



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 18 JULY 2023**, at 6.00 pm, at which you are hereby summoned to attend.

The meeting will be live streamed on YouTube.

[Democratic Meetings - YouTube](#)

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Manager on 01392 265477.

The following business is proposed to be transacted:-

	Pages
1 Minutes	
To approve and sign the minutes of the Ordinary Meeting held on 18 April 2023 and of the Annual Meeting held on 16 May 2023.	3 - 22
2 Official Communications	
3 Public Questions	
Details of questions should be notified to the Democratic Services Manager at least three working days prior to the meeting - by 10am on Thursday 13 July 2023. 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 - 25 May 2023	23 - 44
5 Planning Committee - 12 June 2023	45 - 48
6 Planning Committee - 19 June 2023	49 - 60
7 Strategic Scrutiny Committee - 22 June 2023	61 - 68
8 Customer Focus Scrutiny Committee - 29 June 2023	69 - 78
9 Harbour Board - 17 April 2023	79 - 84
10 Executive - 6 June 2023	85 - 92
11 Executive - 27 June 2023	93 - 108

12 Committee Appointments

To appoint Councillor Asvachin as Deputy Chair of the Planning Committee.

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

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

Date: Monday 10 July 2023

Bindu Arjoon
Chief Executive

COUNCIL

Tuesday 18 April 2023

Present:-

The Right Worshipful the Lord Mayor Councillor Mrs Yolonda Henson (Chair)
Councillors Allcock, Asvachin, Atkinson, Bennett, Bialyk, Branston, Denning, Ellis-Jones, Foale, Ghusain, Hannaford, Harvey, Holland, Jobson, Knott, Leadbetter, Lights, Mitchell, K, Mitchell, M, Moore, D, Moore, J, Morse, Packham, Parkhouse, Pearce, Read, Snow, Sparling, Sutton, Vizard, Wardle, Warwick, Williams, Wood and Wright

19

BINDU ARJOON

The Lord Mayor welcomed Bindu Arjoon who was attending her first meeting in her capacity as the recently appointment Chief Executive.

20

MINUTES

The minutes of the Extraordinary and Ordinary meetings of the Council held on 21 February 2023 and of the Extraordinary meeting held on 13 March 2023 were moved by the Leader, seconded by the Deputy Leader, Councillor Wright, taken as read, approved and signed as correct.

21

APOLOGIES

Apologies for absence were received from Councillors Newby, Oliver and Rees.

22

APPOINTMENT OF RECORDER

RESOLVED that Her Honour Judge Anna Richardson be formally installed as Recorder of the City.

Her Honour Judge Richardson welcomed her appointment and returned thanks.

23

OFFICIAL COMMUNICATIONS

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

- the North Devon District Council Civic Service on 26 February 2023;
- the opening on 26 February 2023 of Pym Court in Topsham which would offer extra care accommodation in a retirement housing development;
- the John Stiles charity evening for the Lord Mayor's Charity, the Exeter Dementia Action Alliance, on 8 March 2023;
- the Exeter Philharmonic Choir's Concert at Exeter Cathedral on 18 March 2023;
- a Long Service and Good Conduct Medal ceremony for Corporal Key from the 243 Wessex Field Hospital on 22 March 2023;
- the 80th anniversary commemorative event at Higher Cemetery on 28 March 2023 for the last flight of Mosquito flight number DZ301, with the grandson of the pilot, Squadron Leader Jan Michalowski, also attending;
- the opening of Topsham Pool for its 2023 season on 7 April 2023 and presenting the Lord Mayor's Commendation to Pool Committee Member, Derek

Whitingham, in recognition of his 40 years of service to Topsham and the surrounding community; and

- a charity event at Sandy Park for Parkinson's UK and Parkinson's South West Walking football on 14 April 2023. The Comedy writer Paul Mayhew-Archer MBE who has Parkinson's disease, but was best known for his work on the Vicar of Dibley and Four Weddings and a Funeral, had performed his "Incurable Optimist" show about the therapeutic power of comedy and laughter.

24

PUBLIC QUESTIONS

The Lord Mayor reported the receipt of a question from a member of the public.

Question from Peter Cleasby to Councillor Bialyk, Leader.

National guidance issued by the Local Government Association's Planning Advisory Service (LGA/PAS) states that the Leader and the Portfolio Holder for development should normally exclude themselves from the Planning Committee to avoid the perception of conflicts of interests and predisposition. Why does the Leader not apply this guidance in Exeter?

Response

Exeter City Council ensures that all decisions on plan making and planning applications are undertaken, on behalf of communities, in a fair, impartial and transparent way. The LGA/PAS 2019 guidance was an update to the 2013 version of the Local Government Association's 'Probity in Planning' document. This guide had been written for officers and Councillors involved in making planning decisions in their local authority. Whilst local authorities should have regard to it, the provisions are not mandatory.

It was a matter for the Leaders of the various political groups represented on the Council to identify members of their groups for membership of all committees, including the Planning Committee, in accordance with the statutory requirement for political proportionality. The Leader of the Council would continue to identify the relevant number of Members from his Group to sit on the Planning Committee. Matters he will take into consideration, include avoiding predetermination and the impression of it.

Mr Cleasby asked a supplementary question as to why the Council felt that it was so exceptional that it did not need to follow national guidance?

The Leader, in responding, stated that it was a matter for each Group Leader to decide who to appoint to a Committee and that he was not legally obliged to follow national guidance.

25

PLANNING COMMITTEE - 8 FEBRUARY 2023

The minutes of the Planning Committee of 8 February 2023 were presented by the Chair, Councillor Morse, and taken as read.

In respect of **Minute No. 3 (Planning Application No. 22/0537/OUT - Land at St. Bridget Nursery, Exeter)**, the Portfolio Holder for City Development, in response to a Member's question, advised that the City Council was not the Highways Authority and that the Planning Committee relied on the advice of Devon County Council as the Highways Authority when determining planning applications.

In respect of **Minute No. 4 (Planning Application No. 21/1014/FUL - 68-72 Howell Road, Exeter)**, the Portfolio Holder for City Development, in response to a Member's question, advised that the next stage of the Exeter Plan would include a definition of balanced communities.

RESOLVED that the minutes of the Planning Committee held on 8 February 2023 be received.

26

PLANNING COMMITTEE - 20 FEBRUARY 2023

The minutes of the Planning Committee of 20 February 2023 were presented by the Chair, Councillor Morse, and taken as read.

RESOLVED that the minutes of the Planning Committee held on 20 February 2023 be received.

27

PLANNING COMMITTEE - 27 MARCH 2023

The minutes of the Planning Committee of 27 March 2023 were presented by the Chair, Councillor Morse, and taken as read.

In respect of **Minute No. 20 (Planning Application No. 22/1454/RES - Land at Aldens Farm West, Shillingford Road, Exeter)**, the Portfolio Holder for City Development, in response to a Member's question, advised that it was for each developer to determine the level of public consultation in respect of their planning applications and that it was not a matter for the Portfolio Holder to provide guidance on this matter.

RESOLVED that the minutes of the Planning Committee held on 27 March 2023 be received.

28

LICENSING COMMITTEE - 21 MARCH 2023

The minutes of the Licensing Committee of 21 March 2023 were presented by the Chair, Councillor Foale, and taken as read.

RESOLVED that the minutes of the Licensing Committee held on 21 March 2023 be received.

29

STRATEGIC SCRUTINY COMMITTEE - 16 MARCH 2023

The minutes of the Strategic Scrutiny Committee of 16 March 2023 were presented by the Chair, Councillor Hannaford, and taken as read.

In respect of **Minute No. 46 (Live and Move Programme Update)**, the Portfolio Holder for City Development, in response to a Member's question, agreed to circulate the Planning Team's response to Devon County Council's consultation on its local cycling and walking infrastructure plan.

RESOLVED that the minutes of the Strategic Scrutiny Committee held on 16 March 2023 be received.

30

CUSTOMER FOCUS SCRUTINY COMMITTEE - 30 MARCH 2023

The minutes of the Customer Focus Scrutiny Committee of 30 March 2023 were presented by the Chair, Councillor Vizard, and taken as read.

In respect of **Minute No. 12 (Questions from Members of the Council under Standing Order No. 20)**, the Chair, in response to a Member's question, agreed that the system of ward grants was an important part of the Council's offer to communities. The Portfolio Holder for Communities and Homelessness Prevention, confirmed that the system of ward grants was continuing and that £39,000 had been allocated for this financial year.

In respect of **Minute No. 13 (Update from the Portfolio Holder for Customer Services and Council Housing - Councillor Denning)**, the Portfolio Holder for Customer Services and Council Housing, in response to a Member's question, advised that the Council's retrofitting programme was an important priority and that there was interest from residents who were not Council tenants but lived in those blocks where retrofitting had occurred to also benefit from these works. Going forward therefore, it would be possible for this work to be undertaken for non-Council tenants in blocks identified for future retrofit programmes.

RESOLVED that the minutes of the Customer Focus Scrutiny Committee held on 30 March 2023 be received.

31

AUDIT AND GOVERNANCE COMMITTEE - 8 MARCH 2023

The minutes of the Audit and Governance Committee of 8 March 2023 were presented by the Chair, Councillor Wardle, and taken as read.

In respect of **Minute No. 37 (Code of Corporate Governance 2023/24)**, the Chair moved and Councillor D. Moore seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 38 (Members' Code of Conduct)**, the Deputy Chair clarified the part of the minute which referred to the amendment to the latest version of the Nolan Principles by highlighting the reference in this version to treating others with respect and stating that this was being added to the leadership principles.

The Chair moved and Councillor D. Moore seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 40 (Amendments to the Constitution - Officers Code of Conduct)**, the Chair moved and Councillor D. Moore seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 42 (Anti-Money Laundering Policy)**, the Chair moved and Councillor D. Moore seconded the recommendation and following a vote, the recommendation was carried unanimously.

RESOLVED that the minutes of the Audit and Governance Committee held on 8 March 2023 be received and, where appropriate, adopted.

32

EXECUTIVE - 28 FEBRUARY 2023

The minutes of the Executive of 28 February 2023 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 36 (Eddie Lopez)**, the Leader, referring to the recent passing of Eddie Lopez, the former Labour Party organiser, stated that he was known to all political parties and that he would be sadly missed.

In respect of **Minute No. 37 (Appointment of two Directors to the Board of Exeter City Living)**, the Leader, in response to a Member's question, stated that it was important to progress the review of the governance arrangements of Exeter City Living as quickly as possible and to report back to Council.

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

In respect of **Minute No. 38 (Review of the Article 4 Direction and Houses in Multiple Occupation Supplementary Planning Document)**, the Leader, in response to a Member's question, and in respect of the consultant's report on future options for reviewing the Article 4 Direction, noted that the residents of Pennsylvania and Duryard and St James had welcomed the review. It was the intention to consult on Option 2 as the preferred option for the future of the Direction.

In respect of **Minute No. 39 (Council Consultation Response to the Proposed Submission Version of the Teignbridge Local Plan)**, the Leader, in response to a Member's question, advised that the City Council had submitted a response to the consultation on the proposed submission version of the Teignbridge Local Plan.

The Portfolio Holder for City Development, in response to a Member's question, agreed that it was regrettable that developments were being brought forward in both Alphington and Pinhoe on the edges of the city outside its boundary, as there would be an adverse impact on the city's infrastructure.

In respect of **Minute No. 40 (Lord Mayoralty)**, the Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried unanimously.

RESOLVED that the minutes of the Executive held on 28 February 2023 be received and, where appropriate, adopted.

33

EXECUTIVE - 4 APRIL 2023

The minutes of the Executive of 4 April 2023 were presented by the Leader, Councillor Bialyk, and taken as read.

In respect of **Minute No. 45 (Overview of General Fund Revenue Budget 2022/23 - Quarter 3)**, the Leader, in response to a Member's questions, advised that:-

- the demolition of the old Bus Station would be going ahead; and
- the retrofitting of Council properties was an important part of Council policy and the Council would continue to seek to offer retrofitting to the private sector wherever possible.

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

In respect of **Minute No. 46 (2022/23 General Fund Capital Monitoring Statement - Quarter 3)** the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 47 (2022/23 HRA Budget Monitoring Report - Quarter 3)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried.

In respect of **Minute No. 48 (Council Tax Support Fund 2023/24)** the Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 49 (General Grants Policy)**, the Leader, in response to a Member's question, advised that the General Grants policy was separate to, but worked alongside, the Exeter Community Grants Programme, and was predicated on the Council offering, from time to time, grants to organisations which contributed to the achievement of priorities set out in the Corporate Plan.

When such projects were identified, they would be reported to Executive and Council for approval. There was no intention to stop ward grants for communities and this year's budget for this purpose was £39,000.

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

In respect of **Minute No. 50 (Amendments to the Financial Regulations and Procurement Contract Procedure Rules)**, the Leader moved and Councillor Wright seconded the recommendations and following a vote, the recommendations were carried unanimously.

In respect of **Minute No. 51 (Amendments to the Constitution)**, the Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 53 (Report of the Plant Based Food Task and Finish Group)**, the Leader, in response to a Member's suggestion that the Task and Finish Group could be asked to further examine the policy with a view to identifying areas for strengthening, advised that he would consult with the Portfolio Holder for Climate Change on the potential for improving the proposals of the Task and Finish Group. As such, if any issues emerged as the recommendations were progressed in the coming months, it could be appropriate for the Task and Finish Group to re-convene and report back to Council.

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

In respect of **Minute No. 54 (Financial Assistance Policy for the Better Care Fund)**, the Leader moved and Councillor Wright seconded the recommendation and following a vote, the recommendation was carried unanimously.

In respect of **Minute No. 55 (Proposal to Establish an Oversight Panel to Monitor the Royal Albert Memorial Museum and Art Gallery's Delivery Against the Funding Agreement Made Between Exeter City Council and Arts Council England for Period 2023-26)**, the Leader moved and Councillor Wright seconded

the recommendations and following a vote, the recommendations were carried unanimously.

RESOLVED that the minutes of the Executive held on 4 April 2023 be received and, where appropriate, adopted.

34

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

Councillor Sparling, seconded by Councillor Read, moved a Notice of Motion in the following terms:-

Ethical and Low Carbon Advertising Policy Motion

This Council notes:

- That it is possible for local authorities to implement advertising policies against specific products if they consider them to be harmful to the amenity of an area. This Council notes that the Greater London Authority (GLA), which controls Transport for London (TFL) property, was able to enact a Healthier Food Advertising Policy in 2018 prohibiting High Fat, Sugar or Salt (HFSS) food advertising on TFL property.
- That the continued paid promotion of activities or products that are potentially harmful to mental or physical health or the environment, such as junk food, gambling, alcohol or high carbon products (including cars, fossil fuel companies and airlines and airports), are very common across a variety of out-of-home advertising media.
- That statistical evidence shows how exposure to advertising increases consumption of advertised goods and services and, where these are carbon intensive, higher consumption takes us further away from Net Zero. However, a ban on advertising for unhealthy food across the Transport for London network resulted in a drop in household purchases of unhealthy food and drink, preventing 100,000 obesity cases with an expected saving to the NHS of £200 million.
- That advertising prohibitions and restrictions already exist regarding all tobacco products and e-cigarettes, guns and offensive weapons, breath testing and products designed to mask the effects of alcohol, 'pyramid schemes', as well as other rules regarding marketing to children, HFSS products, medical and health claims, religion and financial products.
- That many advertising companies are switching to digital boards that allows them to sell many more advertising slots, however, these digital boards consume huge amounts of unnecessary energy. A double-sided digital bus stop advertising screen uses four times the electricity of an average British home whilst a digital billboard can use eleven times the energy of an average British home (<https://adfreecities.org.uk/2019/11/the-electricity-cost-of-digital-adverts>).
- The bright illumination of digital billboards at night has a detrimental effect on local wildlife, in direct opposition to the Ecological Emergency declared by this Council.
- That the purpose of advertising is to stimulate demand for goods and services, most of which are national and international brands, not local businesses, with limited benefits to the local economy.
- That some advertising content undermines the Council's objectives regarding air pollution and sustainable consumption. For example: petrol and diesel car adverts (especially for Sports Utility Vehicles) undermine air quality objectives, airline advertising undermines carbon emission targets and, whilst this Council

is not the local health authority, HFSS products undermine the health of Exeter's residents.

- That banning advertising for certain products is not the same as banning the products themselves.

This Council resolves to:

- (1) To develop and implement an Ethical Advertising Policy as part of the Council's planning policies, to apply to bus stops, billboards and advertising spaces within the jurisdiction of the local planning area and embed this within the Local Plan. This policy would then be used to set targets, expectations or restrictions on all advertising in the city that interacts with the Council's objectives on public health, air pollution, climate change and more sustainable consumption and to ascertain which companies and products the Council wishes to associate itself with and support, including local businesses, and ban harmful products, companies or services from being advertised on Council owned land, in our communications, or from sponsoring council organised events.
- (2) To review any Advertising Concession Agreements to investigate the possibility of amending the current set of prohibitions and restrictions to include products and services that contribute to climate change and air pollution. Should this not be possible, to begin work on a new agreement for when any such agreements are next renewed.
- (3) To adopt a presumption against planning permission for all new digital advertising screens in the City due to the high energy use of these technologies.
- (4) Embed these low carbon advertising principles within the Local Plan, including the requirement to switch off digital screens at night.
- (5) Write to the Secretary of State for Digital, Culture, Media and Sport, asking for a ban on such forms of unethical advertising nationally.
- (6) Write to the Secretary of State for Levelling Up, Housing and Communities asking for reforms to Planning Guidance on outdoor advertising to take into account the unique problems with energy-intensive digital billboards.

The Leader proposed an amendment that, in accordance with Standing Order 6 (5), this Motion be referred to the appropriate Scrutiny Committee and then reported to Council in due course. Councillor Wright seconded the amendment.

A Member, in supporting the amendment, suggested that Devon County Council be involved in the review because of their contract with Adshell, the providers of the digital advertising screens in bus shelters and to involve the Exeter Highways and Traffic Orders Committee.

Councillor Sparling supported the amendment.

The amendment was voted upon and CARRIED unanimously.

The amendment accordingly became the substantive motion and, following a vote, the Notice of Motion, as amended, was CARRIED unanimously.

RECOMMENDED that this Motion be referred to the Strategic Scrutiny Committee for a report and then be brought back to Council in due course.

35

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 D. Moore to the Leader

With regards to the crèche at St. Sidwell's Point:

A Was the Equality Impact Assessment prepared for the closure of the crèche based on the actual users of the facility over the period it had been in operation or was it a theoretical desk based exercise?

Response

The Portfolio Holder for Leisure Services and Physical Activity reported that in order to comply with the general duty of the act, authorities must assess the impact on equality of decisions, policies and practices. The aim of this particular Equality Impact Assessment was to review the impact that closing the crèche facility at St. Sidwell's Point Leisure Centre may have on groups and individuals with protected characteristics. The review did not prevent the authority from reducing or changing services where necessary.

B How much did that assessment cost to prepare?

Response

It was carried out by officers of the Council at no additional cost.

C What is the projected annual net income expected from alternative uses from the crèche room?

Response

Staffing changes across leisure were still taking place and the work needed to be completed before any alternative operational date is set.

Councillor D. Moore, asked a supplementary question as to whether the Equality Impact Assessment had been based on the views of the users of the facility when it had been open or if it had been a theoretical desk based exercise?

The Portfolio Holder for Leisure Services and Physical Activity responded that it was not appropriate, or usual, when undertaking an Equality Impact Assessment to ask each user of any protected characteristics they may have. The review did not prevent the authority from reducing or changing services where necessary.

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

In light of the risks posed by unexploded ordnance, what action will the Portfolio Holder take to prevent magnet fishing in the Exe?

Response

The Portfolio Holder for Recycling, Waste Management and Waterways reported that the River Exe was designated as a main river and, as such, the Environment Agency were the responsible management authority. Exeter City Council had no powers to prevent any lawful use of the river. She advised that, unlike normal fishing, magnet fishing did not require a rod licence and she was not aware of any other forms or legislation which govern or regulate this past time. There were rules which applied to canals managed by the Rivers and Canal Trust but these did not apply.

Magnet fishing had many benefits, the main one being the clearance of metallic debris from waterways including cycles, scaffold poles, fencing barriers, shopping trollies and motorbikes making the waterways safer for all users. Those groups contacted had found two items of unexploded ordnance in the last two years. One was a hand grenade and the other was an artillery round (which turned out to be an inert training round). On both occasions, the groups cordoned off the area, called the Police and the items were taken away for disposal.

While the City Council had no powers to prevent this activity or to regulate it, it planned to work with the active groups in the area to develop a code of conduct. This could also be agreed with the Exe Estuary Partnership to give consistency and wider coverage.

Councillor D. Moore, asked a supplementary question as to whether the issues could be raised with the Environment Agency?

The Portfolio Holder for Recycling, Waste Management and Waterways agreed to raise the issues with the Environment Agency.

In accordance with Standing Order No. 8, the following question was put by Councillor D. Moore to the Portfolio Holder for Climate Change

At the Council meeting of 13 December 2022 Council agreed for the Portfolio Holder for Climate Change “to ask to open urgent and meaningful negotiations with the County Council on Transport and the 2050 target to develop a supportive policy context for the City of Exeter Net Zero plans”.

Please can the Portfolio Holder provide an update to Council about the response to that ‘ask’ and progress on any discussion thereafter?

The Portfolio Holder for Climate Change stated that there had been a business as usual communication on a number of transport related projects, but the budget setting process at both Exeter City Council and Devon County Council had been very challenging, and the pre-election period had made organising specific transport related meetings, since the December Council, difficult. A meeting to discuss the differing Net Zero targets and the contribution of transport would be arranged following the May Local Elections.

RETIRING COUNCILLORS

The Lord Mayor announced that Councillors Ghusain, Oliver, J. Moore, Packham and Sutton would be standing down at the forthcoming Local Government elections on 4 May 2023. She thanked them all on behalf of her fellow Members for their hard work and achievements as Councillors and their service to the residents of Exeter. She wished them well for the future.

