-designed to absorb new areas, significant housing developments could present a need for additional rounds and an

- additional budget pressure. Ultimately, a line by line review of services was undertaken although in some case the costs could remain neutral;
- the Council could take advantage of Capital rules to use funds from the sale of assets to finance the capital element of vehicle leases;
 - a Business Plan was shortly to be produced by Exeter City Living (ECL). The Council would be lending to ECL to deliver housing in the city and it was expected that an income stream from potential rental properties would not be achieved within the scope of the MTFP, but more in the longer term period of five to ten years;
 - Leisure Services had been bought in-house as the Pandemic had severely affected the Leisure sector resulting in companies being unable to tender for the service. This was an extra cost to the Council, as Business Rates Relief could no longer be claimed and because of the better terms and conditions offered to staff. Leisure was not a statutory responsibility and did not benefit from the formula funding. It was still recovering from the impact of the Pandemic and would need to build its customer base in the coming months and hopefully not endure a difficult winter period. It was important to understand the changes needed to deliver a cost neutral service with the aspiration to deliver the service from the income it generates.
 - the Government factored in inflation in grant allocations and the Settlement and grant allocations as did the Council in fees and charges and other income streams based on what was reasonable. Any increases in car parking charges however was a separate Council decision; and
 - ultimately it would be for Members to reach decisions to ensure a balanced budget.

The Chief Executive & Growth Director explained the challenges facing the Council. Much had been learned from the years of austerity and the need to identify a blend of efficiencies year by year which was continuing through the One Exeter process with a greater focus on digital transformation and alternative management options to further deliver efficiencies without impacting on services and adversely affecting the experience of customers.

The Council continued to reject options which some local authorities had favoured such as privatisation, withdrawing from the delivery of certain non-statutory services or seeking commercial return from opportunities outside the local authority boundary, the latter approach having encountered difficulties in some cases.

The Council had always sought solutions to preserving services and identifying creative delivery mechanisms such as Exeter City Living and Liveable Exeter. Management of the Valley Parks by the Devon Wildlife Trust ensured Council involvement through the partnership agreement and the Planning services would play a key role in bringing forward the ambitions of Liveable Exeter. Planning was one of 15 work streams being examined and, although initial savings had been identified, there were options for increasing its income stream, for example, charging for pre-application agreements. The Leisure Services was a further example where decisions on income levels and pricing structures would need to be taken. The Council will need to significantly increase membership to become cost neutral and this is achievable given the quality of the offer that will become available. The City could offer the most energy efficient pool in the country in St.Sidwell's Point, whereas Cornwall, in comparison, was looking at closing its pools.-

Responding to the Chair, the Chief Executive & Growth Director confirmed that an assessment of spatial requirements was a further area being examined by One Exeter and that this process included an assessment of management capacity and

staff resources. He also responded to a comment on the future use and income opportunities of the current Civic Centre, with the occupation of a range of tenants and the future development of a Council hub working with Crown Estates on the City Point site to create a very different space.

The Chief Executive & Growth Director concluded by reminding Members that over the last 10 years there had been a reduction of £16 million in Government support and that much would depend on the forthcoming Government settlement which would need to be longer term than one year to help ensure the current £7.5 million shortfall could be met and a balanced budget achieved.

The Chair welcomed this discussion and the beginning of the scrutiny process enabling a number of topics or work streams to be drawn out. He noted a Member's suggestion of ways to generate income through consideration of the Commercialisation Strategy.

The Chair thanked the Director Finance for his presentation.

The meeting commenced at 5.30 pm and closed at 6.52 pm

Chair

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Addressing the MTFP 2022-25

MTFP – October 2021

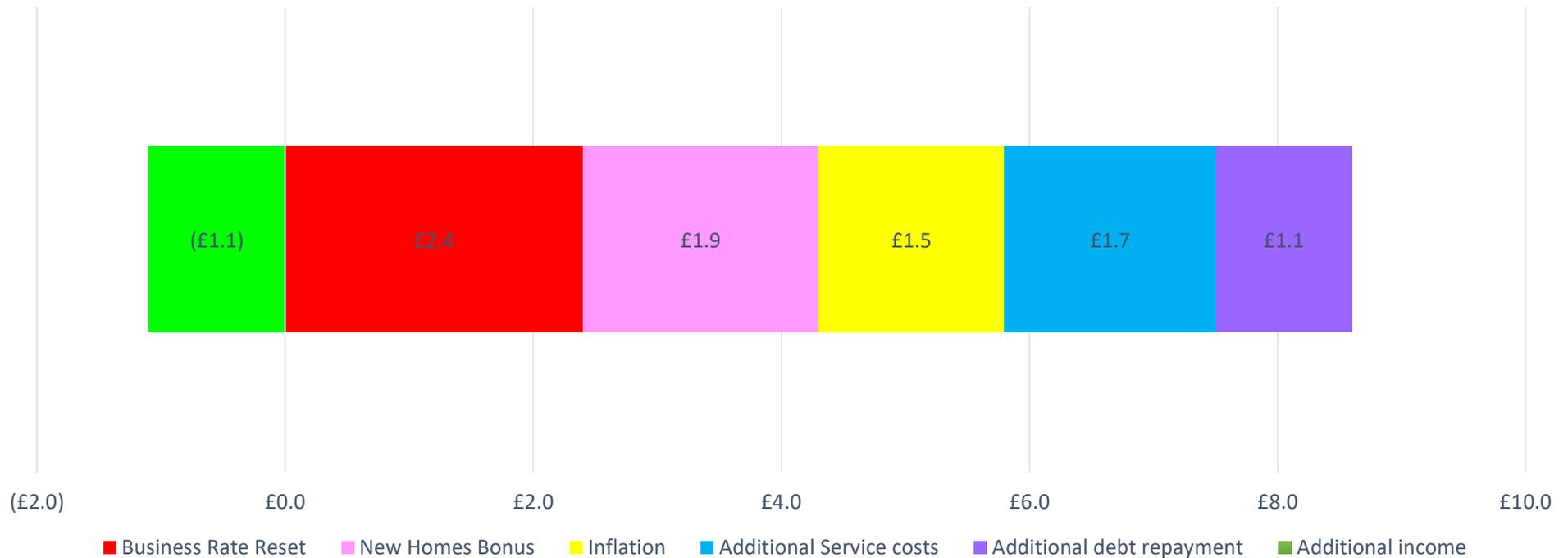


	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000	
Resources							
Revenue Support Grant	371	602	373	380	388	396	
Business Rates Income	7,861	6,464	6,496	4,441	4,524	4,610	
Covid 19 Support	1,822	760	0	0	0	0	
Sales, Fees & Charges Compensation	4,343						
CIL income	1,073	1,416	1,090	1,090	1,090	1,090	
New Homes Bonus	2,490	1,941	678	0	0	0	
Council Tax	6,149	6,252	6,393	6,647	6,916	7,180	
Likely resources	24,109	17,435	15,030	12,558	12,918	13,276	
Expenditure							
Service expenditure	14,908	21,149	16,861	15,577	13,187	11,322	
Net Interest	475	551	300	279	305	235	
Forecast Committee movements	3,015	3,033					
RCCO	17	0	0	0	0	0	
Repayment of debt	979	965	2,306	2,015	2,083	2,117	
Additional repayment of debt	(604)	(664)	(1,480)	(1,656)	0	0	
	18,790	25,034	17,987	16,215	15,575	13,674	
Other funding							
Contribution to/ (from) earmarked reserves	6,478	(6,851)	(76)	(570)	(15)	(500)	
Contribution to/ (from) balances - Other	(1,159)	(748)	(503)	(87)	(142)	102	
	5,319	(7,599)	(579)	(657)	(157)	(398)	
Further reductions required			(2,000)	(3,000)	(2,500)		(7,500)
Potential reductions identified			(378)	0	0	0	
Total Net Budget	24,109	17,435	15,030	12,558	12,918	13,276	
							(7,500)
Opening General Fund Balance	5,856	4,697	3,949	3,446	3,359	3,217	
Closing General Fund Balance	4,697	3,949	3,446	3,359	3,217	3,319	
Balance as a percentage of budget	19.5%	22.6%	22.9%	26.7%	24.9%	25.0%	

UNDERSTANDING THE £7.5m

TOTAL £7.5m

Additional Financial Pressures (£m)



CHALLENGING PROJECTIONS

• What is a given

- Inflation - £1.5 million
 - 2022-23 - £0.5m
 - 2023-24 - £0.5m
 - 2024-25 - £0.5m
- Additional Service Pressures - £1.7 million
 - 2022-23 - £0.5m
 - 2023-24 - £0.3m
 - 2024-25 - £0.9m
- Additional debt repayment - £1.1 million
 - 2022-23 - £0.3m
 - 2023-24 - £0.1m
 - 2024-25 - £0.7m

CHALLENGING PROJECTIONS

- **What is outside our control – All Government decisions**
 - Business Rates reset - £2.4 million
 - 2022-23 - £0.0m
 - 2023-24 - £2.4m
 - 2024-25 - £0.0m
 - New Homes Bonus - £1.9 million
 - 2022-23 - £1.2m
 - 2023-24 - £0.7m
 - 2024-25 - £0.0m
 - Additional income – (£1.1 million)
 - 2022-23 – (£0.5m)
 - 2023-24 – (£0.4m)
 - 2024-25 – (£0.2m)

CHALLENGING PROJECTIONS

• Total Pressures Year by year

- Pressures - £7.5 million
 - 2022-23 - £2.0m
 - 2023-24 - £3.6m
 - 2024-25 - £1.9m
- Using Reserves
 - 2022-23 – £0.0m
 - 2023-24 – (£0.6m)
 - 2024-25 - £0.0m
- Savings Required – £7.5 million
 - 2022-23 – £2.0m
 - 2023-24 – £3.0m
 - 2024-25 – £2.5m

INDICATIVE REDUCTIONS

Work stream	Budget area		Work Programme	Indicative contribution £	2022/23 £	2023/24 £	2024/25 £
Service Review							
	Leisure Services to be redesigned to be cost neutral	Director Culture, Tourism & Leisure		1,300,000	-	700,000	600,000
Target Operating Model / Service reductions							
	Organisational Change Programme (Target Operation Model; digitalisation of customer services, channel shift to self service, unified contact centre, customer services rationalisation, business process redesign)	Programme Steering Group	Organisational Change	1,000,000		1,000,000	
	Cessation / reduction of discretionary functions	Programme Steering Group	Organisational Change	1,300,000	1,300,000	-	-
	Statutory, non-discretionary services	Programme Steering Group	Organisational Change	450,000		200,000	250,000
	Enabling and support services ; Strata contract and back office/support services	Programme Steering Group	Organisational Change	400,000		250,000	150,000
	Planning Services - contribution to above	Programme Steering Group	Organisational Change	50,000			50,000
	Changes to management structure and operating model	Programme Steering Group	Organisational Change	150,000			150,000
				3,350,000	1,300,000	1,450,000	600,000
Technical Accounting							
	Self-financing services - review recharges from GF to following services - Building Control, Land Charges, Visit Exeter, Licensing and HRA	Director Finance	Income Generation	100,000	100,000		
Corporate Property							
	Asset disposal and management ; capitalisation of fleet lease (Achieved indicative contribution). Realising capital receipts to fund the fleet lease contract	Director Finance	Corporate Property	500,000	500,000		
	Corporate Property - potential for additional income / review of AIM	Director Finance	Corporate Property	200,000			200,000
				700,000	500,000	-	200,000
Seek External Funding							
	Contribution from ring-fenced discretionary services ; RAMM	Director Culture, Tourism & Leisure	Additional Funding	100,000		100,000	
	Externally funded services Services that lever in income from external parties	Director Culture, Tourism & Leisure	Additional Funding	200,000		100,000	100,000
				300,000	-	200,000	100,000
HR							
	New working patterns T&C's	Programme Steering Group	Organisational Change	250,000	-	250,000	-
Income Generation							
	Commercialisation ; MRF commercialisation work, special collections, trade refuse & recycling and green waste collections	Service Lead - Net Zero, Commercialisation, Skills, Business & City Centre	Income Generation	500,000	100,000	200,000	200,000
	Exeter City Living group activities Return from borrowing	Director Culture, Tourism & Leisure	Income Generation	500,000			500,000
	Car park income - Complete review in conjunction with Net Zero Commitment	Director - Net Zero & City Management	Income Generation	500,000		200,000	300,000
				1,500,000	100,000	400,000	1,000,000
	Total			7,500,000	2,000,000	3,000,000	2,500,000

TIMELINE

- October 27 - Comprehensive Spending Review
- Early November - Finalise proposed reductions for 2022-23
- ~~November~~ November – December - Detailed Budget Setting
- ~~December~~ December - Local Government Settlement (hopefully)
- January - Informal Presentation of Budget to Members
- Budget Strategy / One Exeter Programme approval
- Finalise Budget
- February - Budget to Executive / Council

AUDIT AND GOVERNANCE COMMITTEE

Wednesday 10 November 2021

Present:-

Councillor Tony Wardle (Chair)
Councillors Atkinson, Hannaford, Jobson, Mitchell, M, Moore, D, Pearce, Sparkes and Warwick

Apologies:-

Councillors Begley and Quance

Also Present:-

Director Finance, Deputy Chief Finance Officer and Democratic Services Officer (SLS)

Julie Masci – Engagement Lead, Grant Thornton
Katie Whybray – Senior Manager Audit, Grant Thornton

64

MINUTES

The minutes of the meeting held on 29 September 2021 were taken as read, approved and signed by the Chair as correct, subject to the following substitution of two sentences below in relation to Minute 63.

Original wording - A Member referred to (Risk Ref 8) which was also a goal set out in a previous Corporate Plan, and statement from a report by Exeter City Futures relating to a Carbon Plan 2017 to 2022. She suggested a further discussion on this matter would be appropriate as the resolution by the Council in July 2020, which approved the Net Zero 2030 plan, needed to inform all of the work of the Council.

To be substituted with

A Member referred to (Risk Ref 8). She highlighted that this risk has had probably been conflated with the targets set out in the 'Energy Strategy 2017-2022 An Energy Neutral Council' adopted by Council to achieve a carbon neutral council for its energy used by 2022. This risk should be reconsidered in the light of the target set in that strategy.

65

DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interests were made.

66

AUDIT FINDINGS REPORT (ISA 260)

Julie Masci, Engagement Lead, and Katie Whybray, Senior Manager Audit, for the Council's External Auditors, Grant Thornton presented the Audit Findings report, which included the audit of the 2020/21 Financial Statements and an update on the Value for Money work.

The Engagement Lead advised that although their work on the audit of the financial statements was substantially completed, the certification for the closure of the 2020/21 audit of Exeter City Council would be delayed, as a number of audit areas were outstanding. It was intended that the audit would be concluded by the end of November. Any concerns relating to the outstanding work would be communicated

to the Committee before completion of the Audit. It was important to highlight that the Council's officers had fully cooperated throughout the course of the audit. The work on the Value for Money requirement would be completed within a prescribed three month timeframe, and the outcome would be reported to a subsequent Audit and Governance Committee meeting.

The Engagement Lead gave the following responses to Members' questions and confirmed that

- the audit was substantially complete and there was no reason to delay in advising that an unqualified opinion would be given. The practice of audits not being concluded when presented to Members was not uncommon. Although a formality, the date of the management letter, setting out the representation could be updated to mirror the completion of the Final Statement of Accounts.
- the Council's approach to holding debts included consideration of the age profile of debts and making a provision for non-collection. The Director Finance stated that where possible the Council generally take a conservative approach and for sundry debtors a provision was made at 90% for debts aged over five years. Grant Thornton consider the Council's approach as part of the audit and whether the provisions are considered prudent. A judgement of significant debtors was made on a case by case basis and the statement of audit was a snapshot at a point in time. A significant amount of work went into the management of bad debt provision.
- the audit in relation to officer declarations of interest included the recording of a whole raft of additional checks such as employment with related partners. The request for further information did not relate to the remit of the policy but to a lack of return for each officer. The Director Finance agreed with the findings which had been an oversight and would be rectified.
- the Council's group accounts are included in the audit work. Detailed account information was obtained from Exeter City Living's own auditors to ensure it met the recommended audit standard for the Council albeit under a separate audit process.
- the focus of a value for money approach for third party entities is to ensure there were the appropriate governance arrangements in place to ensure the service could be delivered. It also included the financial monitoring and the company arrangements and how they impact on the Council.
- the Value for Money work reflected the challenging environment and financial position across the Council as a whole. It was important to consider the scale of the challenge and how the financial plan was delivered.