She also stated that, other than the Annual Meeting, this would be her last meeting as Lord Mayor and as a City Councillor. She expressed her deepest thanks to all Members and Officers, who she had enjoyed working with over some 40 years and for all their kindness and support. It had been her pleasure to serve the people of Exeter and she wished the city the very best for the future. The Lord Mayor highlighted the importance of Members who represented Exeter wards and their important role in looking after their city.

The Lord Mayor reminded Members that, the final Coffee Morning in support of the Lord Mayor's Charity - Exeter Dementia Action Alliance - would be held on Saturday 22 April 2023.

(The meeting commenced at 6.00 pm and closed at 7.25 pm)

Chair

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ANNUAL COUNCIL

Tuesday 16 May 2023

Present:-

The Right Worshipful the Lord Mayor, Mrs Yolonda Henson
Councillors Allcock, Asvachin, Atkinson, Begley, Bennett, Bialyk, Denning, Ellis-Jones, Foale, Fullam, Hannaford, Harvey, Holland, Jobson, Ketchin, Knott, Lights, Miller, Mitchell, K, Mitchell, M, Moore, D, Parkhouse, Patrick, Pearce, Read, Rees, Sheridan, Snow, Sparling, Vizard, Wardle, Warwick, Williams, M.J. Williams, R.T. Wood and Wright

Apologies

Councillors Branston, Leadbetter and Morse

1

CHESTER LONG

On the request of the Lord Mayor, Members and guests stood and observed a minute's silence on the sad passing of Chester Long, a former Leader of the Council. The Lord Mayor passed on the condolences of the Council to the family and friends of Chester.

2

JOHN STREET

The Lord Mayor announced that John Street, Corporate Manager Democratic and Civic Support, was attending his final Council meeting prior to his retirement. Members and guests applauded John and wished him well for the future.

3

ELECTION OF THE LORD MAYOR

RESOLVED on the nomination of Councillor Fullam, seconded by Councillor Moore, that Councillor Kevin Mitchell be elected Lord Mayor of the City for the ensuing Municipal Year.

The Lord Mayor was invested with his Chain of Office, made his Declaration of Acceptance of Office, took the Chair and returned thanks.

4

APPOINTMENT OF THE DEPUTY LORD MAYOR

RESOLVED on the nomination of Councillor Rees, seconded by Councillor M. Mitchell, that Councillor Tess Read be appointed Deputy Lord Mayor of the City for the ensuing Municipal Year.

The Deputy Lord Mayor was invested with her Chain of Office, made her Declaration of Acceptance of Office and returned thanks.

5

VOTE OF THANKS

RESOLVED that the Council record its appreciation for the able and courteous manner in which Mrs Yolonda Henson and Mr David Henson have discharged the duties of the Lord Mayor and Lord Mayor’s Consort during the past year.

Councillor Jobson, on behalf of the Council, presented badges to the retiring Lord Mayor and retiring Lord Mayor’s Consort.

The retiring Lord Mayor returned thanks.

The Council also recorded its thanks in respect of Mr Rob Newby, who had served as the Deputy Lord Mayor, and also to the Deputy Lord Mayor’s Consort. Mr Rob Newby was unable to be in attendance.

Councillor Jobson spoke of the able and courteous manner in which Mr Newby had discharged his duties as Deputy Mayor including representing the city at a number of events.

6 **CONFIRMATION OF THE LEADER OF THE COUNCIL AND CONFIRMATION OF THE DEPUTY LEADER**

Councillor Bialyk was confirmed as Leader of the Council. Councillor Bialyk confirmed the appointment of Councillor Wright as Deputy Leader.

RESOLVED that Councillor Bialyk be confirmed as Leader of the Council and Councillor Wright as Deputy Leader.

7 **APPOINTMENT OF THE EXECUTIVE AND PORTFOLIO HOLDERS**

The Leader of the Council confirmed his nominations for Portfolio Holders and Executive membership as circulated.

RESOLVED that the Council’s Executive be appointed as follows for the ensuing Municipal Year:-

Bialyk, P.M.	Leader
Wright, L.	Deputy Leader, Culture and City Centre Strategy
Parkhouse, J.C.M.	Climate and Ecological Crisis
Williams, R.T.	Place and City Management
Denning, B.E.	Council Housing Development and Support Services
Wood, D.	Leisure Services and Physical Activity
Foale, R.	Corporate and Democratic Services and Environmental Health
Morse, E.A.	City Development
Pearce, M.C.	Communities and Homelessness Prevention

MEMBER CHAMPIONS

Allcock, N.J.	Community Engagement and Support Services
Lights, Z.	Net Zero Exeter 2030

APPOINTMENT OF COMMITTEES

Alternative options had been submitted by the Progressive Group in respect of the Chairs of the Strategic Scrutiny Committee, the Customer Focus Scrutiny Committee and the Audit and Governance Committee. A vote was taken on the nominations, when it was **RESOLVED** that:-

- Councillor Vizard be appointed at the Chair of the Customer Focus Scrutiny Committee;
- Councillor Atkinson be appointed at the Chair of the Strategic Scrutiny Committee; and
- Councillor Wardle be appointed at the Chair of the Audit and Governance Committee.

An alternative option had been submitted by the Progressive Group in respect of the Deputy Chair of the Strategic Scrutiny Committee. The Conservative nomination was withdrawn and it was **RESOLVED** that Councillor M. Mitchell be appointed as the Deputy Chair of the Strategic Scrutiny Committee.

Alternative options were submitted by the Labour and Progressive Groups in respect of the Deputy Chair of the Audit and Governance Committee. A vote was taken on the nominations, when it was **RESOLVED** that Councillor Jobson be appointed at the Deputy Chair of the Audit and Governance Committee.

RESOLVED that the membership of Committees etc., Chairs and Deputy Chairs and Independent Persons, as shown at the Appendix to these minutes, be approved.

(The meeting commenced at 7.00 pm and closed at 8.20 pm)

Chair

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EXETER CITY COUNCIL

EXECUTIVE, SCRUTINY AND OTHER COMMITTEES: 2023/24

EXECUTIVE (9)

Bialyk, P.M. (Leader)	Parkhouse, J.C.M.
Wright, L. (Deputy Leader)	Pearce M.C.
Denning, B.E.	Williams, R.T.
Foale, R.	Wood, D.
Morse, E.A.	

PORTFOLIO HOLDERS (9)

Bialyk, P.M.	Leader
Wright, L.	Deputy Leader and Culture and City Centre Strategy
Parkhouse, J.C.M.	Climate and Ecological Crisis
Williams, R.T.	Place and City Management
Denning, B.E.	Council Housing Development and Support Services
Wood, D.	Leisure Services and Physical Activity
Foale, R.	Corporate and Democratic Services & Environmental Health
Morse, E.A.	City Development
Pearce, M.C.	Communities and Homelessness Prevention

MEMBER CHAMPIONS

Allcock, N.J.	Community Engagement and Support Services
Lights, Z.	Net Zero Exeter 2030

CUSTOMER FOCUS SCRUTINY COMMITTEE (14)

Vizard, M. (Chair)	Harvey, D.
Rees, C. (Deputy Chair)	Holland, P.G.
Atkinson, Y.	Miller, M.
Begley, J.	Patrick, S.
Ellis-Jones, J.C.	Sparling, A.
Fullam, A.A.	Wardle, A.J.
Hannaford, R.	Warwick, S.

STRATEGIC SCRUTINY COMMITTEE (14)

Atkinson, Y.(Chair)	Leadbetter, A.R.
Mitchell, M.N.(Deputy)	Lights, Z
Allcock, N.J.	Moore, D.
Asvachin, M.Y.	Read, T.
Branston, R.A.	Snow, M.I.
Ketchin, A.	Vizard, M.
Knott, P.G.	Williams, M.J.

SCRUTINY PROGRAMME BOARD (5)

Allcock, N.J. (Chair)	Rees, C.
Atkinson, Y.	Vizard, M.
Mitchell, M.N.	

AUDIT AND GOVERNANCE COMMITTEE (12)

Wardle, A.J. (Chair)	Fullam, A.A.
Jobson, A. (Deputy Chair)	Miller, M.
Allcock, N.J.	Mitchell, M.N.
Atkinson, Y.	Moore, D.
Branston, R.A.	Patrick, S.
Ellis-Jones, J.C.	Williams, M.J.

PLANNING COMMITTEE (14)

Knott, P.G.(Chair)	Ketchin, A.
Lights, Z. (Deputy Chair)	Miller, M.
Asvachin, M.Y.	Mitchell, M.N.
Bennett, C.	Sheridan, A.J.
Branston, R.A.	Wardle, A.J.
Hannaford, R.M.	Warwick, S.
Jobson, A.	Williams, M.J.

PLANNING MEMBER WORKING GROUP (7)

Lights, Z. (Chair)	Jobson, A.
Asvachin, M.Y.	Mitchell, M.N.
Bennett, C.	Williams, M.J.
Branston, R.	Knott, P.G. (Chair of Planning Committee)

LICENSING COMMITTEE (14)

Asvachin, M.Y.(Chair)	Holland, P.G.
Warwick, S. (Deputy Chair)	Miller, M.
Begley, J.	Parkhouse, J.C.M.
Bennett, C.	Rees, C.
Ellis-Jones, J.C.	Sheridan, A.J.
Fullam, A.A.	Snow, M.I.
Foale, R.	Vizard, M.

LICENSING SUB-COMMITTEE (3)

Licensing Sub-Committee membership to be drawn from Licensing Committee Members above.

COMMUNITY GRANTS PANEL (6)

Pearce, M.C. (Chair)	Jobson, A.
Allcock, N.J.	Knott, P.G.
Asvachin, M.Y.	Read, T.

EXETER TRANSPORT WORKING GROUP (6)

Parkhouse, J.C.M. (Chair)	Lights, Z.
Holland, P.G.	Sparling, A.
Knott, P.G.	Wood, D.

EXETER HARBOUR BOARD (12)

(6 City Councillors)

Williams, R.T. (Chair)	Pearce, M.C.
Ellis-Jones, J.C.	Read, T.
Leadbetter, A.R.	Williams, M.J.

(6 External Members)

COUNCIL HOUSING DEVELOPMENT AND ADVISORY BOARD (10)

(5 City Councillors)

Hannaford, R.A.	Moore, D.
Begley, J.	Wardle, A.J.
Denning, B.E.	

(5 External Members)

ROYAL ALBERT MEMORIAL MUSEUM & ART GALLERY (RAMM) OVERSIGHT PANEL (8)

(6 City Councillors)

Wright, L. (Chair)	Jobson, A.
Pearce, M.C.(Deputy Chair)	Read, T.
Atkinson, Y.	Snow, M.I.

(2 External Members)

COUNCILLOR DEVELOPMENT STEERING GROUP (6)

Foale, R. (Chair)	Moore, D.
Allcock, N.	Vizard, M.
Jobson, A.	Williams, R.T.

INDEPENDENT PERSONS

Mr I Brooking and Professor B. Kirby appointed as Independent Persons to assist the Council in promoting and maintaining high standards of conduct amongst its Elected Members.

STRATA JOINT EXECUTIVE COMMITTEE (3) – (1 FROM ECC)

Bialyk, P.M.	
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STRATA JOINT SCRUTINY COMMITTEE (9) – (3 FROM ECC)

Knott, P.G.	Patrick, S.
Leadbetter, A.	

EXETER HIGHWAYS AND TRAFFIC ORDERS COMMITTEE (13)

(4 City Councillors)

Wood, D.	Pearce, M.C.
Parkhouse, J.C.M.	Sparling, A.

(9 County Councillors)

PLANNING COMMITTEE

Thursday 25 May 2023

Present:-

Councillor Paul Knott (Chair)
Councillors Lights, Asvachin, Bennett, Hannaford, Jobson, Ketchin, Miller, Mitchell, M, Sheridan, Wardle, Warwick and Williams

Also Present

Director of City Development, Service Lead City Development, Assistant Service Lead - Development Management (Major Projects), Principal Project Manager (Development Management) (CMB), Planning Solicitor, Principal Officer Ecology and Biodiversity, Senior Environmental Technical Officer and Democratic Services Officer (HB)

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MINUTES

The minutes of the meeting held on 24 April 2023 were taken as read, approved and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

38

PLANNING APPLICATION NO. 21/1676/FUL - LAND NORTH EAST OF 371 TOPSHAM ROAD, EXETER

The Assistant Service Lead - Development Management (Major Projects) presented the application for the development comprising change of use to golf driving range including construction of an 8 bay and 2 training bay facility incorporating equipment store and car park.

The Assistant Service Lead - Development Management (Major Projects) set out a detailed description of the site and the proposed development, including an aerial view, site and planting plans, views towards the site from Ludwell Valley Park photos showing the proposed building in the context of the surroundings and facilities within the existing golf driving range in Topsham Road which would be largely replicated in the proposed development. The report presented also set out the following key issues:-

- the principle of development;
- design, landscape and heritage;
- access and impact on local highways and parking;
- noise;
- impact on trees and biodiversity;
- flood risk and surface water management;
- sustainable construction and energy conservation;
- development plan, material considerations and presumption in favour of sustainable development

The Assistant Service Lead - Development Management (Major Projects) provided the following additional detail:-

- the proposed development was to change the use of the site from an agricultural field to a golf driving range, including the development of a single storey building and car park. Like the existing facility, the new facility will be available to use by members of Exeter Golf and Country Club/Topsham Golf Academy and not be open to the general public. A security fence was proposed along the boundary with Rydon Lane;
- the site was within the designated Ludwell Valley Park and Site of Nature Conservation Importance (SNCI) on the Local Plan First Review Proposals Map. The site was also located within the Landscape Setting area. The adjoining field to the northeast is part of the Ludwell Valley Park County Wildlife Site (CWS);
- the car park would be surfaced in grasscrete and the building would be sited adjacent to the car park to the east including eight bays and a specialised training bay. It will be constructed from timber and composite cladding similar to the building at the existing facility;
- the bays will face towards the northeast corner of the field and A379, away from the housing in Tollards Road and InFocus buildings. The ball striking zone will be 250 metres long compared with 180 metres at the existing facility. Unlike the existing facility there would be no flags or other paraphernalia in the ball striking zone. Instead users will be able to see the distance they strike the ball on a monitor in each bay;
- there would be no floodlighting; the Club having confirmed the facility will be viable to operate in daylight hours only. Due to the much larger size of the site compared to the existing facility, there would be no need for any safety netting. The applicant had confirmed verbally that no chemicals would be sprayed on the grass and none were being used at the existing facility;
- the applicant had submitted a Landscape and Ecological Mitigation Plan showing new planting on the site as part of the proposals to enhance biodiversity;
- an additional pre-commencement condition was proposed as requested by the Lead Local Flood Authority relating to drainage issues as shown on the update sheet.

In conclusion, the Assistant Service Lead - Development Management (Major Projects) advised:

- recreation uses are acceptable in the Valley Parks in accordance with Policy CP16 of the Core Strategy and saved Policy L1 of the Local Plan First Review;
- the open, rural appearance of the site will remain and the proposed building and car park will not have a significant impact on the character and local distinctiveness of the Valley Park;
- the building materials are appropriate and their colours can be controlled by condition;
- the soft landscaping proposed will enhance the biodiversity value of the site by 36.71% for habitats and 8.96% for hedges;
- the Council's Environmental Health Officer has not objected on noise grounds, as they consider it to be "not the loudest of uses" and a Noise Impact Assessment is conditioned;
- the Local Highway Authority had raised no objections on access or highways grounds;
- the proposal is for a high quality sporting facility for people of all ages who are members of Exeter Golf and Country Club/Topsham Golf Academy;
- the site is much larger than the existing site negating the need for netting;
- there will be no flood lighting.

The Assistant Service Lead - Development Management (Major Projects), in response to Members' queries, advised that:-

- the existing facility is off Exeter Road towards Topsham and is further away from the Exeter Golf and Country Club than the proposed facility which itself will have the same facilities but no netting nor golfing paraphernalia;
- grasscrete was proposed for the car park and not an artificial permeable surface and the ball strike area will remain as grass;
- it will be a relatively quiet use compared with sports stadia;
- the ball strike area is within the building which provides sound proof mitigation and there have been no noise complaints from the existing facility and a noise impact assessment has been added as a condition in case sound proofing measures are deemed necessary in the future; and
- the Club have provided assurances that netting will not be required for this much larger site and the ball strike area is angled away from the houses. Planning permission will be needed if netting was to be sought, but would be unlikely to be allowed because of the Valley Park.

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

- speaking on behalf of the residents of the Southbrook estate, the Southbrook Community Association and the campaign group;
- Since 1962 there have been around 10 attempts to develop this site and applications have failed, the latest in 2018, the Planning Inspector stating that the field was within the Ludwell character zone forming an integral part of the Ludwell Valley Park. It remains within the Valley Park designation in the Statutory Development Plan;
- residents are concerned that a change of use from agriculture to a golfing facility might in the future change it from a green field to a brown field site and make it more vulnerable to development;
- should approval of these plans be granted, is it possible to put a caveat preventing future development?
- the Southbrook Residents Association support the views of the experts, Devon Wildlife Trust (DWT), the managers of the Valley Park, when considering if the plans will affect the Ludwell Valley Park and its wildlife and they sent two letters of objection stating they consider the proposals do not provide sufficient evidence to satisfy the requirements relating to biodiversity. It is a crucial area of wildlife rich greenspace within the city, much of which is publicly accessible and managed for people and wildlife;
- there have been nearly 350 letters of objection to the plans, many from people who come to the Park for recreation and are not residents;
- the removal of course lighting so that it will operate in daylight hours only in the winter is welcome but there is no mention as to what lighting is intended around the building and in the car park area and how long it will remain on;
- Natural England have stated that any lighting that would cause additional illumination of hedgerows, which are important wildlife corridors, should be prevented;
- thankfully the Planning Assessment deemed a well-lit cycle park unnecessary;
- whilst the landscaping and planning proposed will have a positive effect, the border with the properties on Tollards Road has become overgrown and residents would require to be consulted as to how the border is managed. Existing mature pine trees at the top North East corner are becoming invasive and should be removed;
- the building should be left in natural wood and not unsightly materials;

- the RSPB have commented that herbicides and fertilisers should be excluded in the ball striking zone with management of this area being by cutting. Chemical herbicides and fertilisers could well pose a hazard to the wildlife flora and fauna of the area and the adjacent meadows. The whole of the site to be free from chemicals;
- the absence of high netting in use in Topsham is welcome as is the absence of Floodlighting, netting, flags or other golfing paraphernalia
- it is considered that opening at 9:30 am is too early, yet the Planning Assessment concludes with the information that it can open from 6:30am when daylight allows;
- the campaign group was formed in 2014 to become proactive in protecting the whole of the Ludwell Valley Park with a view to notifying users of any proposed changes. It supports the concerns of DWT, the RSPB and Natural England;
- there is a failure to mention the BERM lighting which is on the existing site in Topsham half way down the fairway will be relocated. Hopefully, the daylight opening hours will restrict the use of BERM and the need for floodlighting in the car park or in the reception building. There is no mention by the agent that it will be installed. Berm lighting is at ground level and it would be less intrusive for residents. However, moths and other nocturnal insects including badgers would be disturbed as would the protected bats. Internal lighting from the cabin would be unacceptable too;
- the Ludwell Valley Park supports a butterfly trail that would suffer in the event golf balls are permitted to fly around;
- should this application go ahead the campaign group suggest the times of operating should coincide with the Government guidance on lighting up times with the starting time no earlier than 10:00am ending at the latest, by 9:00 pm in the summer. These times should be applicable Monday to Saturday throughout the year. Sundays and Bank Holidays should be restricted to a start at 10:30am and close at 4:00pm in order for residents to enjoy their gardens. This would include the use of any machinery for ball collection or grass cutting implements;
- there is concern about the lack of any archaeological assessment. In 2014 and 2017 prehistoric remains were unearthed with evidence of Bronze age pottery;
- the campaign group have expressed concerns regarding the Golf Club's plans for 371 Topsham Road which, if demolished, could provide access and egress to a potential housing development The house remains unoccupied, but frequently is used as a car park and its use in this application remains unspecified. It could be converted into a club house;
- the campaign group are concerned over the lack of a risk assessment on the lane adjacent to the "In Focus" building. It is used by the disabled students, many in wheelchairs and is also a pedestrian entrance and exit for the Nursing Students of Plymouth University. The safety of all these students is paramount;
- no mention is made of the possible trajectory of these special light weight balls. Research has shown that many land far from off fairways and could land in the land of 'In Focus 'and residents' homes;
- the "grasscrete" leaves too much undecided for the surface of the car park and far too much leeway for the introduction of other surfaces. The concrete may be at some depth and involve the removal of large amounts of soil;
- the campaign group suggest that the club's statement that the site is closer to their existing driving range on Exeter Road is incorrect;
- there is therefore strong opposition to the driving range being relocated to an agricultural field within the Ludwell Valley and the Golf Club should return to its facilities to its own land on Topsham Road.

She responded as follows to Members' queries:-

- there are wildflowers on the field adjacent to the site;
- the campaign group are concerned regarding the safety of the lane although there are parking bays that do not impact on the width of the road

Mark Colgan, speaking against the application, raised the following points:-

- opponents exceed supporters by a factor of five and most are residents and/or users of Ludwell Valley Park;
- it is a beautiful Devon Valley unique in Exeter and was a haven during lockdown;
- although it does not have a right of way it is part of the Valley Park providing better biodiversity than a mowed field; and
- the change from agricultural land is one step closer to a residential development at a later date which has been attempted nine times previously especially if the Golf Club decides to move again;

Responding to a Member's query, he advised that the site offered considerable public amenity value despite the lack of public access. In particular, if constructed the facility would impact on views of Exmouth etc. from the rest of the Valley Park. The land should remain part of the Park.