The Audit and Governance Committee noted the report on Audit Findings from the Exeter City Council (External Auditor), Grant Thornton.

67

STATEMENT OF ACCOUNTS 2020/21

The Deputy Chief Finance Officer presented the report on the Council's Statement of Accounts for 2020/21. It was a statutory requirement to publish the Statement of Accounts which are intended to provide a 'true and fair view' of the financial position and transactions of the Council, including the Group Financial Statement as at 31 March 2021. The ongoing challenges brought about by the coronavirus pandemic had continued, and the statutory deadline for publishing the audited accounts remained at 30 November 2021. She referred to the External Auditors report that the completion of the audit had been delayed, and that nevertheless it was anticipated that an unqualified audit opinion would be issued. Only a small number of audit adjustments and presentational changes had been identified during the

course of the audit, all of which had been resolved. At the time of writing the report there were no key audit findings to draw to Members' attention other than the recommendations reported as part of the Audit Findings report.

The Director Finance referred to the Annual Governance Statement (AGS) that had been approved at the Audit & Governance Statement in July and would accompany the final Statement of Accounts. He requested the following further statement be added to comply with the CIPFA guidance -

“To the best of our knowledge, the governance arrangements, as outlined in this AGS have been operating effectively during the year with the exception of those areas identified as significant issues. We propose over the coming year to take steps to address these issues in order to enhance our governance arrangements and are satisfied that these steps will address the need for improvements that were identified during the review of effectiveness. Progress against the action plan will be monitored quarterly by the Audit & Governance Committee”.

The following responses were given to Members:-

- Members would be made aware of any issues of concern in relation to the completion of the final statement.
- the accounts of all companies that Exeter has a material interest in are available at Companies House which can be made available to Members if requested. The full list of entities controlled or significantly influenced by the authority was included on page 85 of the report.

A Member sought further information on the narrative report into Building Great Neighbourhoods and a Government grant for £600,000 for the retrofit of 120 properties to improve their energy performance rating. She sought clarification as a £1.1m Government grant was also referenced in the narrative report to tackle fuel poverty and if this was the same grant. The Deputy Finance Officer would reply to the Member.

RESOLVED that the Audit and Governance Committee approve the audited Statement of Accounts for 2020/21, subject to the following additional recommendations that:-

- (1) a revised statement be inserted, replacing the final approval comment of the Annual Governance Statement (AGS), which will now read:-

“To the best of our knowledge, the governance arrangements, as outlined in this AGS have been operating effectively during the year with the exception of those areas identified as significant issues. We propose over the coming year to take steps to address these issues in order to enhance our governance arrangements and are satisfied that these steps will address the need for improvements that were identified during the review of effectiveness. Progress against the action plan will be monitored quarterly by the Audit and Governance Committee”; and

- (2) any additional material changes to the accounts be delegated to the Director Finance and the Chair of the Audit & Governance Committee to be agreed and other Members of the Audit & Governance Committee subsequently informed.

The Director Finance submitted the letter to the External Auditor, Grant Thornton in respect of the 2020/21 Statement of Accounts as an audit requirement to produce the letter, which gave a financial assurance as well as complying with the following International Reporting Standards and the Chartered Institute of Public Finance and accountancy (CIPFA) and Local Authority (Scotland) Accounts Advisory Committee (LASAAC) Code of Practice on Local Authority Accounting in the UK 2020/21 and applicable law.

RESOLVED that the Audit and Governance Committee approve the representation letter, and request that it be signed by the Director Finance and the Chair of the Audit and Governance Committee for forwarding to the External Auditor, Grant Thornton.

(The meeting commenced at 5.30 pm and closed at 6.25 pm)

Chair

DRAFT

AUDIT AND GOVERNANCE COMMITTEE

Wednesday 1 December 2021

Present:-

Councillor Atkinson (Chair for the meeting)
Councillors Begley, Hannaford, Mitchell, M, Moore, D, Pearce, Sparkes and Warwick

Also Present:-

Councillors Jobson, Martin, Quance and Wardle

Director Finance, Director Corporate Services, Audit Manager (HK) and Democratic Services Officer (SLS)

69

CHAIR

In the absence of the Chair, the meeting was chaired by the Deputy Chair, Councillor Atkinson.

70

MINUTES

The minutes of the meeting held on 10 November 2021 were taken as read, approved and signed by the Chair as correct.

71

DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interests were made.

72

EXTERNAL AUDIT PROGRESS REPORT AND SECTOR UPDATE

The Director Finance presented an update from Grant Thornton on their activities since the last meeting of the Audit and Governance Committee in November, and an indication of when the Audit would be completed. The Engagement Lead and Senior Manager were unable to attend the meeting due to concerns relating to Covid. The following matters were reported:-

- the external valuer expert, supporting Grant Thornton with their valuations work was reviewing the responses from the Council's internal valuer;
- there was an outstanding query with the Council's actuary regarding significant movements in experience.
- an independence issue was being considered by the National Audit Office (NAO) in respect of the group audit for Exeter City Living (ECL). The Audit Findings report included a reference to additional unrelated work that had been undertaken by ECL's External Auditor. Members would be updated on the outcome once clarification was obtained. It was noted that a dedicated accountant had been appointed to oversee the accounts of ECL.
- a view on the treatment of the Minimum Revenue provision (MRP) on the Council's statutory repayment of debt in respect of capital loans made to third parties had been made. Grant Thornton's view differed to the Council, and would be reported in the Audit Findings report. Loans made by the Council to a number of third parties, included Exeter City Living, Exeter Science Park and also local collaborator of partnerships, CoLab. An assessment had been made on the associated risks, as it was not the intention to offer any loan where there was no chance of recovery, and a

suggested over provision for the same debt was not prudent or in the best interest of the tax payer. This matter would be raised with the Department for Levelling Up, Housing and Communities (DLUHC).

The Director Finance stated that Grant Thornton had indicated that they expected to conclude the Audit by 10 December. He would keep Members informed with regard to the Audit Findings report, but an unqualified audit opinion was still anticipated.

In response to Members' questions, the Director Finance explained:-

- the independence issue raised was in relation to formal sense checking on the Business Plan last year. ECL's own auditor had taken on this additional work in excess of the tendered External Audit, so it was an issue with that rather than an issue with ECL or their accounts, which are included in the City Council's accounts. Grant Thornton had indicated that they may not be able to place reliance on that work and would likely have to do some targeted testing and may make an additional charge as part of their fee.
- work on the financial statements was ongoing and should have been completed at the end of September. There was now a new target date of 6 December. The value for money work was due to be finished by the end of December and should be reported at the next meeting.

The Audit and Governance Committee noted the External Audit Progress Report.

73

INTERNAL AUDIT PROGRESS REPORT

The Audit Manager (HK) presented the report, and appendices which detailed the internal audit work carried out during the second quarter of the year for the period 1 July to 30 September 2021. All of the agreed actions from previous audit reports were progressing satisfactory and there were no instances where remedial action had not been agreed by management. Despite making some additional provision in the 2021/22 Audit Plan, a significant amount of Covid 19 related work in respect of the post award assurance work on the business grants made had been undertaken, and a request was made to defer the main accounting systems and the Arts, Events and Culture audits until next year. The implementation of new modules to the main accounting system had been delayed and no events had been held to date and deferral of these audits would not have any significant impact.

In response to Members' questions, the Audit Manager had agreed that a review of the anticipated guidance from the professional body in relation to Council owned private companies, when received would be reported back to this Committee.

A Member thanked the Audit Manager for forwarding a copy of the Annual Housing Repairs and Void Works audit report and for a discussion on where audit overlaps with performance. She considered it was important to examine how that contract was working to ensure the nature, and quality of the performance as well as any issues of staff capacity could be addressed. The Audit Manager reported that she had clarified the role of Internal Audit with the Member as one of compliance and assurance that the Council's policies, procedures and any relevant legislation were being followed as opposed to monitoring performance. The Chair also noted the area of work and welcomed the audit report. Following a Member's comment, the Audit Manager agreed to circulate a copy of the report to all Members of the Committee.

The Director Finance reminded Members of the opportunity for advance questions to be submitted, as this enabled an appropriate response to be sought from colleagues, most notably in relation to the Risk Register because of the wide scope of the subject matter.

In response to Members' questions, the Audit Manager and Director Finance explained:-

- the Arts, Events and Culture audit would cover events and any audit of RAMM would be separate. Other strategic work would be covered by the Strategic Management Board (SMB), as Internal Audit had no strategic or performance management role.
- the Anti-Racism Strategy was being developed by a working group chaired by the Portfolio Holder for Communities & Culture, Councillor Ghusain and included Councillor Allcock, as well as the Director (DB), the Community Safety, Safeguarding and Equality & Diversity Officer, and other officers as well as two members of the Council's Equality Champions Group. The working group was due to meet on 6 December, when a report from Devon County Council would be presented. This work was separate to that of the Equalities and Diversity Strategy.
- Strata have implemented a new income management system, in part to allow the continuation of card payments to the City Council. The audit had been delayed as the appropriate testing had not been able to be completed due to an external supply issue.

The Audit and Governance Committee noted the Internal Audit report for the second quarter of 2021.

74

DECISION TO OPT INTO NATIONAL EXTERNAL AUDIT TENDER

The Director Finance presented a report which sought Member's support for a recommendation that the Council opt into the national scheme for auditor appointments from April 2023, using Public Sector Auditor Appointments Limited (PSAA). They were in part, set up to address the challenges of local authorities from drawing from the same pool of external auditors to carry out their audit. Exeter City Council had opted to join the PSAA scheme in 2017, but it had not been a completely satisfactory contract, particularly as the current audit was once again delayed. The challenge remained that there were very few firms in the public sector audit market place, and no local firms able to undertake this work. He had approached PSAA to set out some of his concerns, and they agreed to discuss some of the issues. He understood that a National Board to identify ways to address some of the issues was being implemented.

In response to Members' questions, the Director Finance explained:-

- there were no large Audit firms based in the city, with Bristol based firms being the closet hub. Cornwall County Council had opted out of the PSAA national scheme, but found that Grant Thornton were awarded the tender and would have been the same company as had they used the Scheme.
- many of the public sector audit firms had an issue with retention of staff, as this area of audit presented a continual challenge.
- there was no appetite from other local authorities to join together to offer a tender, but there were with implications for each of the Councils, with an independent Audit Panel having to be set up alongside their Audit and Governance Committees to oversee the whole process.

- only Grant Thornton offered the public finance professional qualification of the Chartered Institute of Public Finance Accountancy (CIPFA) and the public sector specialism was not as transferable. Many entrants into audit wished to pursue the Institute of Chartered Accountants (ACA) route which offered greater employment opportunities. PSAA have signed more firms to undertake local authority audits which offered some future reassurance.
- the concern of the lack of External Auditors who offered a robust challenge was noted, but the Redmond Review had made a number of recommendations to Government, including the setting up of an independent regulator.

RECOMMENDED that Council approve that Exeter City Council opts into the national scheme for auditor appointments from April 2023, using Public Sector Audit Appointments Limited (PSAA).

75

EXTENSION OF THE APPOINTMENT OF THE COUNCIL'S TWO INDEPENDENT PERSONS

The report of the Director Corporate Services was presented which sought Members' consideration for the extension of the current term of office of the Council's Independent Persons, Professor Brian Kirby and Mr Ian Brooking. This would enable compliance with the principles set out in the Regulatory Framework of the Audit and Governance Committee and the provisions of Section 28(7) of the 2011 Localism Act 2011. Members were advised that there was a continuing obligation for the appointment of at least one 'Independent Person' whose views could be sought in the event of an investigation pertaining to the Members' Code of Conduct.

The Chair commented on the appointments and was advised that that there had only been male applicants for the post in more recent times.

In response to a Member's questions, the Director Corporate Services explained that the appointment for the Independent Persons was for four years, with no prescribed maximum term. She welcomed the comment on there being adequate succession planning to ensure there was always an experienced Independent Person. There had been little uptake when the positions became available, but the calibre of the Council's current Independent Persons was excellent. Both Professor Kirby and Mr Brooking had received the appropriate training over the years and were in regular contact to assist.

RECOMMENDED that Council approve that the term of office for Professor Brian Kirby and Mr Ian Brooking as the Council's Independent Persons, be extended for a further period of four years until the Meeting of Council on 24 February 2026, pursuant to Section 28(7) of the Localism Act 2011.

76

REVIEW OF CORPORATE GOVERNANCE RISK REGISTER

The Audit Manager (HK) presented the report and referred to the coordinating role in drawing the updated Corporate Risk Register together, to present to the Audit and Governance Committee. Following the quarterly review by the Strategic Management Board, (SMB) a proposed update on each risk was included in the appendix to the report. A new risk relating to the Exeter Liveable Programme had been added.

A Member asked if more consistent language could be used throughout the Risk Register in relation to the references to carbon neutral and Net Zero, which were different. The Audit Manager had spoken to the relevant Director and he agreed that

the consistent phrasing of Carbon Net Zero would be used in all such future communication.

In response to Members' questions, the Audit Manager and Director Finance explained:-

- Risk 1 - the Member's comment in relation to the header for the risk relating to St Sidwells Point (SSP) and the Bus & Coach Station would be passed to the relevant Director to ensure the information was updated.
- the financial benefits would be measurable once SSP was open and operating.
- the Risk Register was not an audit, although the Internal Audit Managers oversee the compilation of the Schedule, which feeds into the risk assessment, which underpins the Audit Plan.
- the Director Corporate Services stated that the contractor for SSP were paid when payments were required, with an assimilation of the accounts at the end of the contract when requested. The contractor would then identify any additional works requested by the Council and invoice accordingly. Legal discussions had centred around Covid related delays.
- Risk 3 - Exeter City Futures are a Community Interest Company, and it was not unusual for companies of that nature, delivering a purpose, and relying on external funding rather than an emphasis on profit had weaker accounts. This is an organisation that has been built up with some of the largest public sector organisations in the city and it presented an opportunity to work together to deliver one of the Council's highest objectives.
- Risk 4 - the Five year housing land supply position has improved from that set out in the 'Existing Mitigations and Controls' column of the Risk Register. The Council's latest Five Year Housing Supply Statement (dated September 2021 and referred to in the 'Notes' column of the Risk Register) concludes that the Council is currently able to demonstrate a housing supply of five years and five months. The Corporate Risk Register will be updated to reflect this position. In order to help maintain this healthy supply, it is important that the mitigations and controls set out in the Risk Register continue to be pursued. The Notes column highlights that developers are challenging the latest Five Year Supply position via appeals.
- Risk 8 - the Corporate Risk Register highlights significant risks to Members, in terms of either financial loss or reputational damage. The Government have awarded funding via Exeter City Council to Exeter City Futures to develop an Exeter City Fund proposal. This is currently not identified as a corporate risk and the City Fund proposal would be reported to Executive, with a business case made.

The Director Finance presented the following comments from the Chief Executive & Growth Director which were reported to the meeting in response to a Member's question on the transparency and accountability of the Exeter Liveable Place Board which was as follows: -

The Liveable Exeter Place Board was established in order to provide additional confidence on delivery of the programme, the Board does not replace the formal decision making processes. The Place Board sits outside the formal planning process. The City Council is the planning authority and decisions are taken through the planning process in public. The Place Board allows candid conversations between the city's institutions on matters associated with delivery of the programme. The key test for the programme is can it be delivered, this relates to viability and a raft of issues because it is a brownfield regeneration programme with challenging abnormal and infrastructure costs. Having all the key institutions around

a table to take collective responsibility for working with the Council to assist delivery of the Council's housing programme, is a major advantage in convincing a local plan inspector, that the city's organisations are working together on meaningful action to co-ordinate their investment plans to support the delivery of the overall programme. Open and frank conversations between the leaders of these organisations is important to help address barriers to delivery. The Board does not bind individual organisations, it is a Steering Board and not a decision making Board. In providing infrastructure in a timely fashion asset plans for infrastructure providers will need to be informed by regular dialogue and engendering confidence in our partners will be important. Having a Board that brings key organisations together is valuable, likewise having the most senior people around the table is a big advantage. An understanding of what it takes to get these leaders in the room and for them to spend significant time invested in the wider city agenda has shaped the way the Board has been put together.