Will Gannon, speaking in support of the application, raised the following points:-

- the Club has occupied its current site in Topsham Road for over 100 years and is fully owned by its 4,500 members who mainly live and work in Exeter and does not receive any external funding. It employs over 100 staff and provide sporting and leisure facilities for all our members specifically supporting families with 1000 junior members who have free access to golf, tennis, squash, racketball, fitness training in our gym and swimming;
- the Directors and Committee members are all unpaid and the sporting sections also raise and donate substantial funds to charities each year. There is no interest in property development;
- using my experience in the construction sector, I examined improvements to the ageing infrastructure and the creation of a proper golf practice facility to improve the open field we owned at Newcourt. By selling the field at Newcourt for residential development, it was possible to create a new golf practice facility in Topsham and using the surplus funds to improve the infrastructure at the Club. This came to fruition about three years ago when the Topsham Golf Academy was opened and the planned improvements at the main golf club site commenced. It became evident that the onset of residential development in the Topsham gap was accelerating and it seemed that a further relocation may be necessary. Land at Countess Wear is an alternative site following a failed planning application for residential development and is close to the existing site in Topsham Road, large enough to meet all the safety requirements and completely away from any conflict with housing; and
- if granted, the Topsham site will become available for much needed housing in the City and the Golf Club will have found a permanent home for its golf practice facility, that is a win/win situation for the Club, the local residents and the city.

He responded as follows to Members' queries:-

- it is not possible and impractical to provide this proposed facility on the existing site. It was developed in 2016 but the constriction of the Persimmon homes resulted in a reconfiguration of the course and, as a result, there is no spare land for practice;

- the grasscrete will only require the removal of the top soil and grass will grow through the concrete on the surface, the concrete being necessary to support the cars in the car park;
- the Club only ever wanted a practice facility to attract new members and the move to Topsham had been in the belief that it would be 10 to 15 years before any development took place. However, the loss of the Topsham Gap within two years has necessitated this application on a site three times larger than existing;
- the club owns the freehold of the site and has no intention of building on the site other than for golf practice. No insecticides are to be used, there will be limited grass cutting and a large part of the site will effectively remain in a re-wilding state;
- the golf club only wants to use a practice facility and not for any other purpose;
- the club has a proactive approach to their plans which were discussed with the Southbrook Residents Committee had it offered to contribute to the maintenance of the joint access road also used by InFocus;
- the new site is three times bigger but the facilities are the same;
- there will be no fixed lighting in the car park;
- the club has no need to use pesticides; and
- because of the potential for freak shots to impact on the surrounding houses next to the existing site with balls occasionally going astray despite the netting the club feels that it has a duty to find a more suitable location.

The Director City Development provided the following concluding points:-

- the key issues are the principle of the development, impact of traffic and highway safety, impact on residential amenity and ecology;
- it is a proposal for recreational use for all ages and accords with policies in the Local Plan;
- there was no significant impact on the local distinctiveness of the character of the Valley Park. Whilst the site is within the designation of the Valley Park, it is in private ownership and there is no right of public access and it is not included in that part of the Park managed by the Devon Wildlife Trust;
- there will be significant new landscaping and planting and the ecologist has confirmed that there will be no loss of biodiversity but a significant gain of up to 35% - this exceeds the 10% target of biodiversity gain in new developments to be set by the Government in new regulations;
- there would be no floodlighting, netting, flags or other golfing paraphernalia, all of which would require planning permission if sought; and
- issues around any future use of the current site are not relevant.

The Director of City Development and Service Lead provided the following clarification:-

- issues at the current site causing the desire to move are irrelevant;
- Brownfield refers to previously used land, often industrial, and Greenfield refers to land that has not had any development; and
- Members must consider the application in front of them and what is happening at the existing site is not relevant to judging the proposal.

Members expressed the following views in the debate:-

- in the event of approval the following should be added:-
 - colour and noise impact which are already in there;
 - border management;

- opening times;
 - lighting, which is linked to opening times;
 - can we put no future development except golf coursing?
- it is a difficult decision and there is concern by local residents the proposal could lead to residential development; and
 - the site has amenity value as it stands and will have great amenity value if developed, however there is an element of safety for the access in the field adjacent which doesn't seem to have been addressed.

Responding, the Director City Development indicated that future development, unless covered by the current application, would require planning permission and the Assistant Service Lead - Development Management (Major Projects) advised that there were already conditions for opening times and security lighting.

The Chair moved the recommendation for approval with the conditions in the report which was seconded, voted upon and LOST.

The Chair moved the deferral of the application in order for the applicant to be requested to make changes to the application in response to the issues raised by Members. The motion was seconded, voted upon and CARRIED.

Members expressed the following views on the changes:-

- there should be clear border management proposals;
- there should be no use of herbicides, pesticides or fertilisers on the site;
- there should be clarity on opening times;
- there should be clarity on colour;
- 6:30am opening time in condition is too early and there should be a later opening time;
- potential alternative opening hours could be 7:30 am or 9:30 am on weekdays and 10:00am on Sundays;
- loss of amenity is a concern of residents and can improved amenity be provided for the community;
- can the golf club work with the community to build some amenity in for the community;
- noise management and sound proofing should be included; and
- a condition for biodiversity monitoring.

RESOLVED that planning permission for the development comprising change of use to golf driving range including construction of an eight bay and two training bay facility incorporating equipment store and car park be **DEFERRED**, for the applicant to put forward changes to the application.

The meeting adjourned at 19:10 and re-convened at 19:15.

39

PLANNING APPLICATION NO. 22/1746/RES - WEST PARK, UNIVERSITY OF EXETER, STOCKER ROAD, EXETER

The Principal Project Manager (Development Management) (CMB) presented the application for approval of reserved matters of access, appearance, landscaping, layout and scale in relation to outline permission 20/1684/OUT for student accommodation and ancillary amenity facilities, and external alterations and

refurbishment of Birks Grange Village Blocks A-E, with associated infrastructure, demolition of existing buildings and landscaping.

The Principal Project Manager (Development Management) (CMB) described the layout and location of the site comprising the western portion of the University of Exeter Streatham Campus through the site location plans, aerial views and photos of the site and panoramic views from and to adjoining areas, elevations, design and layout of the buildings, the report presented setting out the following key issues:-

- the principle of development;
- character and appearance;
- residential amenity;
- heritage and highways;
- biodiversity
- contamination
- flood risk and drainage
- sustainable construction; and
- economy.

The Principal Project Manager (Development Management) (CMB) advised that outline consent had been granted to build student accommodation and ancillary amenity facilities (up to a maximum of 49,821 sq. metres) and external alterations and refurbishment of Birks Grange Village Blocks A-E to the site's north-west; with associated infrastructure, demolition of existing buildings and landscaping. The reserved matters application related to the proposed refurbished and new build student accommodation comprising eight new student accommodation blocks and ancillary amenity facilities. The current scheme accorded with maximum heights and floor area consented under Outline as well as with the illustrative/indicative site plans and visualisations presented to that Committee.

The Principal Project Manager (Development Management) (CMB) further advised that:-

- the scheme would result in a net increase of 1,474 no. student bed spaces, with 2,656no. new bed spaces being created following the loss of 582no. existing bed spaces, of which 290no. would be refurbished rather than demolished;
- landscaping and tree retention were not subject to the application as this aspect of the development had been approved at the outline stage and controlled via condition, which was under consideration as part of a separate application;
- a separate reserved matters application for the proposed replacement Estate Service Centre, which was now called Ground Compound Rennes Drive, was also under consideration;
- 16 letters of objection have been received regarding the application raising issues of: harm to visual amenity; harm to residential amenity/overlooking/loss of privacy; light and noise pollution; antisocial behaviour; lack of democratic process; inadequate community engagement; misinformation; inaccurate plans; harm to ecology and highways safety. Notwithstanding the objections the application comprised the reserved matters pertaining to outline consent ref. 20/1684/OUT, granted in 2021. The outline consent approved the proposed development in principle. Also, it approved the scheme's heights and maximum floor areas based on the indicative layout and verified views. The conditions attached to the outline consent also addressed much of the technical detail;
- officers had raised concerns with the applicant regarding the impact of proposed Block CB on the residential amenity, namely the loss of privacy to existing student accommodation Block J to the north as well as for future

occupiers. Following discussions with the applicant, officers were satisfied that an amended design, involving an increase in the separation gap between Blocks CB and J, together with the introduction of angled window bays, would be capable of overcoming the inter-visibility concerns. As such, the reserved matters application was considered acceptable overall and recommended for approval in its entirety, subject to the recommended conditions.

The Principal Project Manager (Development Management) (CMB) also advised that amended drawings had been received in response to officer concerns comprising the following revisions:-

- removal of the originally proposed footpath and access road leading to Building ST from the west;
- Block JK - amendment to the junction between roof levels of seven storey and nine storey sections to soften and simplify appearance at transition;
- Block EF - windows proposed in south-east elevation serving stairwell reduced in width to limit light spill;
- Block CB – service yard to south reduced in size; public realm to south improved; cycle storage relocated.

The update sheet detailed proposed amendments to conditions one in respect of plans, condition four in respect of landscaping details and condition nine in respect of a student privacy management plan.

The application was recommended for approval, subject to the conditions set out in the report and those as amended in the update sheet referred to above, in line with National Planning Policy Framework paragraph 11 (c).

The Principal Project Manager (Development Management) (CMB) in response to Members' queries, advised that:-

- the original concerns in respect of Block CB were the impact on the amenity of students in the existing adjacent blocks as well as the future occupants of CB itself. The block was now considered acceptable as the proposed north east elevation of block CB was set back further to increase the separation distance and the windows on the north elevation were altered to provide a saw tooth appearance with angled window bays to avoid overlooking so that there would be a 30 degree rather than a perpendicular view to neighbouring blocks. There would also be a privacy management plan to protect student residential amenity;
- a number of plans were approved at outline stage include height parameters setting out the maximum heights but not the number of storeys. Storey numbers are predicated on the differing site levels and in some cases the sites have been excavated to accommodate the number of storeys. The footprints are controlled under the land use parameters plan also agreed at outline;
- the request of the applicant for a lower than standard cycle provision because of the hilly nature of the site and to introduce electric bikes instead was not acceded to and two outline conditions require the standards to be met;
- objections relate to residential dwellings to the north and south of the Block GH were mitigated through the proposed window controlled zone and angled windows so that there was no direct overlooking of the northern and southern boundaries;
- there are significant separation gaps between the blocks and mature trees are maintained;
- an image was not taken from the back of Elmbridge Gardens but it was felt that the impact of overlooking and overbearing was not significant. Private views

could not be protected and, although there would be a change of views from neighbouring dwellings it was not a harm in planning terms; and

- there are no regulations relating to impact on privacy where a property has been in situ for 20 years.

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

- planning permission has not been granted;
- scale refers to height and width and is a reserved matter. Whilst the maximum height has been agreed at outline stage, the buildings do not have to go up to that maximum level;
- the approval of square meters could be achieved by half as many buildings at a reduced height;
- only illustrative plans were shown at outline and, accordingly, the orientation of the buildings, their relationship to each other and open space is yet to be determined;
- the total number of objections received are close to 50;
- it is a twin application as this and the proposal to demolish and relocate the estates building elsewhere on the campus were considered together at outline stage. Without permission in respect of the latter, it is suggested that, the former will not be able to proceed;
- the major concern of residents is the loss of amenity and their enjoyment of homes and gardens as a result of the impact of the huge buildings adjacent. Disturbance may also be caused by the social activity of students. Whilst the wellbeing of students has been taken into account, that of residents has not been and is an unfair balance;
- request refusal of Block CB as it is too close to residential gardens and no pictures have been taken from Elmbridge and Dunvegan to show the impact of the buildings; and
- the application should be deferred for a site visit.

He responded as follows to Members' queries:-

- there are approximately 40 properties in Elmbridge and Dunvegan which would be overshadowed as would other properties;
- the distances between the properties and the blocks is unclear and a site visit would help in this respect;
- there is a huge height differential between the properties and the blocks which is exacerbated by the steepness of the hill on which the blocks are to be located;
- a management plan for traffic movement is vital, particularly because of the number of supermarket and other deliveries made to the student blocks even though they are self-catering. Furthermore, the surrounding road network is very busy with constant reports of speeding and it is a designated HGV route which compromises the safety of students and others. A delivery management plan is also necessary; and
- footpath and cycle access should be revisited to ensure that they meet the guidelines within the National Planning Policy Framework.

Christopher Wakely, speaking against the application, raised the following points:-

- the Elmbridge and Dunvegan Residents' Association was formed in 2010 to collaborate with the City Council and the University on the re-development of Birks Village;

- there is a significant feeling amongst residents that the University have not sufficiently consulted on this proposal and that it is a fait accompli. Information has been hard to find and the University unresponsive when contacted;
- broadly support the view that it is good to use the campus site but mitigating solutions to reduce the detrimental effect on local residents are required;
- a comprehensive 3D plan of the site has not been available inspite of repeated requests;
- the steep gradient of the site has been underplayed;
- visualisations from Exwick were made available after the final date for submissions in February 2023 showing the overall impact of the development;
- there will be a loss of privacy in respect of the two buildings that directly overlook properties - CB and ST. Visualisations from Elmbridge and Dunvegan and from Exwick show how much these two buildings will intrude. CB is a six storey block with 41 windows overlooking Dunvegan Close from the north and should be reduced to a four storey block. ST is a four-storey block on the site of the current Estate Management building, high on a steep gradient with 52 windows directly overlooking homes from the east. A lower building on a lower part of the slope in 2010 was rejected and now a 10-storey block is proposed;
- an additional 1,750+ students will add to the already considerable noise, light and general disturbance;
- the present highways infrastructure does not have the capacity to sustain the proposed development. Birks Village opens onto a dangerous busy road on a blind corner. Glenthorne and Avanti Hall have increased student numbers in the area. Regular monthly speed checks have clocked cars at 60+mph in this 30mph zone with at least four fatalities in living memory. It is not possible to adjust the road and pavement alignment; and
- the rationale for building on campus is to release housing stock for local residents and, whilst this development is aimed at first year students, what happens when the 1,750+ students in this development look for accommodation in the city for their second and third years?.

He responded as follows to Members' queries:-

- block CB should be reduced from six to four blocks to match the height of the surrounding buildings and for block ST to be removed altogether which, because of the gradient, was equivalent to a 10 storey building;
- the residents accept that development will occur but seek mitigation measures to reduce the adverse effect on local residents;
- rather than a student block, the Estate Management Services building should remain in situ and re-developed to a higher specification instead of moved elsewhere on the campus. The site sits adjacent to an arboretum and an Italianate garden and intensification would have an overbearing impact. Updating the grounds maintenance site fits better with the character of the area. The reason given that it is at an end of a steep track making vehicle access difficult contradicts the proposal for a student block in this location which will also be served by a variety of vehicles;
- a major concern is the traffic infrastructure which cannot sustain the proposed development; and
- there is concern that the increase in hard standing in the development will risk flooding from run-off water down the steep slope and no adequate assurance has been provided by the developer that the drainage will prove sufficiently efficient.

Mike Shore-Nye, speaking in support of the application, raised the following points:-

- the heights, massing and the amount of accommodation complies with the approved outline permission parameters and this reserved matters application is predominantly concerned with the design of the proposed buildings, which has been developed through public consultation and the Design Review Panel. The result of this design process is a high-quality on-campus development, with excellent accommodation and landscaped public realm with over 1,300 secure cycle parking spaces with Electric Co Bike also proposed;
- the development will be constructed to the Passivhaus sustainability standard. This level of specification will significantly reduce operational carbon and the development achieves a 14% bio-diversity net gain;
- the proposed fire strategy exceeds Building Regulations requirements;
- the development is essential in allowing the University to meet the requirements of its first year and international student accommodation guarantee. It is anticipated that the development will be as popular as the other recent on-campus residential projects;
- a recent report released by Universities UK states that there has been a 34% increase in the impact on the national economy from international students between 2018 and 2022. For the 2021/22 cohort, the study shows that international students alone contributed £140.7 million to the city's economy. A separate independent economic impact study launched by the University last year found that the university contributes almost £1.6 billion of output to the UK economy;
- the West Park development will help to meet current and expected future student growth, facilitate further employment creation and economic activity within the Exeter and wider regional economy. The development would also reduce the need for private residential homes to be converted to houses in multiple occupation;
- the plan is for the first phase of accommodation to be available in the 2025 academic year. The provision of good quality well located student accommodation is essential to the success of the University.

He responded as follows to Members' queries:-

- 38% of the power needs of the blocks will be met by self-generation and there will also be other photovoltaic provision across the campus;
- provision will be for both first year UK students and, increasingly, post graduates and overseas students, the latter particularly valuing a campus location. It is not anticipated that this will lead to under occupation of Purpose Built Student Accommodation (PBSA) in the city. There has been a reduction in self-catering as students seem to need flexibility;
- unable to comment on the images circulated by Mr Wakely but the distances between the blocks proposed are significant – up to 90 metres;
- there will be the requisite level of cycle storage and will adapt to any future demand;
- drawings are designed to make understanding simpler. The net result will be 1,470 new rooms and demolition and refurbishment of existing rooms. These schemes are very complex and an ongoing significant financial investment designed to maximise the use of the site and to attract students to Exeter from all around the world when some other universities have been struggling. There is investment too in ensuring the wellbeing of students;
- block ST has been reduced from six storeys to four and three; and
- a Landscaping Visual Impact Assessment is used in the plan preparation instead of a balloon test which show the separation distances meet legal requirements.

Responding to Members' queries, the Director City Development and Planning Solicitor advised that:-

- 16 letters of objection were received and late letters would also have been considered. It is not the volume of objections but the weight given to the issues raised even if that would only be in the case of a single letter;
- matters agreed at outline stage should not be revisited when reserved matters are under consideration. Matters now to be determined as reserved matters are access, scale, landscaping and appearance and layout. What has been agreed in terms of heights had been through the heights parameters plan at outline stage as was the land use parameters plan which set out scale and massing. Similarly, highways issued had been determined at outline. There was also a Travel Plan agreed and operational issues were set out in a Management Plan covered by a Section 106 Agreement to be completed prior to occupation which included contact for residents with their concerns. Furthermore, there was a proposed condition regarding flooding;
- planning permission has been granted up to a maximum height with reserved matters now examining the details of the external appearance of those buildings; and
- the parameter plans set a framework for development up to 49,821 square metres within which details are provided for consideration.

Members expressed the following views:-

- the application was referred to the Committee by the Delegation Briefing;
- local residents are not opposed to development of the site but are concerned about scale, massing and impact on the local community which they maintain need to be addressed;
- the Glenthorne Road PBSA is an example of a local development impacting adversely on residents, an application which the University had opposed;
- the Birks Village and its students have generated anti-social behaviour issues;
- the maintenance depot acts as a barrier between residential properties and existing low level student blocks;
- residents have different views to three of the reasons given at outline stage that the development was acceptable;
- it is a large, complex development which will have a greater impact on residents than the East Park development;
- the correct decision is required for the long term benefit of both residents and students;
- twelve new documents were added to the website at late notice; and
- more work needs to be done to address residents' concerns and the application should be deferred for a site visit.

The Chair moved the deferral of the application for a site inspection which was seconded, voted upon and carried.

RESOLVED that the application for planning permission for reserved matters of access, appearance, landscaping, layout and scale in relation to outline permission 20/1684/OUT for student accommodation and ancillary amenity facilities, and external alterations and refurbishment of Birks Grange Village Blocks A-E, with associated infrastructure, demolition of existing buildings and landscaping be **DEFERRED** for a site inspection by the Committee.

The meeting adjourned at 21:00 and re-convened at 21:05.

**PLANNING APPLICATION NO 23/0151/VOC - SANDY PARK STADIUM,
STADIUM PARK WAY, EXETER**

The Principal Project Manager (Development Management) (CMB) presented the application for the re-development to increase capacity from 10,750 to 20,600 by three new grandstands, additional parking, bus/coach drop off and extension to west stand including conference centre to south stand (Variation of condition 7 of [12/1030/FUL](#) to allow up to four music concerts on 17, 18, 24, 25 June 2023 only for an attendance of up to 15,000 people per concert.) (REVISED WORDING FOR CONDITION 7 VARIATION)

The Principal Project Manager (Development Management) (CMB) advised that original consent had been granted on 29 October 2012 comprising an increase capacity from 10,750 to 20,600 with three new grandstands, additional parking and bus/coach drop off; extension to west stand and a conference centre to south stand. It was also reported that the original consent had been for a permanent increase in capacity from the previous 10,744 to 20,600 in the form of an extension to the West stand and new permanent stands on the remaining three sides of the ground. These had been partially implemented and was, therefore, extant. Since the original consent had been granted, the Courtyard by Marriott Sandy Park has been completed to the south of the site, which had a footbridge connecting the hotel to the stadium site.

The report presented setting out the following key issues:-

- the principle of development;
- impact on character and appearance including landscaping;
- impact on residential amenity and heritage;
- highways, access and parking;
- ecology and contaminated land;
- air quality;
- flood risk;
- sustainable construction; and
- economy.

The Principal Project Manager (Development Management) (CMB) advised that the application sought to vary Condition seven of the planning permission in order to hold public performances of musical events to be held at the stadium. The originally proposed variation to Condition seven had been to allow up to eight music concerts per calendar year for an attendance of up to 15,000 people. This proposal had been amended so that the site shall not be used for public performance of musical events except to allow up to four music concerts on 17, 18, 24, 25 June 2023 only for an attendance of up to 15,000 people per concert.

A total of 41 representations had been received from separate addresses including three neutral and two in support. 36 letters of objection had been received, mostly concerning the impact on the residential amenity of noise, antisocial behaviour, traffic and parking, anti-social behaviour in residential areas and lack of due process regarding marketing and sale of tickets prior to planning consent. The presentation set out in detail the issues raised in the objections and the mitigating measures associated with each.

It was also recognised that objections initially raised by the Environmental Health Officer, the County Highways Authority and National Highways had been withdrawn.

Notwithstanding the above, it was considered that the proposed music events would give rise to economic benefits for the rugby club and the wider area, including the provision of employment opportunities. This carried substantial positive weight in the planning balance. It was considered that the proposal was capable of policy compliance, subject to conditions. On balance, the benefits of the scheme were considered to outweigh any adverse impacts the proposal representing sustainable development overall presenting the following positive aspects:-

- the proposed music events would be held within an existing stadium and not conflict with its primary purpose of holding rugby matches;
- it provides opportunity for employment together with community and leisure activities and mixed uses to support vitality of area;
- it contributes to the overall economic vitality of the City;
- it is considered acceptable, subject to conditions regarding impact of residential amenity and highways;
- only four fixed dates are proposed; and
- any future application will be informed by data obtained from these events and assessed on their own merits.