The Director Finance made further clarifications on the following matters raised by a Member:-

- in respect of the proposed Exeter City Fund, it would be work that was being funded by Central Government to develop a concept of working together with others to develop housing at scale on Exeter's brownfield sites. There might be ambition to do work around some Council owned sites, but there was no commitment that this would be delivered through this proposed development fund and would require Council approval in any case.
- in response to the due diligence of Exeter City Futures and the possibility that the City Council could continue to be liable for any further losses, it was important to remember that Exeter City Council was one of seven constituent members and any support would be shared. The Director Corporate Services would discuss the Articles of the company with the Director of Finance.
- the Council's commitment to deliver Net Zero for the city by 2030 was at the core of every activity. The risk was about a whole commitment, and there was little benefit in dividing its delivery. It was important to wait until the Net Zero team were able to report back with an assessment of what and when we can deliver in our own areas of responsibility. The discussion at the recent Executive reiterated the significant challenges of delivering such a programme.

The Audit and Governance Committee reviewed and noted the updated Corporate Risk Register.

(The meeting commenced at 5.30 pm and closed at 6.55 pm)

Chair

EXETER STRATEGIC BOARD

Thursday 11 November 2021

Present:-

Councillors Atkinson, Aves, Barnes, Bialyk, Ghusain, Hannaford, Jobson, Prowse, Whitton, Williams and Wright

Also Present

Head of Communities and Democratic Services Officer (HB)

Also Present

Councillor John Hart, Leader Devon County Council

1 ELECTION OF CHAIR AND DEPUTY CHAIR

In accordance with the agreement that the Chairmanship and Deputy Chairmanship should alternate annually between the City and County Councils, it was:-

RESOLVED that:-

- (1) Councillor Bialyk be appointed Chair for 2021/22; and
- (2) Councillor Leadbetter be appointed Deputy Chair for 2021/22.

2 APOLOGIES

These were received from Councillors Adams, Asvachin and Leadbetter.

3 MINUTES OF THE MEETING HELD ON 12 NOVEMBER 2020

RESOLVED that the minutes of the meeting held on 12 November 2020 be taken as read, approved and signed by the Chair as correct.

4 DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

5 COUNCILLOR JOHN HART, LEADER DEVON COUNTY COUNCIL

The Chair welcomed Councillor John Hart, Leader of Devon County Council, who highlighted some of the key issues currently faced by the County Council:-

- a budget shortfall in the current financial year of £7 million but which it was anticipated would be reduced in the following months to achieve an overall balanced financial year end budget;
- huge financial pressures on the Council across adult and children services budgets and particularly in the SEND (Special Education Needs and Disability) budget;

- pressure on adult services with 330 care homes for 8,500 people, 2,500 supported by the County Council and 6,000 being fee payers, with a significant percentage spent on younger disabled people;
- current data shows Covid figures currently at 128 in hospital and 100 in intensive care but alongside a significant post pandemic surgery backlog. To improve delays in care and 'bed blocking' health services are working closer as part of the Integrated Care System initiative, with the County, with its voluntary partners, involved in preventative care, for which additional funding would be beneficial;
- Devon possesses an 8,000 mile highway network, of which approximately 5,000 miles are in a poor condition with little or no foundations, Exeter being in a comparatively better position as a result of new housing developments coming on stream. Decisions on highways fall to the local Highways and Traffic Orders Committees (HATOC's).

He responded as follows to Members' queries:-

- the County Council's vision for reducing car use and encouraging other forms of transport is set out in its Transport Strategy, Exeter benefitting from the commitment to improving the cycle network. Lockdown resulted in a notable increase in cycle use but with reduced bus usage. Caution is required to avoid pinch points creating difficulties for emergency vehicles. Government funding of Active Travel has been utilised to assist the reduction of traffic with a number of schemes across the city approved by Exeter HATOC;
- reflecting the ambitions of the Devon Climate Assembly, two new rail stations in Exeter have opened with a further station for Marsh Barton subject to necessary support from Network Rail. The opening of the Okehampton line could reduce traffic through the west of the city and consideration is being given to a station at Cullompton. There is a commitment to bring forward Park and Ride sites in the Science Park and Tuckers Garage areas;
- 400 electric car charging points are to be provided across Devon, with sites soon to be operational around the RD& E Hospital. Costs of the points vary according to speed of charging;
- the breakdown of the Greater Exeter Strategic Plan, mirrored the failure of a joint authority approach to sub regional planning in the Bristol, Gloucestershire, Somerset and Bath area;
- it is noted that Exeter, through Liveable Exeter, is fulfilling its role in future housing provision with its vision to provide 12,000 sustainable homes, largely on brown field sites. The GESP process identified 100 potential housing sites across its area and Districts are now separately going through the "call for sites" process and collaboration with neighbours remains important;
- the housing crisis is Devon wide and, whilst Exeter does not have the same holiday lets/Airbandb issue, the city also requires affordable homes and homes for key workers;
- issues around social care and the Children's Service are being addressed through staffing restructures and increased salaries, although recruitment of social workers is a nationwide problem; and
- to maintain Exeter's role as the County's economic powerhouse helping Devon to prosper, the identification of suitable development areas and associated plans within a formal collaboration framework was necessary to improve infrastructure and the development and upskilling of the workforce was also key. Although the employment rate was high, there remained significant shortages in many sectors. It was hoped to build on the success of the Exeter College Flybe Academy by developing a similar structure for the health sector, jointly with the University.

The Chair referred to the need to maintain footpaths and to push again for Government support for electric buses. He thanked Councillor Hart for attending.

6

TEAM DEVON AND GOVERNMENT ANNOUNCEMENT OF £9.3 MILLION INVESTMENT IN INNOVATION AND EMPLOYMENT PROJECTS ACROSS DEVON

The Board acknowledged the value of Team Devon (Leaders and Chief Executives) over the past two years which would help any future Devolution bid - the agenda for which was under review by the Secretary of State for Levelling Up, Housing and Communities. It was noted with disappointment that there had been no Government support for Devon to date through the Levelling Up process. However, of the 16 bids to the UK Community Renewal Fund, 13 had succeeded with 18 months to launch the supported projects. The £9.3 million allocation compared favourably with those given to Cornwall (£1 million), Torbay (£800,000) and Somerset (£3.6 million).

Devon County Council had co-ordinated the bid, inviting schemes from individual organisations, some being pan Devon. The chosen schemes would be discussed at the next Team Devon meeting.

The list of successful bids can be found in the link below:-

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1031148/UKCRF_successful_bids_list.ods

7

DATES OF FUTURE MEETINGS

The Chair requested Board Members to provide two week's advance notification of issues they would wish discussed at the January Board meeting.

The following dates of future Board meetings were noted, all commencing at 5.30pm.

Thursday 27 January 2022
Thursday 16 June 2022
Thursday 22 September 2022
Thursday 10 November 2022

(The meeting commenced at 5.30 pm and closed at 6.50 pm)

Chair

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EXECUTIVE

Tuesday 2 November 2021

Present:

Councillor Bialyk (Chair)

Councillors Wright, Foale, Ghusain, Harvey, Morse, Sutton, Williams and Wood

Apologies:

Councillors Leader and K. Mitchell (as opposition group Leaders)

In attendance:

Councillor D. Moore (as an opposition group Leader)

Also present:

Chief Executive & Growth Director, Corporate Manager – Executive Support, Service Lead
Legal Services, Service Lead - Environmental Health & Community Safety and Democratic
Services Officer (MD)

103

MINUTES

The minutes of the meeting held on 5 October 2021, were taken as read, approved and signed by the Chair as a correct record.

104

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

105

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

A member of the public, Mr Cleasby submitted the following question, related to Minute No. 106:-

- Does the Council agree that taking a more consistently open approach to disclosing information, such as a clear default position in favour of publication, would reduce the costs of the Council complying with the legislation?

The Council Leader responded that under its publication scheme and commitment to openness and transparency, the Council already openly disclosed a significant amount of information, which included more than 1,200 pages on its website. This was in addition to more than ten datasets, such as contracts, grants and expenditure over £500 that were published regularly under the Transparency Code. The costs of preparing that information, included redacting personal and commercially-sensitive information, were already significant and fixed.

The Council Leader explained that the Council held an existing commitment to openness and transparency, and that any information that was not published could be requested, and that the Council abided by the Information Commissioner's presumption in favour of disclosure. It was often the case that information requested under the Freedom of Information Act was not routinely published as it needed to be retrieved from various information systems and often in liaison with external parties.