The application was recommended for approval, in line with National Planning Policy Framework paragraph 11 (c).

The Principal Project Manager (Development Management) (CMB) responded to Members' queries:-

- all operational times are set out in the report with the staff undertaking clear up after concerts with the staff car parking located outside the adjacent hotel;
- Sunday concerts are limited to one and not two on the same day reflecting changes in detail as the proposal emerged through the licensing process. Four concerts on four days are proposed;
- start and arrival times reflect the aim of diluting the number of spectators arriving and departing at the same time and times can be changed through condition;
- there is a limit of 75 decibels at the nearest receptor, although the consultants believe that the level will be below 75. The management and monitoring plan agreed with the applicant includes real time monitoring during the event which will enable adjustment of levels at front of house. A condition regarding the receptor level is more appropriate than one at front of house;
- the Digby Park and Ride will be closed during the concerts to limit pedestrian flow through Clyst Heath;
- roads in the Bishops Court estate are not adopted; and
- some of the documentation covers the whole of the site with access strategies relating to specific events ensuring that conferences will not be held at the same time.

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

- The Exeter Core Strategy – vision Exeter would embrace its role in the region by *delivering development to enhance Exeter's position as a premier retail and cultural destination*;

- The Local Plan Review: included the aim to create a prosperous city, and a cultural and fun place to be;
- The 2020 Exeter vision was to enhance Exeter as the regional capital. That became the guiding mission statement for Exeter City Council;
- The City Council's stated purpose in respect of its cultural offering has been to *provide great things for people to do and see*;
- The new Exeter 2040 vision says *Exeter will be known internationally as a city of Culture and "Exeter will be a young people friendly city."* It is a great place to live, recognised nationally and internationally;
- Exeter Chiefs have put Exeter on the international map for Sport, it provides entertainment and it has certainly enhanced the quality of life for people living and visiting the city;
- The incremental development of the facilities at Sandy Park is a deliberate strategy to allow for the steady increase in capacity to be accommodated on the transport network. Anyone visiting Sandy Park has to think about their journey, and it works;
- The Stadium has proven it can manage capacity crowds;
- Exeter does not have a large performance venue. A young people friendly city should have the opportunity to see good bands/acts;
- Providing things for people to do and see in the city attracts overnight hotel stays. This benefits our local economy;
- Occasionally, the city has been able to support gigs at Northernhay Gardens but the capacity is very limited;
- The Council's attitude has been one of balancing the need to provide things for people to see and do with not unduly impacting on residential amenity. As with so many things it is a balance;
- Sandy Park on the periphery of the city, close to Junction 30 alongside the M5 with its relatively high ambient background noise levels from the motorway, in a purpose-built stadium, is a good location for hosting a relatively small number of music events;
- The pitch can only be used for non-rugby events on a very limited number of weeks in the summer when the pitch is scheduled to be re-laid;
- In the summer sunset times are after 9pm, at Sandy Park the direction of the stage would project the music away from residential areas towards the M5 and the predominantly rural areas;
- A much-needed opportunity to bolster the finances of the Chiefs. Worcester and Wasps went into administration this past season and unfortunately there has been some concern raised in recent weeks with London Irish;
- Supporting local businesses is important and it goes to the heart of the National Planning Policy Framework to support business and the local economy.
- In conclusion:-
 - the city of Exeter needs the addition of this amenity;
 - it is consistent with the Development Plan and the City of Exeter's vision to support a young city and a culturally important city;
 - it adds another level of interest for visitors to the city and to provide things for people to see in the city;
 - it can be achieved without harming residential amenities and without harming the highway network;
 - this is a reasonable proposal and should be welcomed;
 - Members have the appropriate controls through licensing to ensure the activity is managed sensitively;
 - I believe a 11.00pm limit to be reasonable for these limited number of days in the summer, but anyhow that is matter that licensing can appropriately address.

He responded as follows to Members' queries:-

- issues relating to noise would be dealt with by the licensing conditions and it was not believed that families in the area would be adversely affected; and
- economic conditions and other factors have changed since the original planning consent in 2012 which had excluded live music events.

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

- Exeter Chiefs have brought a huge amount to Exeter and instigated the Exeter Chiefs Foundation;
- Worcester Warriors and Wasps Rugby Clubs have disbanded partly due to lack of income during Covid. Exeter Chiefs fared better but accrued significant debt and have explored revenue streams to plug the gaps. Visitors who attend such concerts may stay for a longer period and there will be a hidden economic benefit to the City;
- there are risks associated, such as the impact on the quality of life if living close to a sports stadium and concert venue;
- I represent over 7,000 residents across 4,000 households, 1,000 of these households are in the LA Polling District which is a distinct geographical area between the A379 and Rydon Lane. It includes the Digby, Kings Heath, Clyst Heath and Bishops Court developments;
- There have missed opportunities to engage with the people living in the shadow of Sandy Park regarding the application to vary the licensing conditions and now an additional use for the stadium. It would have been helpful if the Club had met with the community to discuss plans as with other developments affecting the St Loyes ward such as Morrisons, Hammersons, etc. recognising that the Members were the resident facing side of the Council;
- as the local councillor for St.Loyes Ward I have received multiple representations from residents regarding the application. There are 41 on the web site, 2 in favour, 3 neutral and 36 against;
- residents living on the Bishops Court/Redrow Development are dismayed that, in spite of 'conditions' imposed by the Licensing Sub Committee, Exeter Rugby Club Limited have now appealed these conditions, not yet been heard by the Magistrates;
- the residents of St. Loyes and others such as the Digby Residents Association undertake monthly litter picks across the Ward. Without exception, at the conclusion of a Rugby match a minority of spectators exit the ground frequently leaving a trail of rubbish in their wake;
- most rugby matches take place during daylight hours - any outdoor concerts will have huge gantries with lighting, some likely flashing, during the evening impacting on the immediate neighbourhood;
- in the transport strategy agreed with the local authorities it is essential that there is an even spread of supporters arriving and leaving the stadium. Currently Bishops Court and Digby are extended parking ranks for people picking up spectators after a match. A condition should be placed on Exeter Rugby Club Ltd. that an element of the ticket price include the shuttle bus to the various Park and Ride car parks. Structured in this way the exiting people may be better managed;
- the events are planned for the Summer months including Sundays when residents will likely have their windows open. So many of the families have young children and need to get them to sleep for school next day. Equally those folk working need sleep to function in their place of work; and

- the estates of Kings Heath, Clyst Heath, Digby and Bishops Court have open plan gardens which leaves the states open for folk to take 'short cuts' on their route home.

Kevin Cook, speaking against the application, raised the following points:-

- the original condition seven agreed in 2012 was before a number of additional properties were built in the area around the stadium;
- I am one of the near 40 objectors to the scheme, but there are more who feel this application is a "fait accompli". Residents who have objected, in writing and verbally, will be feeling that they are collateral damage;
- the substantial objections testify to the antisocial behaviour, traffic and parking violations, and damage to the environment, that residents already experience with rugby matches at Sandy Park and the granting of this application will exacerbate these issues if robust conditions are not included in any granting of this expansion application;
- residents, especially those with children, are contemplating having to relocate their children into quieter bedrooms, if these concerts go ahead;
- the parking statistics/formulas used are debatable and they will not prevent people violating parking restrictions in residential areas, especially at the top of Bishops Way, adjacent to the pedestrian/cycle path leading to Sandy Park. Bishops Way will resemble Wembley Way;
- the application should have been assessed on a "change of use" basis;
- the planning application should be multi-dimensional but has ended up as a one dimensional application - driven by finance. Some of that finance needs to be "ring fenced", solely for the provision of robust crowd dispersal, marshalling, prevention of anti-social behaviour and parking enforcement. Approval of this application, would be extremely detrimental to the whole area without these conditions being in place and it would be in Sandy Park's interest to facilitate/participate in these conditions;
- what next with future Sandy Park planning applications and will Sandy Park events, including music and entertainment, be the perennial soundtrack to residents' lives?; and
- clarification is required as to the suggestion that the four events over two consecutive weekends might contravene the licensing conditions. Tickets are being sold for each concert separately, there isn't a "weekend ticket" that includes both concerts, so there are clearly four events, not two.

He responded as follows to Members' queries:-

- the club do not accept responsibility for the behaviour of fans once they leave the ground;
- there has been a lack of consultation by the club and I have not been consulted personally;
- a reduced proposal of four concerts over two weekends remains unacceptable;
- antisocial behaviour includes damage to property, using private driveways to order taxis and fighting amongst match goers near to residential properties;
- there have been numerous parking violations at the Bishop's Court/Apple Way junction; and
- there is evidence that marshals leave the area before all of the fans have dispersed.

Tony Rowe CBE, speaking in support of the application, raised the following points:-

- speaking as the Chief Executive Officer of the Exeter Chiefs which is a members' owned club and have used my business expertise to develop the club over the last 30 years, including significant financial investment;
- the club is 150 years old and relocated to Sandy Park 17 years ago;
- the Club incurred significant financial losses during the Covid Pandemic and needs to recoup losses;
- Sandy Park is a purpose built stadium that includes conference and banqueting facilities;
- the noise generated during rugby matches is largely contained within the stadium;
- Sandy Park has a capacity of up to 15,000 and regularly holds 12,000 for rugby matches;
- the application is to hold music events for which it will be necessary to obtain a variation to condition seven;
- the club has listened to the concerns raised and, with 17 years' experience of traffic management in and around Sandy Park, has consulted with National Highways Agency and Devon County Council Highways to agree a traffic management plan; and
- an event management plan has been agreed as one of the licensing conditions.

He responded as follows to Members' queries:-

- leaflets had been hand delivered to surrounding residential properties detailing the events which included a dedicated contact line and event details were included on the Exeter Chiefs website;
- litter picking after concerts around the stadium can be organised;
- these are trial events and attendances of approximately 5,000 are anticipated;
- in accordance with the environmental assessment, it is agreed that the gates will open at 5pm and not 4pm;
- no fireworks will take place as part of the events in accordance with the agreed licensing conditions;
- whilst the club has no authority in this matter, the suggestion of providing marshals at the Apple Way/Bishops Court junction to discourage parking by concert goers will be discussed with the Exeter Chiefs Management Team;
- the club discourages parking in the Digby Park and Ride Car park;
- with free shuttle buses being provided;
- the concerts will offer a different social event at Sandy Park to rugby matches and it is anticipated that the concert goers will be a different cohort to rugby watching spectators and, accordingly, result in a different atmosphere and behaviour.

The Director City Development provided the following concluding points:-

- the proposal was to amend condition seven of the planning permission to permit four concert events over two weekends;
- it presented an unique opportunity for real time monitoring by City Council and County Council officers to take place on noise and traffic related issues respectively. The data could then be used to assess the suitability of any further concert events the club may wish to promote;
- if the Committee is minded to approve the application, detailed consideration of additional conditions will be required for which delegated authority to the Director and officers is sought;
- whilst licensing conditions are complementary to those required as part of the planning permission, both are independent of each other; and

- there is clear consensus from both the Highways Agency and Devon County Council Highways that there will be no adverse highways impact. Real time data to be obtained will evaluate the impact of the events on the highways network.

Responding to Members' queries, the Director City Development advised that:-

- the Planning Committee is unable to alter conditions set by Licensing which is covered by separate legislation and there should be no regard to the current appeal in respect of the licensing approval;
- any report emerging from the real-time monitoring will be considered at the same time as any further planning application from the club for concert events. The Senior Environment Technical Officer confirmed that Environmental Health Officers often undertook real-time monitoring of late night and other events and that it was the intention to provide a package of information and evidence as part of the post event assessment of the event management plan; and
- the grant of permission would not set a precedent for any future concert plans, each would be subject to planning permission and considered on their merits.

The meeting adjourned at 21:55 and re-convened at 22:00.

Members expressed the following views:-

- 400 to 500 residents in the neighbouring area will be affected and strict conditions are necessary if permission is granted;
- a condition in respect of timing should ensure gate opening time of 5:00pm not 4:00pm and end times being brought forward to 10:00pm for Saturday concerts and 9:00pm for Sunday concerts to ensure that the stadium has been cleared by 11:00pm and 10:00pm respectively;
- the marketing of the events, distribution of flyers etc. was premature and disconcerting to the neighbouring residential area and the Club should have acted in better faith;
- can a Police presence be provided for the concerts and warden control of parking in the Bishops Court estate?;
- a condition is needed to ensure the closure of the Digby Park and Ride; and
- Devon County Council to be requested to provide real time monitoring of the traffic conditions as part of the arrangements for the concerts.

Responding to Members' requests for amended and/or additional conditions, the Director City Development advised that, given delegated authority, these matters must be considered with regard to planning regulations, respecting the licensing decision and conditions and reflecting existing and ongoing dialogue with the club on the events and the associated management plan. The club itself may wish to review its arrangements for the events in light of the public concerns raised, independently of the planning conditions ultimately agreed. The following were put forward as additional elements to be considered in the context of formulating and reviewing overall conditions as part of the delegated authority sought:-

- stadium management and control in relation to opening and closing times and activities in and around the stadium;
- parking and control;
- noise and its impact on the neighbourhood and how it is managed and controlled;
- litter; and
- post event management.

The Chair moved the recommendation with the suggested amendments set out above to be considered by the Director City Development subject to prior consultation with the Chair which was seconded, voted upon and carried.

RESOLVED that, subject to prior consultation with the Chair, the Director City Development on potential additional conditions and/or amended existing conditions, be granted delegated authority to **APPROVE** planning permission for the re-development to increase capacity from 10,750 to 20,600 by three new grandstands, additional parking, bus/coach drop off and extension to west stand including conference centre to south stand (Variation of condition 7 of [12/1030/FUL](#) to allow up to 4 music concerts on 17, 18, 24, 25 June 2023 only for an attendance of up to 15,000 people per concert.) (REVISED WORDING FOR CONDITION 7 VARIATION be approved subject to the conditions set out in the report.

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ADJOURNMENT OF MEETING

The meeting was adjourned for the following items to be considered at a further meeting of this Committee to be held on Monday 12 June 2023 at 5:30pm.

Planning Application No. 23/0172/FUL - Station Road, Pinhoe Playing Fields,
Station Road, Pinhoe, Exeter

Planning Application No. 22/0756/FUL - Newbery Breakers Yard, Redhills, Exeter

List of decisions made and withdrawn applications

Appeals Report

(The meeting commenced at 5.30 pm and closed at 10.40 am)

Chair

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PLANNING COMMITTEE

Monday 12 June 2023

Present:-

Councillor Knott (Chair)

Councillors Asvachin, Jobson, Ketchin, Miller, Mitchell, M, Sheridan, Warwick and Williams

Apologies

Councillors Lights, Bennett, Branston, Hannaford and Wardle

Also Present

Director of City Development, Service Lead City Development, Principal Project Manager (Development Management) (CC) and Democratic Services Officer (HB)

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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PLANNING APPLICATION NO. 23/0172/FUL - STATION ROAD, PINHOE PLAYING FIELDS, STATION ROAD, PINHOE, EXETER

The Service Lead City Development presented the application for a Community Hub Building to include a library, sports changing rooms, cafe, multi-purpose function rooms and office space. It was a resubmission of approved application 19/1105/FUL, which had lapsed.

The Service Lead City Development provided the following information:-

- the proposal involved the demolition of an existing building and the construction of a new community hub building to accommodate various services, including a café; new sports changing rooms; two multi-purpose function rooms; office space; washroom facilities and the relocation of the Pinhoe Library, which would include provision for ICT services. The existing play area would be relocated further west as part of the build;
- the principle of a community building, including changing rooms on this site, was acceptable;
- the design, scale and massing were acceptable;
- one objection had been received regarding the lack of additional parking and increased traffic generation on Station Road;
- there had been no objections from Highways or Sport England; and
- the proposal complied with local and national policies supporting communities, a healthy lifestyle, and protecting the environment and local amenities. It would significantly contribute to the quality of life of Pinhoe residents.

The Service Lead City Development, responding to a Member's query, advised that a condition required that no amplified music would be played outside 8:00 and 20:00 hours and that this extended to the boundary of the site as shown on the circulated plan.

Members supported the application, which would provide a greatly enhanced facility for Pinhoe and which was greatly welcomed by the local community.

The recommendation was approved, subject to the conditions set out in the report.

The Chair moved the recommendation for approval which was seconded, voted upon and carried unanimously.

RESOLVED that planning permission for a Community Hub Building to include: a library, sports changing rooms, cafe, multi-purpose function rooms and office space be **APPROVED**, subject to the conditions set out in the report.

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PLANNING APPLICATION NO. 22/0756/FUL - NEWBERY BREAKERS YARD, REDHILLS, EXETER

The report of the Principal Project Manager (Development Management) (CC) for six detached, 5-bedroom residential dwellings and associated access and landscaping was received.

At the Planning Committee held on 24 April 2023, Members had been minded to refuse the application and it had been resolved to defer the application to allow for the technical reasons for refusal to be clarified. Members had referenced highway safety and sustainable transport as concerns and requested that the refusal reasons cover pedestrian safety issues created through the lack of footpath on Redhills, alongside a failure to provide safe, sustainable transport options for the development's occupants.

Since the publication of the report to this meeting of the Planning Committee the Chair advised that an application for non-determination had been submitted to the Planning Inspectorate and confirmed as received by them. It has been confirmed with the Planning Inspectorate that as an appeal had been lodged a decision notice cannot be issued on this application. However, the Committee was instead asked to confirm their formal position as evidence in support of the Council's case at the appeal.

The Council's formal position on the application as set out below was noted.

RESOLVED that the Council's formal position in respect of the application for six detached, five-bedroom residential dwellings and associated access and landscaping is that the application should be refused as the proposal is contrary to Paragraphs 110 and 111 of the National Planning Policy Framework (2021), the National Design Guide, Objectives 1, 3 and 5 and Policies CP9 and CP17 of the Exeter Local Development Framework Core Strategy, Policies AP1, H2, T1, T3. DG1 of the Exeter Local Plan First Review 1995-2011, the Sustainable Transport Supplementary Planning Document and the Residential Design Guide Supplementary Planning Document because, by reason of the location and design of the proposed development, it would:-

- (a) fail to provide pedestrians safe access to and from the site; and,
- (b) fail to provide cyclists safe access to and from the site; and,
- (c) fail to promote sustainable modes of transport, resulting in car-dependent development.

resulting in an unacceptable risk of conflict between road users, which would harm highway safety.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Director City Development was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(The meeting commenced at 5.30 pm and closed at 5.55 pm)

Chair

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PLANNING COMMITTEE

Monday 19 June 2023

Present:-

Councillor Paul Knott (Chair)

Councillors Asvachin, Bennett, Jobson, Ketchin, Lights, Miller, Mitchell, M, Sheridan, Wardle and Williams

Also Present

Director of City Development, Service Lead City Development, Assistant Service Lead - Development Management (Major Projects), Principal Project Manager (Development) (CMB), Planning Solicitor and Democratic Services Officer (HB)

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COUNCILLOR ASVACHIN

The Chair asked Members to note that, prior to appointment at Council on 18 July 2023 in respect of the position of a Deputy Chair of the Planning Committee, in the absence of a Deputy Chair, who normally chaired the Planning Member Working Group, Councillor Asvachin had chaired the meeting of the Group on 12 June 2023.

50

MINUTES

The minutes of the meeting held on 25 May 2023 were taken as read, approved and signed by the Chair as correct.

51

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

52

PLANNING APPLICATION NO, 21/1676/FUL - LAND NORTH EAST OF 371 TOPSHAM ROAD, EXETER

The Assistant Service Lead - Development Management (Major Projects) presented the application for the development comprising change of use to golf driving range including construction of an 8 bay and 2 training bay facility incorporating equipment store and car park.

The Assistant Service Lead - Development Management (Major Projects) reported that the application had been deferred at the previous meeting of this Committee on 25 May 2023 so that changes to the conditions could be carried out. A Member had also asked if amenity could be improved, taking into account the local community's concerns.

Accordingly, the following revised and new conditions had been agreed with the applicant as set out in the report and detailed as follows:-

- condition 14 had been added to require a Border Management Plan;
- condition 21 had been added to prevent the use of herbicides etc.;
- condition 17 (now 18) had been amended to provide opening hours of 9.30am during the week and 10.00am on Saturdays, Sundays and Bank/Public Holidays;

- condition 13 has been amended to require biodiversity monitoring.;
- no further condition has been added with respect to noise, as condition five already required a Noise Impact Assessment to be submitted and approved by the Local Planning Authority, and any necessary mitigation measures to be implemented, as recommended by Environmental Health. Sound proofing can therefore be secured through this condition if it is considered necessary.

As amenity could cover a wide range of issues it had not been possible to pin down improvements in this regard. The issue of whether public access could be allowed on the site, for example when the facility was not in use had been raised again; however, the applicant had stated that this was not possible for safety, security and insurance reasons. Members were reminded that this has no bearing on whether planning permission should be granted or refused.

The original committee report to this Committee on 25 May 2023 was attached as an Appendix which contained an assessment of the salient planning issues that Members were asked to consider when coming to a decision.

In respect of lighting in the car park, Members were reminded that this was controlled by condition 19, so no lighting could be installed unless agreed by the Local Planning Authority. The applicant had confirmed that no lighting was proposed in any case.

Councillor Begley, having given notice under Standing Order No. 44, spoke on the item. She read statements from Gill Barnes and Phil Wright raising the following points:-

Gill Barnes

- 340 residents have objected strongly to this application and the way it has been conducted. A seven-five vote rejecting the case officer's recommendation was called undecided at the meeting of this Committee on 25 May 2023 and deferred by the Chair. The officers offered the Club an opportunity to improve their plans;
- the Club have been allowed to submit amendments without any consultation. They did not consult with Natural England as it is mandatory for them to be included in all discussions throughout the planning process nor contact made with the RSPB nor the Devon Wildlife Trust;
- of the seven issues the Club were asked to improve, only one has been completed - the banning of herbicides, pesticides and fertilisers which cause many problems, especially the glyphosate that is in use on Exeter Road but about to be banned by Defra;
- the issue of opening and closing times was incomplete but the times to commence were basically as agreed. Weekdays opening is agreed at 9.30 am to avoid the number of cars on the road and for Saturdays, Sundays and Bank Holidays the start is 10.00 am. With no floodlighting at all, the closing times need to be flexible according to the season but this should be discussed further as 9.30 pm in the summer months is too late when the adjacent houses have school children and babies trying to sleep. 8.30pm weekday is proposed as a compromise. Weekends and Bank Holidays the times are reasonable at 8.00 pm.;
- clarification is needed on the timing of ball collecting and grass cutting as it is assumed that it would be in the hour prior to opening time;
- no border management plan has been drafted;
- the monitoring method to ascertain any increase in Biodiversity is not evident;

- the colour of the actual building has not been confirmed. Interior lighting and the oversized car park are other issues that need addressing, as does the archaeology assessment;
- there has not been any clarification on noise or the required noise assessment. Under normal circumstances in an area of tranquillity such as this, there is no disturbance at all by noise from humans. It is one of the most secluded fields in the Ludwell Valley because of its lack of access to walkers, runners etc. so the wild life is completely undisturbed. This field provides peace and quiet alongside the adjacent Community Orchard field where there are seats to enjoy this continuous tranquillity. Any noise, however, small can adversely affect wildlife and ecosystems. External amenity spaces are an intrinsic part of the overall design of the Park and Site 53 is one of the most important and should not be changed to accommodate a driving range etc.;
- the Club chose to use its existing land three years ago when the pond was enlarged and the 18th hole extended by some 60 yards .Previously, the Club sold off two areas of their own land to the same developers, Heritage Homes now Heritage Bricks but under the same ownership. The Club do not need to have a purpose built range to practice;
- the local residents have also raised concerns over the lack of any archaeological report as there are the remains of a bronze age hut and a cremation pit;
- the revised Exeter Local Plan will be published later this year. It has retained LS1 which has been referred to as being out of date but will include that policy which the Golf Club believes justifies their application and presence in this Valley Park. The list in the leisure section of the Local Plan on informal recreation does not cover the proposed use of a golf driving range. Informal recreation in any Valley Park is limited and there is no mention of organised sport or any ball games;
- a Geo Environmental report in 2019 refers to the asbestos contamination within the field and unexploded ordnance. A thorough investigation by an expert is necessary; and
- this field must remain as a tranquil peaceful place and remain of landscape value and part of a working farm.

Phil Wright

- clarification is required on times for mowing and ball collection;
- residents should be involved in border maintenance and landscaping and there has been no consultation on how this can occur;
- confirmation is required that there will be no exterior lighting of any kind; and
- most things asked for are included in the recommendations except the most important that the field will be protected from future development.

Gill Baker, speaking against the application, raised the following points:-

- this application was first submitted in 2021 and, thanks to the efforts of the planning officers and input from over 400 consultees, it has been revised to achieve a “less worse” impact on this important part of Exeter’s greenspace. But it is necessary to decide whether “less worse” is acceptable and whether this development will have an impact on the biodiversity, landscape and public amenity value of Ludwell and whether any building in the Valley Park is acceptable or whether it is more reasonable for valuable land like this to be strategically ring-fenced as part of our green infrastructure;
- with the increase in housing development across the city it is increasingly important to expand the area of the city’s valley parks for the common good;

- it also needs to be decided if this loss of undeveloped greenspace is acceptable and if it is a reasonable development - how can it be ensured that is not just “less worse” but the “least worst”;
- the Committee is being asked to determine whether the development as described is reasonable within planning terms and also if the applicant will be reasonable in restricting the development to the detail shown in the latest proposal;
- the development must not be a bit-by-bit return to the original proposal or incrementally become something worse;
- the scheme has received over 300 objections, is contrary to the Valley Park Masterplan and compromises the city’s Green Infrastructure strategy;
- the right decision is the one made at the 25 May 2023 meeting. The proposal should be refused and every power should be used to ensure that the proposal is the “least-worse” as possible. This would mean setting strict legal conditions and paring back the development to an absolute minimum; and
- the integrity of Ludwell Valley Park must be protected.

She responded as follows to Members’ queries:-

- there has been insufficient scrutiny of the proposal which requires more consideration before a decision is made in order to protect the Valley Park; and
- the requirement for a 30 space car park is contradicted by the Club’s statement that only three cars an hour will enter the site and it is anticipated that the use of the car park will grow. The use of grasscrete will disrupt the ecology of the area and its use could lead to purposes other than supporting the Driving Range facility.

Will Gannon, speaking in support of the application, raised the following points:-

- since the Planning Committee meeting on 25 May 2023, the case officer has contacted the Club to request amendments to the planning conditions and the Club are happy to confirm full agreement;
- the focus of the Club is not only about providing sporting facilities for the residents of Exeter but also to highlight its activities in terms of charity and community work as well. The Club has agreed to host a visit from students and teachers from the Exeter Deaf Academy to learn about the different career possibilities on offer at the Club;
- the Club is very keen to substantially improve the biodiversity of the application site and wish to support the ethos of Exeter City Council in this respect. The Club will also be introducing new well-being functions to the vacant land and be responsible neighbours, as it is at its main site;
- public access to the land is not currently available and this will continue to be the case in future, mainly due to insurance issues, as well as general safety and security matters; and
- the Club wants to relocate its Golf Academy to this new site to become its permanent home.

He responded as follows to Members’ queries:-

- quiet electric vehicles will be used for maintenance and all maintenance works and ball collections will be undertaken during the opening hours set out in the conditions; and
- the Club has undertaken consultation with the local residents and will continue to hear any concerns raised as is the case with the existing facility.

The Assistant Service Lead - Development Management (Major Projects), in response to Members' queries, advised that:-

- the proposal accords with Policy CP16 of the Core Strategy, which is more up to date than the Local Plan First Review, and the background text of Policy CP16 confirms that the Valley Park can provide formal as well as informal recreation uses;
- any additional development such as the provision of berm lighting, as exists on the current facility, would require planning permission;
- the site layout shows 26 car parking spaces but does not show disabled spaces or cycle parking in accordance with the Sustainable Transport Supplementary Planning Document so it follows the number of spaces will reduce;
- the car park will be behind the building in views from the publically accessible parts of the Valley Park;
- an archaeological assessment will need to be undertaken prior to the commencement of the development;
- a Noise Impact Assessment must be submitted and approved by the Local Planning Authority, and any necessary mitigation measures to be implemented. This requirement was in response to concerns raised by residents. The area is an agricultural field and there have been concerns in the past from residents regarding noise from tractors in the early morning;
- an additional condition can be added to require a survey of the land to determine the existence of asbestos and any unexploded ordnance for necessary mitigation measures to be undertaken;
- the public consultation ended prior to the previous Committee on 25 May 2023 and Members at that Committee did not ask for any additional consultation to be undertaken, which would not happen automatically for changes to conditions; and
- the location of the building and car park will be on land that can be defined as a brownfield development and the rest of the site would be defined as green field.

The Director City Development provided the following concluding points:-

- the application had been deferred at the meeting of the Planning Committee on 25 May 2023 in order to request the applicant to consider changes to the application;
- the application is to be considered in the context of the Core Strategy and not the forthcoming Exeter Plan which is yet to be adopted; and
- an additional condition in respect of asbestos and unexploded ordnance can be added which can be carried out as a desktop exercise.

A Member stated that it was important to balance the needs and concerns of the local community with the wider provision of recreational facilities for the city as defined within the Core Strategy. He noted the measures proposed and agreed by the Club to mitigate the concerns that had been raised.

The Chair moved the recommendation for approval including the conditions set out in the original report as amended by the new conditions in the report to this Committee together with an additional condition in respect of asbestos and unexploded ordnance which was seconded, voted upon and CARRIED.

RESOLVED that planning permission for the development comprising change of use to golf driving range including construction of an eight bay and two training bay facility incorporating equipment store and car park be **APPROVED**, subject to the conditions as set out in the report as amended by the new conditions in the report to

this Committee together with an additional condition in respect of asbestos and unexploded ordnance.

The meeting adjourned at 18:20 and re-convened at 18:35.

53

PLANNING APPLICATION NO. 22/1746/RES - WEST PARK, UNIVERSITY OF EXETER, STOCKER ROAD, EXETER

The Principal Project Manager (Development Management) (CMB) presented the application for approval of reserved matters of access, appearance, landscaping, layout and scale in relation to outline permission 20/1684/OUT for student accommodation and ancillary amenity facilities, and external alterations and refurbishment of Birks Grange Village Blocks A-E, with associated infrastructure, demolition of existing buildings and landscaping. The application had been deferred at the previous meeting of this Committee on 25 May 2023 so that a site visit could be arranged.

The Principal Project Manager (Development Management) (CMB) spoke to the presentation, highlighting the following matters:-

- a site visit had been undertaken on 9 June 2023;
- concerns from residents of the impact on residential amenity and the potential overbearing impact and loss of privacy to neighbouring dwellings arising from proposed Blocks CB, ST and GH;
- the scheme was displayed via 3d models in the meeting;
- the additional information sheet clarified planning considerations material to current Reserved Matters application compared with Outline consent already granted;
- 20/1684/OUT approved plans included a Site Location Plan, a Demolition Plan, Land Use Parameters Plan, a Movement and Access Parameter Plan, a Heights Parameter Plan and a Landscape and Biodiversity Parameter Plan;
- reserved matters comprised layout, scale, appearance and access approved (subject to conditions) under the Outline consent. The appearance of the buildings had been assessed at the reserved matters stage and found acceptable subject to conditions regarding detail of materials. Access had been approved in terms of Highways safety and conditioned at Outline stage in terms of Highways safety and accessibility had been found acceptable at the reserved matters stage. The Landscaping Strategy had been approved and conditioned at Outline stage with further conditions at reserved matters stage;
- condition 15 specifying maximum gross internal floor area of 49,821sqm;
- parameter plans showing the limit and extent of development had been approved as follows:-
 - layout, scale, appearance and access approved condition 15 specifying maximum gross internal floor area of 49,821sqm;
 - Layout showing the maximum internal floor area of 49,821square metres in total, building footprints to not exceed areas defined in the Land Use Parameter Plan; the detailed layout of the proposed development falling within the approved parameters, the impact on residential amenity having been assessed in principle at the outline stage and therefore window control zones and height limits were set out on approved plans;
 - a more detailed assessment on residential amenity has been undertaken and found acceptable;

- the maximum scale had been approved at outline stage with the maximum floor areas conditioned via Land Use Parameters Plan and maximum Gross Internal Area condition;
- maximum heights were conditioned via the Heights Parameter Plan. As such, provided that the reserved matters scheme did not exceed the approved parameters, then the proposal must be considered acceptable in terms of scale.

The Principal Project Manager (Development Management) (CMB) referred to Residential Design Supplementary Planning Document (SPD) regarding the loss of privacy and overbearing impact detailing how the development met the criteria set out in the document, in particular in respect of Elmbridge Gardens, Dunvegan Close and other properties. In terms of loss of privacy, a minimum back to back distance of 22 metres was required between habitable room windows and in terms of harm to outlook the distance between habitable room windows and an elevated blank wall had to be a minimum of two times of the height of the wall plus the ground level difference. The plans met these criteria.

The Principal Project Manager (Development Management) (CMB) provided the following concluding points:-

- the University was of strategic importance to Exeter in terms of economy, education and vitality which provided substantial positive weight;
- Core Strategy, Local Plan and Supplementary Planning Guidance sought as much purpose built student housing on campus as possible to reduce housing pressures in city. The proposal would meet this need with nearly 1,500 net gain;
- a rigorous assessment of the adverse impacts of the scheme in terms of visual and residential amenity had been undertaken, amendments and additional information secured and conditions recommended to overcome concerns;
- on balance, the benefits of the scheme outweighed any adverse impacts and the reserved matters were considered acceptable overall;
- it was considered that there were no policy grounds for refusal; and
- the application should, therefore, be approved in line with NPPF paragraph 11 c).

The Director City Development, the Principal Project Manager (Development Management) (CMB) and the Planning Solicitor, in response to Members' queries, advised that:-

- in terms of student safety in light of the increase in total numbers, the Highways Authority had confirmed that access arrangements were satisfactory and that the uplift in student numbers was not considered significant;
- the Committee should consider the application before it and not suggest a change in direction of one of the student blocks, for example, from east to west to north to south;
- there would be vehicular access around the whole of block ST, including for emergency vehicles;
- the application was for student accommodation which could include summer school accommodation. It would be unreasonable to seek to impose a control on the nature of accommodation the University might wish to seek;
- a number of plans were approved at outline stage including height parameters and it was not possible to revisit issues agreed at outline stage in 2021; and
- storey numbers are predicated on the differing site levels and in some cases the sites have been excavated to accommodate the number of storeys - there was therefore flexibility within the parameter plans and officers were satisfied that the

maximum height in the plans had not been exceeded. The footprints were controlled under the land use parameters plan also agreed at outline.

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

Issues raised on behalf of some of the residents:-

- purpose it to correct errors raised by UPP contained within the outline and reserved planning applications to be corrected for the Committee to reach an informed decision which includes the last three years since the planning application started;
- height of Block ST which was initially Block B1 which has never been six storeys and reduced to four but was initially four storeys and reduced to a three storey on one small end portion with residents objecting to four storeys;
- the number of beds had not been reduced from 182 to 134. The initial figure of 134 now increased to 155 beds;
- separation distances between blocks and houses – ST to Elmbridge Gardens claimed to be 92 metres but is actually 89 metres from building to building and 39.5 metres on the resident's property so actual distance is 49.6 metres which is important in terms of amenity. The figure is reduced further if road access is included with many vehicles visiting the block;
- 26 objections/feedback forms sent to the applicant in December 2022 but not summarised in the community statement by UPP or passed to the Council or considered as part of the planning process and are therefore not on public record;
- traffic fatalities occurred over five years ago and therefore do not show on Highway Authority records;
- the many extra deliveries for the planned 1,500 extra students will increase traffic;
- ST will have 54 open windows on one side directly facing residents and 48 on another plus doors, outside areas and the bike store but window control zones were only put on one side of the building. On building CB there will be 41 windows plus doors in a large social area giving a total of 143 windows facing homes. Block ST will have 43 windows facing 63 Streatham Rise which added to Block CR will result in 111 windows facing their house and gardens;
- images of ST and CB in the application have been hidden from residents at each stage of the application with residents expressing objections to the size and overbearing impact of the blocks on residential amenity at every possible consultation stage despite requests for pictures and models of what the buildings would look. These had not been forthcoming. All written requests for feedback were ignored until 6 February when ST was finally shown but marked QR;
- policy states that buildings should not harm the character of buildings and not reduce the amenity of neighbouring properties or create an imbalance in the local community. Creating high quality buildings is fundamental and good design is a key aspect of sustainable development. Effective engagement is also essential between all interested parties;
- there has been no engagement with residents and if this continues residents and students will be poorly designed buildings and there will be constant conflict between residents and students; and
- it is not too late for UPP to consult.

Comments of Councillor Pearce

- outline permission has been granted but is contingent on reserved matters being agreed. Section 97 of the Town and Country Planning Act 1997 give planning authorities power to revoke or modify any existing permission if work has not started. Work has not started on this application;
- it is in the gift of the Committee to refuse or support planning recommendations;
- additional technical details should have come forward at an earlier date; and
- a four storey building would be considered overbearing by a reasonable person so the residents of Elmbridge and Dunvegan understandably feel aggrieved.

Christopher Wakely, speaking against the application, raised the following points:-

- thank you to those of you who were able to take part in the site visit to the Birks Grange/West Park development;
- we all support the University's decision to accommodate its students on the main campus but wish for an open dialogue to reduce the detrimental impact of planned building on the local residential community;
- the impact of two buildings on the loss of privacy, noise and light pollution and general nuisance is significant;
- visualisations show the true impact of the steep gradient but they only appeared on the planning website at the end of February after the final date for objections. The image shows how blocks CB and ST have an overbearing impact on residences in Elmbridge Gardens and Dunvegan Close;
- the plan of Birks Grange/West Park Site show how the six-storey CB (41 windows) and four-storey ST (52 windows) look directly on to homes in Elmbridge Gardens and Dunvegan Close;
- the 3D printed model shows a flat lawn between block ST and the homes in Elmbridge Gardens but cardiac hill is missing;
- visualisations of block ST from Elmbridge Gardens and Dunvegan Close show how block ST is the equivalent of a 10-storey building from street level in Elmbridge Gardens which has an overbearing detrimental impact on privacy;
- the re-orientation of block ST towards the north west is suggested so that it faces Birks Grange Village rather than homes which would be a simple mitigation;
- re-siting the shop planned for the ground floor is suggested so that students from West Park do not contribute to the pedestrian traffic coming down the hill rather than towards the main campus;
- block ST - this four-storey block is planned for a site not currently used for student accommodation and has an equivalent height of a 10-storey building from residential roads. It is surrounded on three sides by residential properties. It will have 155 bedrooms with 52 windows looking directly over Elmbridge Gardens and Dunvegan Close. It is considered overbearing and should be removed altogether or re-orientated towards the north-west so that it overlooks Birks Grange Village rather than homes. It could be reduced in height to two storeys;
- there will be a detrimental impact from greatly increased vehicular and pedestrian traffic as the main access to the West Park site;
- there has been a lack of openness in the consultation process with too many late changes;
- the objectives of the Liveable Exeter vision should be upheld to strengthen neighbourhoods, create new communities and improve quality of life; and
- Glenthorne Road is an example of a push for extra quantity and profit which has created an over-intensified student accommodation block that has obliterated the local resident community.

Responding to a Member's query, he advised that the height of Block CB, a six-storey block would mean that it would look over the tree cover and directly into the homes in Elmbridge Gardens and Dunvegan Close and that the height should be reduced to four storeys.

Mike Shore-Nye, speaking in support of the application, raised the following points:-

- the heights, massing and the amount of accommodation proposed were assessed by officers and determined to be acceptable at outline stage and these constraints are defined within the parameter plans approved at outline stage;
- this Reserved Matters application is therefore predominantly concerned with the design of the proposed buildings, which has been subjected to significant public consultation, Design Review Panel scrutiny and detailed discussion with the Council's Urban Design and Planning Officer;
- there was a particular focus on the height of Block ST and its proximity to neighbouring properties at the Planning Committee on 25 May 2023. In terms of height, this building was reduced from six and four storeys to four and three storeys at outline stage following public consultation. The four-storey element of Block ST is 2.2 metres below the maximum height within the consented Parameter Plan;
- regarding proximity to neighbouring properties, Block ST follows the guidelines set within Exeter City Council's Residential Design Guide Supplemental Planning Document. The SPD calculation requires a minimum separation distance of 42.7 metres to the nearest property on Elmbridge Gardens, taking account of the level changes between the site and neighbours. The actual separation distance comfortably exceeds this at 92 metres. Block ST is fully compliant;
- regarding passing across 26 consultation feedback forms to the planning authority, following usual practice, the comments within these forms were summarised within the Statement of Community Involvement;
- concerns were expressed on the increased risk of traffic accidents on Cowley Bridge Road and New North Road due to the development - Highways Authority did not raise any concerns based upon the risk of accidents. Also, their own five year website data shows there have been no fatal accidents on this road within this time;
- at outline stage, the Council specifically asked the applicant for a shop to be retained as part of the development in order to reduce student footfall outside of campus. If other students wish to use this shop, the quickest and most direct route is to use the nearby footpath, situated on university land;
- condition 25 of the outline consent requires the applicant to provide detailed proposals for the management of surface water and silt run-off from the site during construction. In response to this condition, a proposed Drainage Strategy has been submitted; and
- since 2019, this development has evolved in response to officer, design review panel and public feedback. The result of this process is a compliant scheme. When completed, West Park will lead the education sector in low carbon, sustainable student accommodation. The project will also provide significant social value and local economic benefit to the city and wider community. West Park will help to meet current and expected future growth and build upon the University's £1.6 billion of output to the local and UK economy, together with supporting 15,500 jobs.

He responded as follows to Members' queries:-

- the suggestion for the re-positioning of the blocks would be costly in terms of finance and time and there is a commercial need to maximise the use of the site to ensure viability. The proposals meet the Council's design guidance and simply reducing or removing blocks will have an adverse impact on the Business Plan which is part of the overall work in bringing forward the scheme;
- the supplementary information provided by the applicant sets out the stages in public consultation and includes the reductions in heights put forward in response to consultations;
- the University also wishes to live in harmony with its neighbours and takes its responsibilities to the community seriously. The provision of on-campus student accommodation helps meet the Council's goal of reducing houses in multiple occupation; and
- the management regime to control student behaviour will be robust and similar concerns regarding the East Park development did not materialise. It is believed that the scheme will have a positive impact on the city.

Members expressed the following views:-

- whilst recognising the great value the University brings to the city in terms of education, culture, economy and diversity, to promote harmony with the community, consideration should be given to recalibrating some of the blocks so that students will look out onto students rather than neighbouring residential properties;
- whilst no one is opposed to a form of development to accommodate students, the concerns raised before and after outline stage have not been adequately addressed and, given that the buildings will be in situ for many years, in the interests of residents and to ensure long term harmony, the plans should be revisited;
- the County Council Highways officer has not provided sufficient information to back their statement that there are no highway concerns. Referencing data which only covers the last four years does not provide sufficient transparency or confidence that the road network is safe. There are a number of hotspots where traffic accidents can occur such as near the Buller statue and along New North Road and there have been fatal accidents in the area. The data provided is not sufficiently robust.

The meeting adjourned at 19:30 and re-convened at 19:35 enabling Members to view the 3D model.