Officers were then required to review the information to redact information that the Council was entitled to withhold on the basis of personal, commercially-sensitive, or legally-privileged exemptions. It was in the interest of the Council, its partners, residents and taxpayers to ensure that the Council did not breach other legislation,

such as the Data Protection Act 2018. There was a cost to that processing, regardless of when the information was published or the default position and the report presented at the meeting outlined what work was being undertaken to reduce the burden.

Mr Cleasby on putting a supplementary question enquired, whether the Council Leader would agree, that because the Council performance to information request responses was not 100%, would a change to the culture of openness and transparency with additional staff training, improve the response rate for requests for information?

The Council Leader responded that he was not in agreement.

106

REQUESTS FOR INFORMATION

The Executive received the report which provided an update on the available options for accessing Council held information, including the use of the Freedom of Information Act. The report provided a summary of the number and type of information requests received by the Council over the last three years, and how the requests were managed and their resource implications.

Councillor D. Moore, as an opposition leader, enquired on whether the Council would consider publishing Freedom of Information requests on the Council website, in a similar way to Devon County Council.

The Corporate Manager Executive Support explained that, although it was possible to publish a register of information requests, there would need to be a justification and evidence supporting a demand for a public register. Each information request required a tailored response, so the Council would have to address the benefit of publishing each request against available resources.

The Leader noted that the report had been brought to Members to raise awareness of the number of requests received, and their respective cost and resource implications.

Members welcomed the report and noted that there had been an increase in the number of Freedom of Information requests received and further noted that details reported in Council papers and minutes were already of a high transparency level. Residents could also contact Councillors, which could help alleviate the number of requests received and support officer time and resources.

RECOMMENDED that Council note the report.

107

THE EXETER ARTICLE 4 DIRECTION: HOUSES IN MULTIPLE OCCUPANCY - RESPONSE TO PETITION

RESOLVED that the item be deferred.

108

DRAFT STATEMENT OF GAMBLING POLICY 2021-2023

The Executive received the report on the Statement of Gambling Policy, which had a legal requirement to be reviewed every three years. The proposed updated Gambling Act 2005 Statement of Licensing Policy had been presented to the Licensing Committee at the meeting held on 14th September 2021 to agree sharing

the draft policy with the statutory consultees. A consultation for representations had been undertaken between 20 September and 20 October 2021. The Licensing Committee had considered the report at its meeting on 26 October 2021 and supported its adoption.

Particular reference was made to there being no national changes made to the policy, with the only changes being minor administrative amendments.

Members welcomed the report and noted that the policy allowed the Council to make its own requirements for gambling matters for the city.

RECOMMENDED that Council approves and adopts the updated Gambling Act 2005 Statement of Licensing Policy.

109

PROPOSED CONSULTATION ON VARYING THE PUBLIC SPACES PROTECTION ORDER

The Executive received the report which sought approval to commence a consultation on the draft proposals for amending the dispersal powers in Prohibition E of the Public Spaces Protection Order (PSPO), to address a continuance of certain anti-social behaviour in the city in recent years. Currently the PSPO could only disperse a group of two or more people for a maximum of six hours. The consultation would seek the views of residents to change the dispersal powers to include any individual for up to 24 hours.

The consultation period would run between 2 November and 31 December 2021 and a report would be presented to the Executive on 8 February 2022 and Council on 22 February 2022, ahead of the PSPO expiry date of 20 June 2022.

Councillor D. Moore, as an opposition leader, enquired for clarification, that the potential risks highlighted in the Equality Impact Assessment (EQIA), for those with mental health issues and homeless residents would be addressed and that there would be supplementary guidance provided for officers.

In response to the enquiry, the Service Lead – Environmental Health and Community Safety explained that guidance would be issued and reviewed

During the discussion, the following points were raised:-

- the eight week consultation period would allow appropriate time for the public to contribute to the consultation and address any concerns; and
- the consultation would be a proactive approach, which would be welcomed by residents who felt a sense of discomfort from antisocial behaviour.

RESOLVED that the Executive note and approve:-

- (1) the contents of the proposed variation of Prohibition E as detailed in Appendix A of the report;
- (2) a consultation to take place between 2 November and 31 December 2021, to obtain the views of the public and other stakeholders; and
- (3) a report to be presented to the Executive on 8 February 2022 and Council on 22 February 2022, with recommendations on whether to amend or seek continuance of the current Public Spaces Protection Order.

**REPRESENTATION AT COURT: SECTIONS 222 AND 223 LOCAL
GOVERNMENT ACT 1972**

The Service Lead Legal Services requested Member approval to authorise Chris Garlick and Max Murphy to represent the Council at the County and Magistrates' Courts. The two apprentices had joined the Council in 2015 and 2017 respectively, and had worked hard throughout their development as Apprentice Solicitors. Approval of the recommendations would provide them with the opportunity to further develop their legal skills in the Courts.

Members welcomed the recommendations, to enable the apprentice Solicitors to represent the Council on Court and noted that the apprenticeship scheme offered by the Council was continuing to provide opportunities for young people to develop their careers.

RESOLVED that in accordance with Section's 222 and 223 of the Local Government Act 1972, the following officers be authorised to represent the Council at the County and Magistrates' Courts:-

- Chris Garlick - Apprentice Solicitor; and
- Max Murphy - Apprentice Solicitor.

(The meeting commenced at 5.30 pm and closed at 5.58 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 14 December 2021.

EXECUTIVE

Tuesday 30 November 2021

Present:

Councillor Bialyk (Chair)

Councillors Wright, Foale, Ghusain, Harvey, Morse, Sutton, Williams and Wood

In attendance:

Councillor A. Leadbetter (as an opposition group Leader)

Councillor K. Mitchell (as an opposition group Leader)

Councillor D. Moore (as an opposition group Leader)

Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Director Corporate Services, Director Finance, Service Lead for Commercial and Procurement, Assistant Service Lead – Local Plan and Democratic Services Team Leader

In attendance:

Steve Barriball – Member of the Independent Remuneration Panel.

111

ALDERMAN JOAN RICHARDSON

The Chair passed on his condolences and respects, and those of Members, to the family of Alderman Joan Richardson, a former Mayor and Councillor at Exeter City Council, who had recently passed away. Recognition and tributes would be made to Alderman Richardson at the forthcoming Full Council meeting.

112

MINUTES

The minutes of the meeting held on 2 November 2021, were taken as read, approved and signed by the Chair as a correct record.

113

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

114

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

115

MEMBERS ALLOWANCES 2022/23

The Chair welcomed Steve Barriball, who was in attendance on behalf of the Chair of the Independent Remuneration Panel.

Steve Barriball presented the Council's Independent Remuneration Panel report relating to Members' Allowances for the period 2022/23. The Independent Remuneration Panel provided a review and guidance to the Council on a scheme of Members' Allowances and to make recommendations on the allowance to be paid to Members, following the legislation set out under the Local Authorities (Members' Allowances) (England) Regulations 2001 and 2003.

Members were referred to the recommendations in the report, with particular reference made to:-

- the current Members' Allowances scheme was recommended to be retained for 2022/23, having been carefully considered by the Independent Remuneration Panel;
- the Councillors' Basic and Special Responsibility Allowances, should be increased by 2.5%, with effect from 1 April 2022 to match the Local Government Employers (LGE) staff pay award for the previous year;
- travel and subsistence allowances would continue to be made available for Exeter City Councillors where appropriate;
- the Independent Remuneration Panel would convene again in 12 months to review the scheme of allowances; and
- thanks to the Corporate Manager Democratic and Civic Support and the Democratic Services Officer (SLS) for their help and support.

Councillor Leadbetter, as an opposition leader, enquired on the pay award increase for the previous year. The Council Leader in responding, stated that the report detailed the allowances for the forthcoming year.

The Chair thanked Steve Barriball and the Independent Remuneration Panel for their work and to Steve for attending the meeting.