The Director City Development and Planning Solicitor provided the following concluding advice:-

- it is not possible to recalibrate or mitigate the matters which have already been granted planning permission at outline stage by another Planning Committee in 2021. These cannot be revisited when reserved matters are under consideration;
- the Committee needs to consider the discharge of reserved matters within the application;
- advice has been given on the difference between outline and reserved and the status of the approved plans in relation to layout, scale, access and highways. Information was also provided on residential amenity and highways and how it relates to guidance within Supplementary Planning Guidance. The reserved matters are well within those policy guidelines;

- information has been provided on the community engagement undertaken by the University and also criticism of the level of that engagement. The issue of the applicant's community engagement is not a planning consideration but is encouraged when developments come forward;
- the issue of the proximity of Block ST to residents and the request to recalibrate cannot be considered at reserved stage as it falls within the footprint set out within the parameter plans agreed at outline stage;
- likewise, details of heights and access and how movements can be achieved were also agreed at outline stage;
- the details within the 3 dimension box can be considered; and
- the current footprint of Block ST as shown on the parameters plan cannot be rotated as it would fall outside the land use parameters plan already approved which sets out scale and massing.

The Chair moved the recommendation for approval which was seconded, voted upon and CARRIED after his casting vote.

RESOLVED that the application for planning permission for reserved matters of access, appearance, landscaping, layout and scale in relation to outline permission 20/1684/OUT for student accommodation and ancillary amenity facilities, and external alterations and refurbishment of Birks Grange Village Blocks A-E, with associated infrastructure, demolition of existing buildings and landscaping be **APPROVED** subject to the conditions set out in the report.

54 **PLANNING APPLICATION NO. 23/0321/FUL - LAND ON THE WEST SIDE OF BELLE VUE ROAD, EXETER**

The Chair reported that the application for the erection of a fixed ground mounted Solar Photovoltaic array with an expected capacity of no less than 1.07MWp of generating capacity, a transformer substation, cable run, associated access, fencing, biodiversity measures and ancillary works had been **DEFERRED** at the request of the applicant and would be considered at the July meeting of this Committee.

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

The report of the Director City Development was submitted.

RESOLVED that the report be noted.

56 **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(The meeting commenced at 5.30 pm and closed at 7.58 pm)

Chair

STRATEGIC SCRUTINY COMMITTEE

22 June 2023

Present:

Councillor Yvonne Atkinson (Chair)

Councillors Mitchell, M, Allcock, Asvachin, Ketchin, Knott, Read, Snow, Vizard and Williams

Apologies:

Councillors Branston, Leadbetter, Lights and Moore, D

Also present:

Chief Executive, Director Corporate Services, Director of Culture, Leisure and Tourism, Business Development & Brand Lead and Democratic Services Officer (SLS)

In attendance:

Councillor Philip Bialyk	- Leader
Councillor Emma Morse	- Portfolio Holder for City Development
Councillor Laura Wright	- Portfolio Holder for Culture & City Centre Strategy
Councillor Duncan Wood	- Portfolio Holder for Leisure and Physical Activity
Councillor Amy Sparling	- Member Attending Under Standing Order 45

51 **Minutes**

Subject to the correction to Minute 44, in respect of the Decarbonisation Fund and the reference to the Riverside and Isca Centre, it was confirmed that the Fund related to the Riverside and the RAMM, and subject to that change, the minutes of the meeting held on 16 March 2023 were taken as read, approved and signed by the Chair as correct.

52 **Declaration of Interest**

No declarations of interest were made by Members.

53 **Questions from Members of the Public Under Standing Order No.19**

In accordance with Standing Order No.19, the following question had been submitted by a member of the public, Mr Cleasby and was circulated in advance to Members of the Committee. Councillor Bialyk, Leader offered a response prepared for him by Councillor Parkhouse, Portfolio Holder Ecological and Climate Crisis as set out in italics below and also made a contribution:-

In the past year, what representations has the Council made to Stagecoach, other operators or to Devon County Council about the adequacy of bus services in Exeter?

The Leader advised that there was no formal mechanism between the City Council and the bus companies. Any formal representation was carried out through Devon County Council's Exeter Highways and Traffic Orders Committee (HATOC) which includes County Councillors and City Councillors. He had met with Peter Knight, the new Managing Director for Stagecoach South West when he was first appointed, and

had impressed upon him the issues being faced by residents and particularly the uncertainty of whether their bus would arrive on time. He had been given assurances that the timetable was being revised to ensure some of those uncertainties were addressed and the service would run more efficiently. The Leader could share Mr Knight's email address as he had said he was prepared to listen and deal with any concerns raised by Members. The Leader added that he had welcomed the opportunity to impress on Mr Knight of the need to attend the HATOC meetings to listen to what the City and County Councillors had to say.

Mr Cleasby asked a supplementary question and advised that in his contact with Stagecoach, they had raised concerns over traffic congestion which made keeping to a timetable more problematic. He asked if the City Council would be prepared to lobby Devon County Council more rigorously to look at dealing with the levels of traffic congestion.

The Leader advised he would arrange a further meeting with Mr Knight, but the most appropriate vehicle was through the HATOC meetings and Devon County Council, as the Highways Authority.

Mr Cleasby thanked the Leader for the response.

The Chair added that Devon County Council was currently consulting on the Exeter Local Transport Plan, and she invited Mr Cleasby to feed any comments into that.

54 **Questions from Members of the Council Under Standing Order No.20**

There were no questions submitted in accordance with Standing Order No.20 to the Portfolio Holders.

55 **Portfolio Holder Report**

Councillor Bialyk, as Leader reported on the respective areas of his Portfolio, which detailed the Council's published priorities, major ongoing programmes of work, issues impacting delivery, financial performance and budget requirements and potential changes being considered.

The following responses to Members were given:-

- a response to a question on the cost benefit analysis of the journey to Holsworthy to process organic food waste would be obtained. He would also speak to the Portfolio Holder for Place and City Management. The Member agreed to email further detail of a question on the carbon burden of using the Holsworthy site versus treating wet organic waste in Exeter.
- the City Council together with Devon County Council, Plymouth and Torbay had discussed a Level Two tier Devolution County Deal option, also known as a Devolution Light option. A Members' Briefing would be held later in the year to offer the opportunity to share all of the information, but no decision on this would be made without consulting Members.
The governance arrangements had still to be discussed, but the preferred model was for a combined authority, which would be principally governed by Devon County Council, Plymouth and Torbay Unitary Authorities with the other District Councils, including Exeter having a seat at the table. It would be important to take part in any discussion on the reallocation of local government resources for the front line delivery of services.

- the current funding streams for strategic support of supported homes was not part of this devolution discussion, but it would be appropriate to contact the County Council on this matter.
- a devolved authority could mean future opportunities for a local authority run bus service, but the business model would be very different from former years, and would have to be one which the local authority could control with more stakeholder control and influence.

A Member asked a series of questions to which the Leader responded:-

- an update on the medium term financial plan would be reported to the Executive on the 27 June. Following discussion with the Chief Executive, Section 151 Officer and Portfolio Holders, it is proposed to engage Members earlier in the annual budget setting process.
- driving down and managing debt was important. There was a strategy of investing locally and making sure that what was borrowed could be sustained.
- embedding net zero in all services and planning activity was an ambitious plan and as a local authority powers in relation to net zero were minimal. Exeter City Futures was being wound down, but Exeter still intended to work with a number of partners including the University of Exeter. The Council had signed up to a Civic University agreement and he was due to meet with the Vice Chancellor. A report would be presented to the Executive to set out the continued arrangements for meeting the city's net zero ambitions.
- a report, including a business plan for Exeter City Living was being prepared to be presented to the Executive in September.
- Exeter City Living (ECL) had no targets for social and affordable housing. The Chief Executive stated that the Council have set a target for the delivery of 500 homes over 10 years and significant progress has been made in that area, but it was not for ECL to determine how the Council delivered social or affordable housing.

The Leader also responded to a number of Member enquiries on Exeter City Futures including the future oversight of the work and stated that it had not been the City Council who had pulled away from the business group. As stated previously, a report to the September meeting of the Executive should address many of the questions raised by the Member.

He invited the Member to send in any other questions for a further response.

The Chief Executive at the invitation of the Leader set out additional information on a proposed review of the priorities and actions relating to the Corporate Plan. The Local Government Association had been commissioned to carry out some work on effective decision making using effective report control. It was acknowledged that the most efficient organisation was one that had the minimum amount of levels between a member of front line staff and the Chief Executive. This work would form part of a proposed change in organisational structure and Member support would be sought for a reprioritisation of the way that the Council worked, continuing to focus on customer and service delivery.

Members thanked the Leader and noted the report.

56 **Presentation on the Role of Scrutiny**

The Director Corporate Services gave an overview presentation on the role of scrutiny and its importance within the Council's democratic process. She advised that

this presentation was a precursor to a bespoke session on scrutiny planned for later in the year on the 7 September, from Bethan Evans of Governance Training and Consultancy Ltd.

The following points were highlighted in the presentation:-

- the current scrutiny system in Exeter was introduced in October 2019 with two scrutiny committees, namely Strategic Scrutiny Committee and also Customer Focus Scrutiny, with 14 members on each Committee, none are Members of the Executive.
- the terms of reference for the Strategic Scrutiny Committee covered Council wide strategic matters, relevant policies, corporate health and safety and climate change and sustainability.
- the scrutiny work plan was set by the Scrutiny Programme Board, which was chaired by Councillor Allcock, a non-Executive Member and comprised of the Chairs and Deputy Chairs of both Scrutiny Committees.
- the Scrutiny work plan is generated by Members of Scrutiny who were encouraged to submit areas of scrutiny using a Scrutiny proposal form. Once completed, the Strategic Management Board are invited to comment on how that topic aligns with the Council's corporate objectives and priorities.
- the Forward Plan, published monthly sets out all of the Council and Executive decisions to be taken over a 12 month period. Members should look at the business coming forward and take an active part in policy formation before the Executive makes a decision on that matter.
- there was the opportunity to explore scrutiny of a topic with a review through a Task and Finish Group or Spotlight Review with any recommendations presented to Scrutiny and Executive as part of the decision making process.

The role of Scrutiny was important and offered Members an opportunity to become involved in the process including:-

- to assist with the review of Council policy, look at service delivery issues including budgets,
- to enable public engagement with the ability to ask questions about Council responsibilities,
- holding the Executive to account through a mechanism of call in, under Standing Order 17 of the Constitution, whereby decisions made by the Executive that had not been implemented could be brought back to Scrutiny for further consideration. The grounds for a call in were
 - a) the process was either deemed deficient,
 - b) failed to consider alternative action,
 - c) failed to take account of relevant factors or
 - d) the decision was wrong in fact or law.
- the call in required seven members from either Scrutiny Committee.
- the Scrutiny Committee could consider a number of options including, to take no further action or make a request to the Executive to reconsider the decision, but may not change the decision. Call in does not apply to urgent decisions or recommendations to Council.

The Director Corporate Services responded to the following Members' comments: -

- the seven members of call in could be a Member of either Scrutiny Committee, but the topic would be considered by the relevant Scrutiny Committee.

- the committee system was aligned to the 2011 legislation and size of population. Exeter's population permitted a Leader Cabinet model rather than the Directly Elected Mayor/ Cabinet option.
- the Scrutiny training offered by Bethan Evans would be specially tailored to Exeter.

The Chair of the Scrutiny Programme Board referred to the Scrutiny proposal form, which was available on the Council's intranet. The Democratic Services Officer would send the link and also circulate the document for information.

A Member referred to statutory guidance on scrutiny from the Government published in 2019, which was still a useful document for Members new to scrutiny.

Members thanked the Director Corporate Services for the presentation.

57 **Ethical and Low Carbon Advertising**

The Director referred to a report in relation to a Motion presented at the April meeting of Council by Councillor Sparling regarding ethical and low carbon advertising, which was referred to this Scrutiny Committee. Councillor Sparling was in attendance Under Standing Order 45 to explain the Motion.

The report considered the Motion, the Council's existing advertising arrangements, explored the impact and potential options of ethical advertising moving forward, and acknowledged the importance of considering planning aspects of the Ethical Advertising Framework through a report back to the September meeting of Strategic Scrutiny Committee, before a further report to the Executive and Council.

The Director confirmed that Exeter City Council runs a successful advertising network throughout Exeter. An Ethical and Advertising Framework was adopted in 2019, which set out the remit that officers could operate by. In preparation for this meeting, officers revised the Ethical Advertising Framework which was circulated with the report. The expansion of digital advertising and reduction of its reliance on printed material was notable in the intervening period. The existing Framework had provided guidance from the *British Code of Advertising*, covering promotion of some food and drink which might lead to poor or latent healthy eating behaviours, as well as specific categories that the Council does not accept advertising relating to tobacco, alcohol products, and goods or services that were likely to offend, as well as adverts for personal injury claims or loans.

The advertising media currently included in the Framework consisted of:-

- Digital advertising screens
- High Street banners
- City Centre poster sites
- Exeter Citizen (Quarterly newspaper which is distributed to every residential and commercial property within the Exeter boundary)
- Vehicle fleet advertising
- Website

In terms of the Digital Advertising screens, Exeter City Council and Devon County Council have had a joint contract with Clear Channel, since 2012, providing advertising throughout the city. Devon County Council's contract covers sites across Devon. The City Council receives an annual percentage of revenue from the contract along with the provision of new or replacement bus shelters across the city. The

Director stated he would make a copy of the contract available to Members if they wished to view it.

Councillor Sparling welcomed the opportunity to provide more detail and wished to raise a number of points to put the Motion in context. The Motion had included a number of recommendations, not least that a review of any outstanding concession agreements should be mindful of the impending climate emergency. She wished to impress on Members that banning the advertising of certain products was not the same as banning the products themselves. Recent evidence showed that the introduction of a ban in advertising on certain food products, for example, does not automatically lead to a drop in revenue with companies continuing to advertise food and drink, albeit in a revised format. She also suggested that carbon intensive consumption moved the Council further away from its Net Zero ambitions.

Implementing new practices and policies could be daunting for local authorities, but Councillor Sparling asked the City Council to continue its pioneering approach in many areas and in this case support the climate commitment. She also referred to a legal opinion from AdFree Cities seeking to restrict advertising relating to high carbon products and was able to share the link. It was suggested that despite some concern around the loss of income, there was no data or evidence to support that standpoint. A precedence for an Ethical Advertising Policy had already been set by a number of local authorities across the country including Cambridgeshire County Council, Basingstoke and Deane District Council and Coventry City Council, and discussed by Bristol City Council. She referred to comparative data on digital signage and anecdotally a double sided digital bus stop board uses up to four times the energy of an average home, whilst a large digital bill board can use about 11 times the energy of the same. She considered that digital signage should not be seen as preferable or necessary, or any such promotion of goods and services that detrimentally impact the climate as well as the healthy harm to the residents in Exeter, when effort was being made to reduce the Council's carbon usage and meet the corporate objective of Net Zero for this Council. In conclusion, she urged the Strategic Scrutiny Committee to ensure that the Ethical Advertising Framework would be robust and aligned to the Council's objectives.

Members made the following comments:-

- that in the case of Clear Channel whether there was any evidence that their advertising does not comply with the City Councils or Devon County Council's own ethical standards.
- whether there were specific examples of what were deemed to be unacceptable in terms of product promotion, particularly in relation to food or carbon specific products or services, and in the example given of the multiple levels of energy used by bill boards and bus shelters, it should be noted there were far fewer of those than residential homes. This just amplified the need for a reduction in carbon within residential homes and for Government and local authorities to help with that.
- that Councillor Sparling should be invited to respond to comments and questions on the Motion at the September meeting.
- a Spotlight Review may be useful to look at the various issues in more detail.

The Director responded to some of those comments in the following terms:-

- an analysis on the budget impact of the proposals from the Motion would be made against the existing Framework from 2019, and the advertising contracts at that time,

- a detailed breakdown of the digital screens that the City Council control and use of energy from digital advertising versus printed versions would be made. The digital screens in Exeter were small, low energy, and the screens were turned off during the night,
- he had asked his colleague, the Business Development and Brand Lead to consider how the ethical approach to advertising and reduction in band width had affected local businesses in Exeter. He would ask him to reflect on the Exeter's local advertising environment. The only national advertising had been on a digital screen in the Guildhall Shopping Centre as part of an existing contract with a fast food chain which had now ended.
- the current Ethical Framework was already robust, but there was the opportunity to consider a reduction of advertising relating to higher carbon activity. An analysis of balancing the practicalities of supporting the local economy would be made.
- there was an operational cost to the Council to prevent some advertising, but an adjustment in that revenue in the budget was made at the beginning of the year.
- the recommendations in the Motion were in abeyance whilst the matter had been referred to Strategic Scrutiny for consideration,
- discounts were offered for some advertising packages depending on scale and demand,
- the Framework was first debated in 2019 and the move away from print to digital marketing has been a definitive direction taken by the Council and to achieve specific income targets.

The Chair referred to the challenges of limiting the promotion of products and services that contribute to climate change, with consideration for the resource and practicality of requesting a Net zero assessment for every advertiser. She also suggested that an increased focus on the negative impact of human behaviour change should be acknowledged. She noted the reference made by Councillor Sparling in relation to greenwashing (green claims in advertising).

The Director invited the Business Development and Brand Lead to circulate the existing Ethical Framework document and highlight the changes, which related to the exclusion of lotteries, apart from the new Exeter Community Lottery, and a reference to alcohol served at events in the Greater Exeter area. The status of vaping as a tobacco product would also be clarified. Members would be invited to submit their comments on the document, as well as consideration of the practicalities and impact of the proposals made in the Motion. The comments would be collated and reported along with matters relating to planning policy.

The Director Corporate Services proposed that further consideration of the recommendations be deferred to the next meeting of this Committee in September to allow the annotated Ethical Advertising Framework document to be circulated to Members to submit their comments and revisions on the document to the Director.

Strategic Scrutiny Committee supported the deferral of the report to the next meeting in September.

58 **Forward Plan of Business and Scrutiny Work Plan**

The Chair advised that the Scrutiny Programme Board met quarterly and she urged Members to use the Scrutiny proposal form to identify future business which would enable officers to prioritise any proposals made and create a balanced programme of work.

Members noted the Forward Plan and draft Scrutiny Work Plan.

The meeting commenced at 5.30 pm and closed at 7.10 pm

Chair

DRAFT

CUSTOMER FOCUS SCRUTINY COMMITTEE

29 June 2023

Present:

Councillor Matthew Vizard (Chair)

Councillors Rees, Atkinson, Begley, Fullam, Holland, Miller, Patrick, Sparling, Wardle and Warwick

Apologies:

Councillors Ellis-Jones and Harvey

Also present:

Place Project Officer, Democratic Services Manager and Democratic Services Officer (HB)

In attendance:

Councillor Denning Portfolio Holder for Council Housing Development and Support Services

Councillor Pearce Portfolio Holder for Communities and Homelessness Prevention

Councillor Williams Portfolio Holder for Place and City Management

17 **Minutes**

The minutes of the meeting of the Customer Focus Scrutiny Committee held on 30 March 2023 were taken as read, approved and signed by the Chair as correct.

18 **Declarations of Interest**

No declarations of interest were made by Members.

19 **Questions from the Public under Standing Order No. 19**

No questions from members of the public were received.

20 **River Exe**

The Chair welcomed the following representatives to the meeting, who had been invited following a Notice of Motion submitted to Council on 21 February 2023 by Councillor Read. Each representative of the three bodies introduced themselves:-

South West Water

Mark Worsfold, Director of Asset Management;
Alan Burrows, Director of Environmental Liaison and Culture; and
Vicky Garner, Partnership and Community Coordinator.

Environment Agency

Mark Rice, Area Director; and
Clarissa Newell, Area Environment Manager.

Natural England

Michaela Barwell, Operations Manager – Devon, Devon, Cornwall and Isles of Scilly Team.

The Place Project Officer advised Members of the City Council's role in respect of the River Exe. It did not have a significant remit as the Environment Agency was the responsible body for monitoring water quality and pollution levels. The Council, however also monitored conditions when there were intermittent pollution issues such as nutrients in the Canal and sewage discharge in the river with a particular ongoing focus on the condition of the Northbrook and Higher Leat. Generally, there were fewer problems manifesting themselves in the lower Estuary than upstream and, whilst conditions could be better, the overall condition of the River Exe was reasonable.

In accordance with Standing Order No. 45, Councillor Read was in attendance and explained the purpose of her Notice of Motion. The River Exe was an enormous asset to Exeter which was recognised to have a huge benefit to the health and wellbeing of Exeter's residents and of great importance to biodiversity and wildlife. Residents were increasingly concerned over pollution levels with sewage discharges, which were particularly evident after heavy rain. With wild water swimming becoming increasingly popular, especially with warmer summers, the river was used for bathing and a citizens testing programme had been instigated to help provide data to the authorities. As a Harbour Board Member, Councillor Read referred to its Business Statement of "leading on the environmental stewardship of the River". Whilst 12% of pollutants were the responsibility of South West Water a further 88% should also be accountable including agricultural runoff, badly managed septic tanks, road runoff and misconnected domestic drains all impacted adversely on the health of rivers in general and the Exe specifically. Moreover, South West Water's clean up target was over an exceptionally long period. Other points raised were:-

- could South West Water confirm that the final Drainage and Wastewater Management Plans (DWMP) had been published?;
- does the Local Plan review recognise the impact of, and legislate for, the impact of new developments on treatment works?;
- do South West Water and the Environment Agency measure the impact of polluted water on wildlife along the river banks?; and
- when would real time and accurate data be made available on the location and the volume of sewage spills?

South West Water

Mark Worsfold and Alan Burrows advised that the Environment Agency was the monitoring body of South West Water's environmental regime with Ofwat the financial and economic regulator. South West Water's Drainage and Waste Water Management Plan 2025 to 2040 had been published at the end of May setting out proposed investment of some £3 billion over this period. Other water companies had opted for a longer time period of up to 2050 in their plans. There were 1,342 storm overflows in the region with 500 up to standard, but works necessary for the remaining 800. It was anticipated that 400 would be upgraded by 2030 and the cost of upgrading storm overflows was estimated at £200 million a year.

He responded to the following questions from Councillor Rees:-

1. When will we get access to real time alerts on all Combined Sewer Overflows into the River Exe?

The Water Fit Live programme had been published setting out two phases for providing real time data for storm overflow discharge for Exmouth Beach and

some inland waterways with a third phase roll out between October and December to cover all of inland storm overflows. In parallel, Water UK would require data from all water companies to provide a national picture by 2024.

2 What is the maintenance regime to reduce overflows and continuous preventative maintenance to ensure they stay reduced?

The 1,342 storm overflows were installed in the last 12 years and there was an ongoing maintenance regime as part of continuous preventative measures. Additional measures were undertaken where there were high levels of spillage. Permits are issued by the Environment Agency requiring 90% of overflows to be operational.

3 Why was a new Sewage Waste Treatment works not built at Cranbrook development? Where does that sewage go from Cranbrook? Where and how is it treated? How will you cope with another proposed 890 houses there?

At present, Cranbrook sewage treatment was undertaken at Countess Wear but, ultimately, a new treatment works would be provided East of Exeter which is in the planning stage taking into account additional housing developments both in Cranbrook and Woodbury, but there was some uncertainty at this stage until commitments were made to further housing developments. Plans were brought forward in discussion with the Environment Agency and local authorities and a meeting would be held at the beginning of July with City Council planners to assess the impact of forthcoming developments within the city and the role the Local Plan can play.

4 When will a new high capacity Sewage Waste Water Treatment Works be built and where?

New works required at least 10 years to plan, develop and construct.

5. Should sewage be transported by tanker? Is it acceptable that Exmouth is part of Exeter's sewage treatment system?

Transportation by tankers was generally only used in an emergency when treatment works failed and in moving sludge between centres to ensure a balanced distribution. Because of the current Health and Safety Review of the Axminster works, tankers were undertaking transfers to Countess Wear.

6. Is it true that a shortage of treatment chemicals and HGV drivers had an impact on the frequency of sewage overflows and discharges in 2020 and 2021? Has this impact now been addressed or is there still a shortage of treatment chemicals and drivers?

Concerns over the unavailability of treatment chemicals from Europe as a result of Brexit had not materialised.

The South West Water representatives provided further information in response to Members' queries:-

- the company was working jointly with the Environment Agency and local authorities through Environmental Health teams to eradicate the number of misconnections which were largely a problem in respect of small scale house

- improvements and not large housing developments. Building Control departments were involved at the construction stage;
- plans for an East of Exeter works would have the dual advantage of not only serving Cranbrook and Woodbury, but also absorbing the capacity of future growth in Exeter as well as reducing existing load on Countess Wear;
 - in the next two years, a scheme would be introduced to reduce the odour problems at Countess Wear. There was limited land for expansion at Countess Wear as it was situated on an island;
 - the regulations within the Environment Act 2021 required the installation of volume monitoring equipment and South West Water will provide this real time data in its 2,300 monitors across the region within the next 10 years;
 - there are 80 storage tanks across the region, many of which are self-cleaning;
 - Environment Agency permits include requirements to assess dry weather flows;
 - the standard of monitoring storm overflows varies across Europe from poor examples such as Italy to high performers such as Holland. The UK is one of only a few countries who are transparent in the capture and dissemination of data;
 - local authorities have a key role in separating out surface water from foul water;
 - accumulation of wet wipes in drainage systems is a major problem with approximately 6,400 blockages a year;
 - South West Water continue to undertake pest control work along river banks, largely as a Health and Safety issue for its staff;
 - Environment Agency permits are also required for garages, quarries, campsites and caravan parks etc., with data required on the numbers in campsites and caravan parks;
 - QR code generators have been installed for recreational users to indicate their use of the river amenities for data sharing;
 - building trusting relationships between key agencies is also an important requirement; and
 - South West Water is also required to pay dividends to its shareholders who, as with the banks, provide the initial investment to undertake the vast improvement programmes planned.

Environment Agency

The following responses had been provided by the Environment Agency to questions from Councillor Rees:-

1. **South West Water has a number of Emergency Overflows with active Event Duration Monitoring (EDM) that do not appear in the annual EDM return including two that spilled in the bathing season last year. How does the Environment Agency intend to ensure all overflows are monitored effectively?**

The Environment Agency has shaped the Event Duration Monitoring (EDM) programme for storm overflows through promoting and securing monitor installation through its AMP6 (2015-2020) and AMP7 (2020-2025) Water Industry National Environment Programme (WINEP). We are securing EDM monitoring and reporting through conditions on Water and Sewerage Company permits to discharge. At the end of 2022, in England 91% of storm overflows had EDM installed. We expect this to be at 100% coverage by December 2023.

South West Water have made good progress in installing and reporting their storm overflow performance via EDM. In 2022, South West Water had coverage of EDM on 99.3 % of their storm overflows

EDM Storm Overflow Annual Return Summary Reporting 2022

Table 1: 2022 EDM Headlines	Anglian Water (AWW)	Deer Cyrene Welsh Water (DCWW) (In England)	Northumbrian Water (NW)	Severn Trent Water (STW)	South West Water (SWW)	Southern Water (SW)	Thames Water (TW)	United Utilities (UU)	Wessex Water (WSSW)	Yorkshire Water (YWS)
Total no. storm overflows listed in the annual return in 2022	1,552	126	1,564	2,466	1,342	978	777	2,254	1,300	2,221
Total no. storm overflows with EDM commissioned	1,058	126	1,542	2,457	1,333	963	480	2,004	1,182	2,178
% storm overflows listed with EDM commissioned	68.2%	100%	98.6%	99.6%	99.3%	98.5%	61.8%	88.9%	90.9%	98.1%
Total no. storm overflows with spill data in 2022	1,054	120	1,463	2,438	1,323	939	472	1,971	1,182	2,118
Average no. spills per storm overflow with spill data in 2022	15.3	23.3	20.3	18.4	28.5	17.8	17.0	35.1	18.5	25.6
Average duration (hrs) per monitored spill event in 2022	5.6	3.4	3.6	5.6	7.7	8.8	9.3	6.1	5.9	4.3

Through the Environment Act 2021, there was a duty on water and sewerage companies to report their EDM data in near real time (with one hour of discharges occurring) and to monitor the receiving water environment upstream and downstream of storm overflow and sewage treatment works discharges. This duty was on the water and sewerage companies.

The Environment Agency was supporting the Department for Environment, Food and Rural Affairs (Defra) in developing its technical standards around these new requirements and was considering its role in securing delivery by water and sewerage companies, including elements within the WINEP for PR24.

- The launch of WaterFit Live is good news for those using designated bathing waters but without consistent national standards for reporting, the water companies will develop their own reporting systems and own the narrative. Does the Environment Agency and Defra intend to consult on the development of national standards for reporting that meet all the requirements of Section 81 Environment Act 2021? Is the Environment Agency being consulted about the development of the new Environmental Data Hub by Water UK?**

Under the Environment Act 2021, water companies are required to publish near-real time data on discharges from storm overflows by the end of 2025. The role out of this data is being led by Defra. We are providing technical support to Defra in the development of secondary legislation which will set out further guidance on making this data publicly available.

The regulators role was to set strict permitted conditions for the use of storm overflows to protect the environment and communities. They monitored compliance with these permit conditions and held water companies to account if they were breached.

In April/May 2023, Defra consulted on its proposals and associated standards for:

Section 81 "Reporting on discharges from storm overflows" (within an hour of the discharge) and

Section 82 "Monitoring quality of water potentially affected by discharges"

The Environment Agency were aware of, and are supporting, Defra in developing their response to this consultation. They also welcomed water companies publishing accessible data so the public could see what was happening, but disclosure was only ever the beginning and people wanted to see tangible progress. The evidence from the EDM programme clearly showed there was no room for complacency and water companies had a long way to go. They needed to invest more in tackling storm overflow pollution. Any water companies in breach of their permits were acting illegally and must

act urgently to address any non-compliance. Only wider action through water company investment, better farming practices and simple steps taken in the home to prevent sewer misuse would help ensure there were healthier sewers, cleaner rivers and a better environment for all.

The Environment Agency had not directly engaged with Water UK on its activities in this arena but had engaged with the water companies directly and were aware of collaboration between water and sewerage companies in developing its response to these new duties upon them. They expected Water UK to be informed by Defra's consultation response and developing secondary legislation around standards.

3. What level of staff do you need to carry out your work fully in this region: monitor water quality, check and follow up incidents and bad practice; maintain data records and respond to public concerns? How much would this cost?

The Environment Agency were currently funded from permit application fees and subsistence fees as well as Grant in Aid (GiA) to carry out our regulation work. This contributed towards 22 Land and Water staff in Devon, Cornwall and Isles of Scilly who regulated the water company, as well as private discharge permits. They recharged permit holders for the work in attending incidents. In addition to this, they had a number of staff in monitoring teams, legal teams and environment planning teams, and staff who tracked Water Company performance.

Costs associated with South West Water specifically were difficult to estimate, as the staff do not solely work on water company regulation.

The Environment Agency recognised water companies were under performing, and this needed to change. They were planning to transform regulation of the water industry by creating senior regulatory specialist roles, in order to audit compliance with environmental law and further increase the technical skills of their regulatory staff. There would be a focus on revolutionising data by developing and implementing new tools to turn huge quantities of data into regulatory intelligence. These elements would provide the capacity and intelligence to significantly increase the time spent on regulating the water industry and directing effort to the highest risk issues and locations.

Mark Rice reported that, historically, the environmental performance of South West Water had been poor but there had been an improving trend since the end of last year and a further Environmental Performance Assessment was to be undertaken shortly. The Agency had a duty to hold water companies to account and prosecuted continuing breaches, although there was a time lag between incidents and cases appearing at court. There were significant other sources of pollution, particularly in the agricultural sector.

The Environment Agency representatives provided further information in response to Members' queries:-

- European legislation on water quality had been incorporated into UK law, Devon and Cornwall comparing favourably with the rest of the country due in part to its coastal locations. Bathing and wild water swimming was increasingly popular because of the physical and mental health benefits but, unlike Europe, the UK does not have as many inland bathing waters although, again, this was not such

an issue in this area. However, most water companies were not taking action to improve quality in this context and it is up to the public to press for action. There were 148 designated inland bathing areas in the area and information was available on the Environment Agency and Defra websites. In addition to water quality, land owners with bathing opportunities needed to check the wider health and safety attributes around safety issues;

- a pilot inland bathing waterway has been launched on the River Dart following an application by a local swimming group;
- assessment of the suitability of river bathing areas requires assessment of quantity as well as quality but significant investment would be required to monitor if the water is suitable for bathing and other recreational activities such as canoeing. The Environment Agency monitors the ecological health of the River Exe as well as tributaries including the Clyst and Crealy and can provide information on pollution levels to inform potential bathers and other users;
- the Environment Agency had established an Agricultural Task Force to encourage greater compliance within the farming community and can serve notices to enforce compliance. There had been an uptake in slurry tank purchase in recent years but it is slow progress and there has been significant non-compliance, for example, in the River Axe area. Greater involvement of Defra was required to encourage better use of farmland in areas of water storage, pond creation etc;
- the increasing political and media interest in water quality will increase the Government pressure to further tighten legislation;
- partnership working occurred through joint action with local authorities and membership of the South West Regional Flood and Coastal Committee; and
- in addition to major flood prevention schemes such as the River Exe, it is estimated that flood risk can be reduced by 10% by natural means and the Agency works jointly in this area with Natural England and the Devon Wildlife Trust. Of works in the region of £3 billion, some 50% of solutions have a natural base such as reed beds

Natural England

Michaela Barwell made the following comments:-

- Natural England was focussed more on habitat conditions as in Sites of Special Scientific Interest; and
- Natural England worked jointly with the Environment Agency in advising and incentivising farmers in areas such as stabilisation of water courses, grass control and maize management which were all focussed on limiting pollution and soil run off. Grants were also available to encourage better storage of waste on farms.

Customer Focus Scrutiny Committee noted the Notice of Motion agreed by Council on 21 February 2023 and the contributions from, and information provided by, the representatives of South West Water, the Environment Agency and Natural England, the Chair thanking all for attending.

The meeting adjourned at 19:17 and re-convened at 19:25.

21 **Presentation on the role of Scrutiny**

The Democratic Services Manager presented the role of scrutiny and its importance within the Council's democratic process in acting as a critical friend for the Authority through the two Scrutiny Committees - Strategic and Customer Focus. He advised that Bethan Evans of Governance Training and Consultancy Ltd. would hold a bespoke scrutiny training session on 7 September 2023.

The following points were highlighted in the presentation:-

- the Terms of Reference of the Customer Focus Scrutiny Committee covered corporate and financial performance monitoring, the annual budget setting process and service specific/operational matters.
- Scrutiny Committee Work Plan;
 - the Work Plan was set by the Scrutiny Programme Board which was chaired by Councillor Allcock, a non-Executive Member, and comprised of the Chairs and Deputies of both Committees;
 - the Work Plan was generated by Members of Scrutiny who were encouraged to submit a proforma to suggest areas of scrutiny and which was reviewed and commented on by the Strategic Management Board; and
 - the Scrutiny Programme Board reviewed the requests and assessed how the suggestions, as well as the Work Plan itself, aligned with the Council's priorities and resources.
- Role of Scrutiny was:-
 - to hold the Executive to account through "call in";
 - to assist with the review of Council policy and service delivery issues including budgets; and
 - enabled public engagement by asking questions about Council responsibilities.
- Call In Under Standing Order 17
 - Executive decisions could be called in if the process was either deemed deficient, failed to consider alternative action, failed to take account of relevant factors or the decision was wrong in fact or law;
 - a call in required seven Scrutiny members from either Scrutiny Committee;
 - after deliberation, Scrutiny may take no further action or refer back to Executive;
 - a call in does not apply to urgent matters or recommendations to Council; and
 - Executive can consider the recommendation of Scrutiny but decide to take no action.
- Forward Plan;
 - Democratic Services publish the Forward Plan on a monthly basis setting out all decisions that will be taken over the coming months; and
 - Councillors are given the opportunity to get involved in policy formulation before the Executive makes a decision on them by asking for a report to be brought to Scrutiny.

- Task and Finish Groups/Spotlight Reviews
 - Task and Finish reviews are a series of meetings to consider a specific issue; with recommendations presented to Scrutiny and Executive for consideration as part of the decision making process; and
 - Spotlight reviews look at one matter normally in one meeting.

In response to questions, the Democratic Services Manager advised that the proforma had been recently updated as requested by the Scrutiny Programme Board and that the proforma requests were added to the Work Plan which, if agreed by the Board, would be reported to the relevant Scrutiny Committee and ultimately included on the Scrutiny Bulletin. He also confirmed that seven Members from either Committee were required for a Call-In.

The Chair thanked the Democratic Services Manager for the presentation and Members noted the report.

22 **Questions from Members of the Council under Standing Order No 20**

No questions had been received from Members.

23 **Forward Plan of Business and Scrutiny Work Plan**

Members noted the Forward Plan and the Scrutiny Work Plan.

The meeting commenced at 5.30 pm and closed at 7.43 pm

Chair

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EXETER HARBOUR BOARD

Monday 17 April 2023

Present:-

Councillor Ruth Williams (Chair)

Councillors Ellis-Jones, Pearce, Read, and Messrs Garratt, May and Sitch

Apologies

Councillor Leadbetter, Snow and Messrs Adams, Eggleton, and Michaelson

Also Present

Harbour Master Exeter Port Authority (GF), Canal Manager (CA) and Democratic Services Officer (SLS)

Rex Frost - Chair of Exeter Port Users Group

33

MINUTES

The minutes of the meeting held on 15 December 2022 be taken as read and signed by the Chair as a correct record.

34

DECLARATIONS OF INTEREST

No declarations of discloseable pecuniary interest were made.

35

PUBLIC QUESTIONS

No public questions were received.

36

EXETER PORT USERS GROUP UPDATE

The Chair of the Exeter Port Users Group, Rex Frost presented a verbal update on the Group's recent activities, and last meeting on 30 March, attended by the Harbour Master, Grahame Forshaw including:-

- the welcome news that the volunteer patrols in the Estuary were now using the recently acquired rigid inflatable boat (RIB). New legislation would also help manage the use of Estuary, and in particular, those using personal water craft such as Jet Skis.
- the Group looked forward to the opportunity to comment as part of the Harbour Revision Order (HRO) process. They anticipated the Royal Yachting Association (RYA) were also likely to comment through their local legal representative as the River Exe was seen as a major leisure activity river. The issue of any charges levied within the HRO was not any clearer and it was noted that any such change would be set out as part of the public consultation in due course.
- the Harbour Master had suggested that the recent Shoreham HRO would offer a template for the River Exe, but Shoreham was a reasonably sized commercial harbour with a long established charging structure and the River Exe had no such history.
- the EPUG considered, that given there were several thousand leisure users who will be the likely fee payers, there will be a huge public interest in whatever plan is outlined.
- the Harbour Master would reschedule the planned visit to take the Newton Abbot MP, Anne Marie Morris on the River Exe to discuss the Estuary from

the West Bank of her Constituency due to inclement weather conditions.

Mr Frost responded to the following Members' comments and enquiries:-

- he would follow up the suggestion that there were four MP's covering areas leading to the Estuary and Canal, with an invite to the MP for Central Devon to come on the River Exe.
- jet skiers have always been a concern, but the new national legislation has decreed they should be treated the same as boats on the river, and could now be prosecuted under that legislation for anti-social behaviour.

A Board Member stated that the Royal Yachting Association (RYA) offered personal watercraft training, and he welcomed any effort to encourage a sponsored Jet Ski training school for the Estuary. The Harbour Master agreed to contact the Personal Watercraft Partnership, which was an RYA led initiative and report back to the Board.

Members noted the report.

37

HARBOUR MASTER'S REPORT

The Harbour Master highlighted and updated a number of aspects of the circulated report.

- The Bascule Bridge was now operational again. The team had been busy using the boat crane, and also liaising with those customers who have had to wait to move their boats.
- the Waterways Team Manager had looked at a weed control boat in operation at Tiverton Canal, and although the boat was not suitable for Exeter's canal there were a number of features including the weed cutting operation with the weed laid on the bank. The Harbour Master anticipated the proposed action to control the weed in the canal by only cutting the middle third of the water to keep the waterway clear for rowers and kayakers would help to manage expectations as well as the navigable aspect of keeping the channel and view clear.
- the ownership of the Turf Hotel has changed along with their business model to include year round opening, which will have an impact on the canal access road, the numbers of people walking along the canal bank and boat use and a different ferry offer has been suggested, but will require more thought by the team on how this is managed.
- a recent pollution incident in the Canal Basin was dealt with quickly and the oil and residue had dissipated. The Waterways Team Manager advised that daily checks had been mounted to monitor the situation. It was unfortunate that the Exe Water Sports Association had held an open event on the following day.
- the new Rigid Inflatable boat (RIB) has replaced the City of Exeter patrol boat, which will be easier for staff and volunteers to respond and be afloat more quickly to any incidents in the river. The RIB will also be more visible with a warning light, harbour master insignia and radar for night use, as well as being more economical to run. An update will be made on its operation at the next Harbour Board meeting.
- it was anticipated that, by the end of the year, all of the vessels used by the team would be Maritime and Coastguard Agency (MCA) coded.
- the Harbour Patrol team would undertake further training before any enforcement on the Estuary commenced, as well as an opportunity to educate personal watercraft operators, reinforcing the message that personal watercraft operators and drivers could be prosecuted if they

endangered lives or property by their actions. There was a conflict of use between the speedboat racing area close to the Imperial Sports Ground and slipway which was also popular with paddle boarders, kayakers and kite surfers which the RIB patrols will help to manage.

- the Light Detection and Ranging (LIDAR) surveying exercise would provide an accurate measurement of the sandbanks and mud banks in the Estuary with just one small section of the river to complete.
- mooring servicing work would be completed soon despite the recent poor weather. Servicing the navigation aids will then commence with particular attention on No 17 and 35 buoys.
- work on the alternative power trains for boats using possibly hydrogen or battery power has continued. Exeter University have submitted a grant application and the outcome will be known by September.
- it is hoped the successful Estuary volunteers programme could be extended to educate people about safe behaviour around the canal.
- the Britannia, a sailing fishing boat was due to come into the Quay to complete restoration in the third week in September. A replica Thames sailing barge called the Snark will come in and stay in the Basin for the 23/24 winter period. The Thames sailing barge, the Lady Daphne was expected to come to Exeter next year.

The Harbour Master responded to the following comments:-

- he would continue to discuss the issues raised by Board members including the potential impact of greater visitor numbers and changes to the access, with the new owners of the Turf Hotel, as well as any opportunity to work together.
The Waterways Team Manager added that access and car parking was limited and was part of the Council's canal estate.
- the approach to greater enforcement of the Estuary would continue with more training and more equipment such as the provision of bodycams to deal with the potential challenges ahead.
- the recent pollution incident did not involve any heavy fuel and it was likely to be bilge water as the light liquid had mostly evaporated. There were no large amounts of emulsified fuel drifting around. The Waterways Team Manager added that it was often difficult to pinpoint the source of the pollution when investigating any diesel or bilge water spills. He had spoken to a number of boat owners and put out a preventative action message.
- Exmouth Dock was a harbour authority in their own right and would have a pollution response plan. He would speak to the Harbour Master at Exmouth Docks to discuss their arrangements for any such incident.
- an invoice had been raised in respect of the MV Johnny Eager and they hoped to recover the costs from the boat owner. Any non-payment would be referred to the legal team for action.
- a pause in the dredging work was not having any impact on the channel, and the removal of some material using an alternative means was work in progress.

The Waterways Team Manager also responded to a Board Member's comment and referred to the weed clearance and base of the bank effected by regrowth. No trees have been removed and tree planting had taken place near the Trews Weir allotments. The main thrust of the work was to preserve the canal, stopping any breach of the banks and more effort would be made to communicate better with the public about the approach to maintenance.

Members noted the report.

HARBOUR BOARD VISIONING EVENT REVIEW

The Chair referred to the Vision Day which had once again been very successful. An update of the core values and actions had been presented for approval.