RECOMMENDED to Council that:-

- (1) the basic structure and principles of the current Members' Allowances scheme be retained for 2022/23;
- (2) the principle that any Member qualifying for more than one Special Responsibility Allowance is paid the higher allowance only, be retained;
- (3) the Councillors' Basic and Special Responsibility Allowances, including the Lord Mayor and Deputy Lord Mayor's Expenses Allowances, should be linked and updated in line with the Local Government Employers (LGE) staff pay award for the previous year (a 2.5% increase in the annual Local Staff Pay Award was awarded by the Employers side for staff which was effective for staff from April 2021), and be uplifted by this amount with effect from 1 April 2022;
- (4) the principle that Special Responsibility Allowances be paid to no more than 50% of the overall number of Councillors be kept under review and adhered to where possible;
- (5) the current Dependants' Carers' Allowance scheme be maintained, with the continuation of the level of allowance matching the hourly Living Wage as applicable from April of each year (together with the retention of the uplift of the standard rate of income tax). In the case of Members who need specialist care for a child or adult dependant, a higher rate, of up to £25 per hour or part thereof, can be agreed by negotiation in advance with the Corporate Manager, Democratic and Civic Support;
- (6) the sum of £50 be paid to the Independent Persons affiliated to the Audit and Governance Committee for up to four hours work, and £100 for four hours and over, payable to each of the two Independent Persons (up to a maximum of £500 per person in any one year) be retained; and
- (7) the Travel and Subsistence allowances available for staff continue to apply to Exeter City Councillors, where appropriate.

116

CHANGES TO THE ROLE OF THE CHIEF EXECUTIVE & GROWTH DIRECTOR AND STRATEGIC MANAGEMENT BOARD

The Executive received the report which sought Member approval to enable the Chief Executive & Growth Director to lead Exeter City Futures Community Interest Company (CIC) for two days a week, to provide leadership on the Net Zero Exeter

2030 Plan, supported by the Director for Transformation, working three days a week. The proposed deployment would be for a 12 month period and the report highlighted the proposed changes in the Strategic Management Board reporting lines during this period.

The Chief Executive & Growth Director in presenting the report, reminded Members that the Council had set a Net Zero by 2030 target on behalf of the city, and had engaged with various institutions across the city, who had signed up to the 2040 vision and worked with the Council, as part of Exeter City Futures to publish a Net Zero 2030 to deliver the ambition. There would be a magnitude of work involved on a political, technical and financial level to address the methodology to achieve the goals, which included the retrofitting of private housing to meet the requirements of the low-carbon agenda.

Members noted that organisations across the area would need to be working in partnership on a regional level to address the issues for Exeter City Futures to achieve the Net Zero target. The Chief Executive & Growth Director and the Director for Transformation would be focussing on the priority actions identified in the report. These secondments would enable engagement with various partners to bring in resources to deliver the vision. The process would be reviewed in 12 months.

Particular reference was made to:-

- the key institutions who sit on the board of the Exeter City Futures, included the University of Exeter, Exeter College, Devon County Council, the Royal Devon & Exeter Hospital, Oxygen House and the City Council. All institutions would be working in partnership to deliver the Net Zero Agenda, with leadership from the Chief Executive & Growth Director; and
- there was a significant challenge to develop the funding and delivery mechanisms to implement the retrofit of the city's private housing stock.

Councillor D. Moore, as an opposition leader, spoke on the item, stating that in 2019, the United Nations called for a 7.6% reduction in greenhouse gas emissions each year between 2020 and 2030 to limit global warming to 1.5 degrees. Following on from the recently held COP26 (Conference of the Parties) climate change conference, it was stated that quicker and more timely efforts were needed. Councillor Moore welcomed the proposal but considered the report to be complex and was set apart from the goals to establish a carbon budget for Exeter as shown in the recommendations. She further considered that there was no risk analyses and sought clarification on how the report author reached the analysis of the risks outlined in Section 9 of the report and enquired on the following areas:-

- What assessment criteria regarding the impact of the secondments did the Council intend to use?
- What due diligence had the Council undertaken for Exeter City Futures and its capacity to deliver on its financial viability, governance arrangements and ability to recruit staff?
- With the 2019 accounts showing a loss and the current reliance of secondments to Exeter City Futures (ECF), what investment was being made from other members of ECF to fund the secondments?
- What would the impact be, to the Medium Term Financial Plan for the two secondments and to the quality of Council services?
- How did the Council intend to deal with governance and oversight of the work in relation to potential conflicts of interest?

- With Exeter City Futures working on a Government backed asset investment fund, Exeter City Council was expected to be a principal shareholder investing a significant portion of the £200million initial investment, will the seconded Officers focus on delivery of this project and how will the level of the Council's exposure to risk to be independently assessed?
- Should the Executive Committee be fully informed of the Exeter Development Fund and its associated risk before proceeding with the secondment?

The Leader in responding stated that the Chief Executive & Growth Director would be working with other organisations to encourage them to engage with their commitment to the Net Zero agenda. All details of the secondments would be managed through the Council's relevant departments as an internal matter. The Leader agreed that, although the secondments would have an impact on the Council, there were experienced officers available to manage the Council's work during the secondment period. Investments from various partners would be sought and the impact to the Medium Term Financial plan would be included in the Council's budget in February 2022. All decisions which impacted on Exeter City Council would continue to be reported to the Executive and be available for scrutiny by the relevant Scrutiny Committee.

During the discussion, the following points were raised:-

- risk assessments, governance and conflicts of interest would be managed appropriately to identify potential impacts to the Council and any required mitigation would be put in place;
- the report was a positive statement of the Council's leadership and a strong demonstration of its commitment to working with partners;
- the Council had previously undertaken a vast volume of work on the climate emergency and environmental issues, including work on the valley parks and greenspaces and energy efficient buildings, such as St Sidwell's Point;
- the outcomes listed in the report were important and it was important to have the right leadership and skills in place to achieve a carbon neutral city; and
- the report was transparent and outlined the secondment arrangements, which were reasonable to support the delivery of the net Zero carbon agenda.

The Leader in summarising referred to the other options listed in the report presented at the meeting, highlighting that there was no statutory obligation to lead a city wide Net Zero agenda and the Council could solely focus on the carbon emissions from their organisation. There had been frequent requests to appoint a dedicated officer to lead on the Net Zero agenda, which the secondment of the Chief Executive & Growth Director would demonstrate the Council's focus on delivering Net Zero with experienced leadership. The Leader thanked the Director Finance for preparing the emergency budget to allocate the funds needed to undertake the work and enable the Chief Executive & Growth Director to lead on the work and engage with partners.

Members welcomed the report, which provided an overview for a new chapter for Exeter City Futures and highlighted how the Council will lead on the Climate Emergency and implement changes that would be needed to achieve the Net Zero target.

RECOMMENDED that Council:-

- (1) approve the secondment of the Chief Executive & Growth Director for two days per week to head up the work of Exeter City Futures CIC in support of the Net Zero Exeter 2030 Plan, commencing on 2 January 2022;

- (2) approve the secondment of the Director of Transformation for up to three days per week to Exeter City Futures CIC, to design and lead the programme of change in support of the Net Zero Exeter 2030 goal, commencing on 2 January 2022;
- (3) agree to the review of the secondment arrangements in 12 months;
- (4) approve the commission of additional work to establish a carbon budget for the City of Exeter to show the baseline position for the city, the various city sectors who contribute to carbon emissions, the targets to achieve Net Zero and the carbon emission implications in pursuing the proposals, as set out in the Net Zero Plan;
- (5) note the changes to the Strategic Management Board reporting lines; and
- (6) request that Strata Service Solutions Ltd consider amending its constitution to allow for the officer representation on its Joint Executive Committee to be the Chief Executive or his nominee of the three constituent authorities (rather than the Chief Executive).

117

**THE EXETER ARTICLE 4 DIRECTION: HOUSES IN MULTIPLE OCCUPANCY.
RESPONSE TO A RECENT PETITION**

The Executive received the report on the Exeter Article 4 Direction for Houses in Multiple Occupancy (HMO), following the receipt of a petition at the meeting of the Council on 21 July 2021. The petition requested an extension of the Article 4 restrictions for HMO's to the remainder of the Sylvan Road, Sylvan Avenue and Moorview Close areas. In line with the Council's petition scheme, a report had been brought to the Executive for further consideration.

The Portfolio Holder for City Development moved an amendment to the recommendations as follows:-

2.2 to recognise the continued commitment to preparing the Local Plan to the agreed timescales whilst in parallel identifying additional resources to support a review of the Article 4 Direction.

It was explained that the reason for the proposed amendment followed meetings held with residents and Members to understand their concerns.

The Leader invited the petition organiser, Mr John Danvers to speak on this matter. Mr Danvers thanked the Executive for the opportunity to speak and to the Leader for the proposed amendments to the recommendations. He explained that he was representing 150 residents of Sylvan Road, the surrounding streets in the Pennsylvania Ward and of the signatories of the petition. In June 2021, a letter was submitted to the Planning Department requesting changes to the current Article 4 Direction. A petition was submitted on 8 July 2021, followed by a revised letter to support the petition. Following productive discussions with Councillors, the Leader and Deputy Leader, residents had been contacted by a growing number of concerned residents and had gathered additional evidence to support the original request to review the Article 4 Direction on the conversion of family homes into HMO's and student accommodation.

It was explained that residents would be submitting another letter containing the updated evidence, highlighting the concerns of residents on how communities in north Pennsylvania were being affected by the frequent conversions, some of which

did not appear on the Council register. Mr Danvers highlighted that in 2016 there was just one HMO in north Pennsylvania and now there were more than 14. Local residents had reported incidents of landlords and tenants, who had made life miserable for their neighbours. The community value for the area was being affected by excessive noise, litter, antisocial behaviour with an increase to the number of cars, impacting the wider community.

The increase in the number of HMO's had reduced the available number of houses available for younger families. Mr Danvers concluded by highlighting that residents did not have any issues with students and acknowledged that most were well behaved, however there was a small minority that had adversely impacted the community area. Many residents felt that there was an indifference from the Council and University and requested that their concerns be taken seriously with consultation and engagement to resolve the concerns. It was requested that the Council immediately engage in a full consultation process on the conversion of future homes into HMO's in Pennsylvania and to review all plans for citywide student homes and HMO's with the inclusion of a buffer zone around any Article 4 areas.

The Chair thanked Mr Danvers for attending the meeting.

The Deputy Chief Executive presented the report and recognised the concerns of residents in the affected area and the issues that had been raised. The report highlighted that officers, to date, were unable to find sufficient evidence to undertake a review of the Article 4 provisions in the area, but more in-depth work would be needed to fully explore this issue. Due to the focus on delivering the new Local Plan to the agreed timescale, it was not possible to resource a full review of the Article Four area. The proposed amendments would allow officers to develop a costed proposal to undertake a review, which would be presented to Members for their approval and to agree the resources required.

Councillor K. Mitchell, as an opposition leader, welcomed the proposed amendment to the recommendations and sought clarification on whether the changes to Article 4 Direction would include other areas in the city. The Leader in responding confirmed that additional resources would be for a review of the overall Article 4 Direction.

During the discussion the following points were raised:-

- the acknowledgment that there was a balance to be struck between the passion of the community and available resources;
- any responses from residents would be carefully considered and analysed by officers;
- the comments provided by Mr Danvers and residents' views were welcomed but there was a challenge for the Council, to also house students, particularly with the University population increasing each year and that a balance was needed to be achieved; and
- there had been productive meetings between Ward Councillors, the Leader and Deputy Leader, which highlighted that there was no indifference to residents' views or to addressing the implications of undertaking a review.

The Portfolio Holder for City Development in summarising the amendment, thanked officers for the work included in the report and welcomed the fact that there was no risk to the timescale for developing the Local Plan.

Following the discussion, Councillor Bialyk moved and was seconded by Councillor Wright to amend the recommendations in the report to include the proposed amendment, which were moved and voted for unanimously.

RECOMMENDED that Council:-

- (1) note the content of the petition and the concerns raised regarding the potential impacts of Houses in Multiple Occupation on the local community; and
- (2) recognise the continued commitment to preparing the Local Plan to the agreed timescales whilst identifying additional resources to support a review of the Article 4 Direction.

118 **OVERVIEW OF GENERAL FUND REVENUE BUDGET 2021/22 - QUARTER 2**

The Executive received the report on the overall financial position of the General Fund Revenue Budgets for the 2021/22 financial year after six months.

Particular reference was made to:-

- the planned take from the General Fund working balance was expected to be around £550,000 lower than what was anticipated;
- there was a projected income loss of £2.4 million mainly in car parking, entertainment and visitor facilities, which was due to the slow recovery from the impact of the Pandemic;
- the projected underspend on certain services was caused by resource issues and global supply chain shortages. There would likely be requests for supplementary budget revisions at the end of the financial year, which would be transferred from earmarked reserves to meet the requests; and
- the supplementary budgets listed in Section 8.11 of the report would be funded through Government Grant and the request for £5,000 for the Community Grants for the Neighbourhood CIL would be funded from the General Fund balance.

RECOMMENDED that Council notes and approves (where applicable):-

- (1) the General Fund forecast financial position for the 2021 financial year;
- (2) the supplementary budgets as detailed in paragraph 8.11 of the report;
- (3) the outstanding Sundry Debt position as at September 2021; and
- (4) the creditors payments performance.

119 **2021/22 GENERAL FUND CAPITAL MONITORING STATEMENT - QUARTER 2**

The Executive received the report on the current position of the Council's revised annual Capital Monitoring programme and the anticipated level of deferred expenditure into future years. The report also sought approval to amend the annual capital programme in order to reflect the reported variations.

Particular reference was made to:-

- the Council had spent £9.694 million of the £106.986 million revised capital programme during the first six months, which was lower than the previous year;
- there were continued issues in the construction sector impacting on the supply of materials and labour, which was likely to continue impacting the programme for some time resulting in a deferral of schemes; and
- an additional £6,391,470 funding from Central Government had been received for the brownfield land release projects and would be used for work at Bonhay

Meadows, Exeter Canal Basin, Mary Arches Car Park, Belle Isle, Cathedral & Quay Car Park and Clifton Hill.

A Member commented on the solar panel installation work for the Riverside Leisure Centre roof, which further highlighted the Council's commitment to achieving the Net Zero ambition.

RECOMMENDED that Council approve:-

- (1) the revision of the annual Capital Programme to reflect the reported variations detailed in 8.1 and Appendix 1 of the report; and
- (2) the additional budget detailed in 8.6 of the report.

120

2021/22 HRA BUDGET MONITORING REPORT - QUARTER 2

The Executive received the report on the financial position of the HRA Revenue and Capital Budgets for the 2021/22 financial year after six months and on the reported budgetary over/under-spends. The report further highlighted areas of risk to inform Members where budgets had been identified as vulnerable to circumstances beyond the Council's control, resulting in potential deviations from budget.

RECOMMENDED that Council approves (where applicable):-

- (1) the HRA forecast financial position for 2021/22 financial year; and
- (2) the revision of the HRA Capital Programme to reflect the reported variations detailed in Appendix 4 of the report.

121

TREASURY MANAGEMENT 2021/22 HALF YEAR UPDATE

The Executive received the half year report on the current Treasury Management performance for the 2021/22 financial year and an overview of investments and borrowings at 30 September 2021.

Particular reference was made to the current low interest rates and the potential for the interest rates to be increased.

RECOMMENDED that Council note the Treasury Management report for the first six months of the 2021/22 financial year.

122

UPDATES TO PROCUREMENT AND CONTRACT PROCEDURES

The Executive received the report on updating the procurement contract procedures to ensure that the Council's procedure rules were up to date to ensure full transparency for public resources and that the roles and accountabilities were correct.

Particular reference was made to:-

- changes to the references for the Official Journal of the European Union (OJEU) had been changed following the EU Exit to the Government Procurement Agreement (GPA);
- the inclusion of updates to the 2021 subsidy control bill;
- the inclusion of the provision to reserve below threshold procurements to suppliers by location and for SMEs/ VCSEs;
- the exemption form captured all contracts directly awarded by the Council; and

- general administrative amendments that had been made to reflect changes to job titles and web links.

RECOMMENDED that Council approve:-

- (1) the revised Procurement and Contract Procedures in Appendix A of the report;
- (2) the revised Procedural Note – Exemptions in Appendix B of the report; and
- (3) the authorisation for the Director Finance in conjunction with the relevant Portfolio Holder to make minor changes to the Contract Procedure Rules as defined below and that any changes be reported to Members as part of the wider update on progress:

- Changes in statutory framework, such as references to new or updated legislation;
- Changes in titles, names or terminology; and
- Changes consequential to other constitutional changes already made.

(The meeting commenced at 5.30 pm and closed at 6.40 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 14 December 2021.

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