Members made the following comments on the Vision Day:-

- the Council had passed a Motion seeking improvements to the water quality of the River Exe and waterways in general, and a reference in relation to the ecological health of the waterways or safeguarding of the wildlife and habitat should be included in the Vision Statement.
The Chair suggested the Board Member put forward more detail for further discussion.
- the overall statement does include references to the environmental well-being of the place without further detail being required.
- the Exe Estuary Management Partnership and South East Devon Habitat Committee focused on fauna and wildlife.
- the timing and type of public consultation will be key, with a formal consultation for the HRO to allow the public to comment, as buy in and agreement of the overall vision was necessary.
- as well as extensive consultation as part of the HRO application, there should be more engagement from the start to ensure the community understood the process.
- whilst consultation was vital, the Harbour Board meetings also offered an opportunity to remain informed and participate through questions to the Harbour Board or contact with Members to take the public on the journey.

The Chair thanked Members for their comments and feedback on the Vision Day event, which once again, had been very successful. A suggestion in relation to offering a separate space for the break out groups was welcomed. The opportunity for the Board to meet in a more relaxed setting was also appreciated by Members. Following on from that suggestion, it was suggested that an informal session lasting for 30 minutes or so would be held to raise future discussion topics for the Board, to commence from the next meeting.

Members noted the report and approved the Vision Statement for the forthcoming year.

HARBOUR REVISION ORDER UPDATE

The Harbour Master reported that two meetings had now been held with Ashford's Solicitors to discuss how the HRO process will proceed including the initial HRO application to the Marine Management Organisation (MMO). A further meeting would be held in early May to set out what the proposed pre-application public consultation will look like, as well as contact with the Exeter Canal and Quay Trust who manage part of the estate for the Council. It is hoped that the additional consultation will allay some of the concerns relating to charging, but provide some reassurance that it was to control the waters more effectively.

In response to Members' questions, the Harbour Master confirmed they were optimistic that they could submit the application for a HRO before the application price increased in October. It was anticipated that the overall timescale for the application to pass through Parliament could take up to three years. An invitation would be made for representative of Ashford's Solicitors to attend the next meeting

to provide an update to the Harbour Board.

Members noted the report.

40

HARBOUR BOARD APPOINTMENT

The Chair confirmed that two External Member positions on the Harbour Board were due for reappointment. Members commented on the circulated draft advertisement, to ensure that the skills set was relevant. The advert would be posted on the Exeter Port Authority web site and sent to a number of interested organisations to share with their members. Board members made the following comments:-

- that experience in Environmental management along with ecology and conservation should be included;
- the advert be posted on the City Council's newsfeed, and the Exe Estuary Management Partnership's express newsletter;
- a Board Member suggested a younger demographic could be contacted through the members and sailing instructors of sailing clubs particularly as they had a long term stake in the future of the river.

Members noted the report.

41

DATE OF NEXT MEETING

The Chair proposed a change in the date of the next meeting, with Members being canvassed on the 13 or 27 July.

A request had been made if it was possible to hold future Board meeting virtually, to allow some external members who might be called away on business at short notice to join the meeting. The Democratic Services Officer advised that the Harbour Board was a formally constituted meeting and as such could only be held in person. She would however, share the request and report back to the Board.

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

Chair

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EXECUTIVE

Tuesday 6 June 2023

Present:

Councillor Bialyk (Chair)

Councillors Wright, Denning, Foale, Morse, Parkhouse, Pearce, Williams and Wood

Also present:

Councillor Jobson (as an opposition group Leader);

Councillor K. Mitchell (as an opposition group Leader); and

Councillor D. Moore (as an opposition group Leader).

Also present:

Chief Executive, Director Corporate Services and Democratic Services Manager

57

MINUTES

The minutes of the meeting held on 4 April 2023, were taken as read, approved and signed by the Chair as a correct record.

58

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

59

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

60

APPOINTMENT TO OUTSIDE BODIES 2023

The Executive received the annual report on appointing Members to the outside bodies, to ensure that there was Council representation to maintain effective partnerships with the external organisations.

Reference was made to Members having a duty of responsibility to an organisation, should the appointment hold a position of responsibility. Members were also reminded to update their Other Registerable Interest forms accordingly, for any appointments made, as set out under statutory requirements.

The Leader moved an updated list of proposed appointments which were tabled at the meeting and also advised on the following additional amendments:-

- Exeter Canal & Quay Trust Ltd - to remove Councillor Josie Parkhouse (Portfolio Holder for Climate & Ecological Crisis); and
- Exeter Church Charities – Councillor Alison Sheridan to replace Alderman John Landers.

The proposed amendments and updated list of appointments are appended to the minutes.

The Leader advised that several of the proposed appointments were for the Portfolio Holders, given the relationship with the portfolio holder's work. He also advised that appointments to outside bodies were not governed by the Local

Government Act and were being made to provide suitable Council representation accordingly.

Members noted that the outside bodies would be reviewed to ensure that the Council interests for appointments on the outside body would continue to be relevant.

Councillor M. Mitchell, as an opposition group leader, spoke on this item. He suggested that an audit be undertaken to assess which outside bodies were still in operation and if it was still a requirement for Members to be appointed. An annual report from Members would also be welcomed to review the work that had been undertaken with the outside bodies, which he suggested could be reported to either a Scrutiny Committee or to the Executive.

In response to a question from a Member, the Democratic Services Manager advised that each year, all outside bodies were written to, notifying them of the respective appointments. This year they would also be requested to provide any administrative updates, a summary of the number of meetings held and work undertaken.

The Leader in concluding, advised that there was long history of appointing Councillors to outside bodies which needed to be maintained, however, it was important to ensure that any appointments made continued to be relevant.

RECOMMENDED that Council:-

- (1) approve the appointments contained in the updated Appendix presented at the meeting (appended to the minutes) and as amended at the meeting with immediate effect; and
- (2) grant delegated authority to the Director Corporate Services, in consultation with the Group Leaders, to appoint representatives to outside bodies when necessary, during the course of the Municipal Year.

61

MEMBERS' ALLOWANCES AND EXPENSES PAID 2022/23

The Executive received the report on expenses and allowances paid to elected Members in 2022/23, which, the Council had a statutory obligation to publish each financial year.

Particular reference was made to the Members Allowances which were set accordance with the recommendations of the Independent Remuneration Panel.

RESOLVED that Executive Committee note the allowances paid and the expenses claimed by Members in 2022/23.

62

MEMBERS' TRAINING

The Executive received the report which provided an update on the progress of work on the Members' training programme. Members were reminded that the Councillor Development Steering Group had requested regular reports to be presented to the Executive providing a regular update on the Members' training programme. The report highlighted Members' attendance for the various training sessions held since December 2022, and provided Councillor Feedback to date on training or briefing sessions that they had attended.

Particular reference was made to number of events held during the period had equated to an 8% increase in attendance since the last report. Although, the volume of feedback had decreased, of the responses received, 82% were very satisfied with the training provided. Members were also encouraged to continue using the Councillor Feedback forms and where they were unable to be in attendance, to view the session recordings and notify Democratic Services accordingly. Members noted that SSS Training Platform licence would expire later in year and were also encouraged to complete any available training as soon as possible.

Councillor D. Moore, as an opposition group leader, spoke on this item. She welcomed the report and thanked officers for the training that had been provided. She highlighted the need to bring Scrutiny training forward, particularly for new Members.

In response to a question raised, the Democratic Services Manager advised that feedback was made through the provided form links and that Members would continue to be encouraged to send the forms in, following each training session. It was hoped that with more training being provided, that the response rate would increase.

During the discussion the following points were made:-

- the SSS Training system provided many training courses, which were highly relevant to Members to undertake;
- Members were individually responsible for GDPR matters and GDPR training was available on the SSS Training platform, which Members, should consider completing; and
- there was an issue with links to the feedback forms on the Councillor iPad's, and alternative means of navigation to the forms were often difficult for Members and needed to be addressed.

RESOLVED that the Executive note the Members' Training report.

(The meeting commenced at 5.30 pm and closed at 5.45 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 18 July 2023.

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Title	Representative
Age UK Exeter	Councillor Rob Hannaford
Barnfield Theatre Board	Councillor Richard Branston
Community Safety Partnership	Councillor Matt Vizard
	Deputy Leader and Portfolio Holder for Culture & City Centre Strategy Councillor Laura Wright
	Portfolio Holder for Communities & Homelessness Prevention Councillor Martin Pearce
Dartmoor National Park Community Forum	Portfolio Holder for Climate & Ecological Crisis Councillor Josie Parkhouse
	Champion for Net Zero Exeter 2030 Councillor Zion Lights
Devon and Cornwall Police and Crime Panel	Deputy Leader and Portfolio Holder for Culture & City Centre Strategy Councillor Laura Wright
Devon Authorities Strategic Waste Committee	Portfolio Holder for Place & City Management Councillor Ruth Williams
Devon County Agricultural Association	Councillor Andrew Leadbetter
Devon Disability Collective	Champion for Community Engagement Councillor Naima Allcock
Devon Historic Buildings Trust	Portfolio Holder for City Development Councillor Emma Morse
Devon Rail Forum	Portfolio Holder for Climate & Ecological Crisis Councillor Josie Parkhouse
	County Councillor Andrew Leadbetter
Energy From Waste Liaison Committee	Portfolio Holder for Place & City Management Councillor Ruth Williams
Exe Estuary Management Partnership	Portfolio Holder for Place & City Management Councillor Ruth Williams
Exeter Allotment Forum	Portfolio Holder for Place & City Management Councillor Ruth Williams
Exeter and Heart of Devon Growth Board	Council Leader Councillor Philip Bialyk
Exeter Business Centre Board	Councillor Paul Knott
	Councillor Amy Sparling
	Portfolio Holder for Leisure Services & Physical Activity Councillor Duncan Wood
Exeter Canal & Quay Trust Ltd.	Councillor Tess Read
	Councillor Andrew Leadbetter
	Deputy Leader and Portfolio Holder for Culture & City Centre Strategy Councillor Laura Wright
	Council Leader Councillor Philip Bialyk
	Councillor Martyn Snow
	Councillor Joshua Ellis-Jones
	Portfolio Holder for Place & City Management Councillor Ruth Williams
	Councillor Tony Wardle
Exeter Church Charities	Councillor Alison Sheridan
	Alderman Mary Danks
	Portfolio Holder for Council Housing Development and Support Services Councillor Barbara Denning
	Vacancy

Exeter Citizen Advice Bureau	Portfolio Holder for Council Housing Development and Support Services Councillor Barbara Denning
Exeter Fairtrade Steering Group	Portfolio Holder for Communities & Homelessness Prevention Councillor Martin Pearce Councillor Susannah Patrick County Councillor P Prowse
Exeter Health and Wellbeing Board	Councillor Catherine Rees Portfolio Holder for Leisure Services & Physical Activity Councillor Duncan Wood Portfolio Holder for Communities & Homelessness Prevention Councillor Martin Pearce Council Leader Councillor Philip Bialyk
Exeter Homes Trust	Alderman Alan Williamson Councillor Martin Pearce Councillor Anne Jobson Councillor Martyn Snow
Exeter International Airport Consultative Group	Portfolio Holder for Leisure Services & Physical Activity Councillor Duncan Wood
Exeter SAFE (SAFE Foundation)	Deputy Leader and Portfolio Holder for Culture & City Centre Strategy Councillor Laura Wright
In Exeter	Deputy Leader and Portfolio Holder for Culture & City Centre Strategy Councillor Laura Wright
Local Government Association General Assembly	Council Leader Councillor Philip Bialyk
Maynard School	Councillor Matt Vizard
Parking and Traffic Regulation Outside London Adjudication Joint Committee (PATROLAJC)	Councillor Andrew Leadbetter Portfolio Holder for Climate & Ecological Crisis Councillor Josie Parkhouse
Relate	Vacancy
Royal Albert Memorial Museum Development Trust	Councillor Andrew Leadbetter Deputy Leader and Portfolio Holder for Culture & City Centre Strategy Councillor Laura Wright
South East Devon Habitat Regulations Executive Committee	Portfolio Holder for City Development Councillor Emma Morse
South West Councils	Council Leader Councillor Philip Bialyk
South West Employers Panel	Council Leader Councillor Philip Bialyk
St. Edmunds & St Mary Major Charities, Exeter	Billie Cornish Councillor Richard Branston
St. Leonard's with Holy Trinity Charities	Councillor Matthew Vizard Councillor Richard Branston Vacancy

St. Sidwell's Parish Lands and Other Charities	Portfolio Holder for Communities & Homelessness Prevention Councillor Martin Pearce
	Deputy Leader and Portfolio Holder for Culture & City Centre Strategy Councillor Laura Wright
St. Thomas Church Charities (Seldon & Others)	Councillor Rob Hannaford
	Mrs Carole Smith
	Mrs Patricia Metford
The Exeter Phoenix Arts Board	Deputy Leader and Portfolio Holder for Culture & City Centre Strategy Councillor Laura Wright
Topsham Community Association	Councillor Joshua Ellis-Jones
Topsham Mooring Owners Association	Councillor Joshua Ellis-Jones
Topsham River Commissioners (under the Exeter Port Dues Act 1840)	Councillor Andrew Leadbetter
	Councillor Matt Williams
	Councillor Joshua Ellis-Jones
Turntable Furniture Re-cycling Project	Portfolio Holder for Council Housing Development and Support Services Councillor Barbara Denning
UNESCO City of Literature Board	Deputy Leader and Portfolio Holder for Culture & City Centre Strategy Councillor Laura Wright
Wessex Reserve Forces and Cadets Association - Devon Committee	Councillor Andrew Leadbetter

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EXECUTIVE

Tuesday 27 June 2023

Present:

Councillor Bialyk (Chair)

Councillors Wright, Denning, Foale, Morse, Parkhouse, Pearce, Williams and Wood

Also present:

Councillor Jobson (as an opposition group Leader)

Councillor K. Mitchell (as an opposition group Leader)

Apologies:

Councillor D. Moore (as an opposition group Leader).

Also present:

Director of City Development, Director of Culture, Leisure and Tourism, Deputy Chief Finance Officer, Benefits & Welfare Lead, Asset Management Lead and Democratic Services Manager

63

MINUTES

The minutes of the meeting held on 6 June 2023, were taken as read, approved and signed by the Chair as a correct record.

64

DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

65

QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19

No questions from members of the public were received.

66

OVERVIEW OF GENERAL FUND REVENUE BUDGET 2022/23

The Executive received the report which advised Members of the overall financial position of the General Fund Revenue Budgets for the 2022/23 financial year. The report also sought approval for the General Fund working balance, a number of supplementary budgets and the creation of new earmarked reserves.

Members noted the difficult cost pressures to the Council during the financial year, which included higher energy costs and the Staff Pay Award. Members were referred to the Section 151 comments in the report and noted that the Council had balanced the budget for 2022/23 and it was possible to transfer £629,000 to the General Fund working balance at year end.

There were several supplementary budgets requested for the following financial year which totalled £6.4 million, which most had funding already in place. However, £1.807 million would be required to be met from the General Fund working balance. Although, there would be no significant impact on the Medium Term Financial Plan, it was forecast that reserves would be reduced to the minimal level by 2024/25.

Members were advised that the minimal level for the General Fund working balance, the Council had agreed to maintain a balance of no less than £3 million as

a contingency against financial risks. The largest area of risk related to income under budgeted levels, notably for car park and business rate income, which would require close monitoring.

The Deputy Chief Finance Officer, in responding to the Leader's question, advised that the £6.4 million supplementary budgets requested predominantly represented underspends in the 2022/23 financial year, which could include unspent grant funding or approved revenue budgets, many of which would go into earmarked reserves, and could be used to support the supplementary funding requests.

Councillor Jobson, as an opposition group leader, had submitted questions, which were tabled at the meeting and appended to the minutes.

Councillor M. Mitchell, as an opposition group leader, spoke on this item and enquired to what extent was this a typical or non-typical financial year for the Council?

In response to the question, the Deputy Chief Finance Officer advised that it had been a difficult year financially and would like to say it was exceptional, but unfortunately there were likely to be continued funding pressures for 2023/24 such as the pay award. However, any issues arising would be reported to Members as part of the quarterly monitoring reports.

RECOMMENDED that Council notes and approves (where applicable):-

- 1) the net transfer of £12,346,956 from Earmarked Reserves as detailed in paragraph 8.11 of the report;
- 2) the supplementary budgets of £6,447,320 and budget transfers as detailed in paragraph 8.13 of the report;;
- 3) the Earmarked Reserves at 31 March 2023;
- 4) the Council Tax account and collection rate;
- 5) the outstanding sundry debt, aged debt analysis and debt write-off figures;
- 6) the creditors payments performance;
- 7) the General Fund working balance at 31 March 2023 at £6,151,289, having taken into account the overall financial position of the Council; and
- 8) the One Exeter programme update.

67

GENERAL FUND CAPITAL MONITORING 2022/23 AND REVISED CAPITAL PROGRAMME FOR 2023/24 AND FUTURE YEARS

The Executive received the report on the overall financial performance of the Council for the 2022/23 financial year in respect of the annual capital programme. The report also sought approval of the 2023/24 revised capital programme, which included the commitments carried forward from 2022/23.

Members noted that at the start of the last financial year, a Capital Programme of £131 million had been approved by Council. The total outturn spend was £59 million which included £44 million for the acquisition of the Guildhall Shopping Centre.

Particular reference was made to:-

- delivering the Capital Programme had been challenging, due to wider economic conditions and issues related to contractor availability, labour shortages and higher tender prices;
- much of the Capital programme had been requested to be carried forward and would be financed from borrowing;

- there would be a challenge going forward due to interest rates rising, resulting in additional borrowing costs. Short term borrowing may be required during the year depending on how much of the Capital Programme is spent;
- several play areas had now received enhancements, which were set out in the report; and
- a number of additional Capital budgets had been requested for 2023/24, which were fully funded and did not require any borrowing.

Councillor Jobson, as an opposition group leader, had submitted questions, which were tabled at the meeting and appended to the minutes.

Councillor M. Mitchell, as an opposition group leader, spoke on this item. He welcomed the £6.3 million for carbonisation at the RAMM and Riverside Leisure Centre and enquired whether it was a fixed amount and if there was a risk for long term closure?

The Director of Culture, Leisure and Tourism advised that a bid had been successful and the process going forward was to look at the financial implications and operational options for both buildings. A working group would address these issues and a report would be brought to the Executive in due course.

RECOMMENDED that Council approves:-

- (1) the overall financial position for the 2022/23 Annual Capital Programme; and
- (2) the amendments and further funding requests to the Council's Annual Capital Programme for 2023/24.

68

2022/23 HRA BUDGET MONITORING REPORT - OUTTURN

The Executive received the report which advised on the major differences, by management unit, between the approved budget and the outturn for the financial year up to 31 March 2023 in respect of the Housing Revenue Account and the Council's new build schemes.

Although the HRA had faced similar reported financial challenges relating to the Pay Award and higher energy and inflation costs, there had been an improved financial position for the HRA, relating to the higher interest rate earned from the HRA balances. The balances included the HRA working balance, the major repairs reserve balance and HRA capital receipts balance.

Particular reference was made to

- the HRA Capital Programme, which had spent £13.6 million with £10.3 million spent for improvement to existing housing stock and £3.3 million for new housing projects;
- higher interest rates were a challenge for future project viability, and new build projects were likely to struggle to cover borrowing costs
- at year end, the HRA had a balanced budget and maintained its working balance of £4 million as a contingency against financial risk.

Councillor Jobson, as an opposition group leader, had submitted questions, which were tabled at the meeting and appended to the minutes.

The Portfolio Holder for Council Housing Development and Support Services welcomed the report and noted the new funding for decarbonisation. She also

highlighted that the Council had won two awards for the South West Landlord of the year and for the best Decarbonisation project in the South West.

The Leader also welcomed the awards and advised on the recent awards received for Edwards Court and St. Sidwell's Point.

RECOMMENDED that Council notes and approves (where applicable):-

- 1) the supplementary budget of £300,000 as detailed in paragraph 8.5 of the report;
- 2) the HRA financial position for 2022/23 financial year;
- 3) the revision of the HRA Capital Programme to reflect the reported variations detailed in Appendix 3 of the report; and
- 4) the Social Housing Decarbonisation Fund capital project as detailed in paragraph 8.14 of the report.

69

TREASURY MANAGEMENT 2022/23

The Executive received the statutory report on the current Treasury Management performance for the 2022/23 financial year and the position regarding investments and borrowings at 31 March 2023.

Particular reference was made to:-

- lower levels of required borrowing and in-year Capital Expenditure, meant that the Council had paid significantly less interest than was expected;
- due to the higher interest rates, the Council had earned more interest from investments; and
- a Section 114 notice had been issued by Woking Borough Council and the £5 million invested with them had been refunded back to Exeter City Council.

Councillor M. Mitchell, as an opposition group leader, spoke on this item and enquired on how flexible could the Council be in regards to borrowing and investing with increased market rates.

In responding, the Deputy Chief Finance Officer advised that Treasury Management practices are managed in accordance with the Prudential Code for Capital Finance, which provides a level of flexibility for the Council but we need to consider security, liquidity and then yield.

RECOMMENDED that Council note the content of this report.

70

THE HOUSEHOLD SUPPORT FUND - SCHEME 4

The Executive received the report which sought Members' agreement for the dispersal of funding for the fourth Household Support Fund scheme, which was funded from the Department for Work and Pensions. The fourth scheme covered a 12 month period which allowed for a longer timeframe to provide more support to low income households during the cost of living crisis.

Particular reference was made to the three project approach outlined in the report:-

- to provide one-off support targeted at households identified through Council Tax Support records;

- running an application based scheme to reach customers identified as having a priority need where they could be individually identified from existing records; and
- providing a flexible scheme to allow any unspent funding to be allocated to individuals or groups needing extra support between January and March 2024.

Councillor M. Mitchell, as an opposition group leader, spoke on this item and enquired on the certainty that those in need would receive financial support?

In response to questions from Members, the Benefits & Welfare Lead advised:-

- the modelling for financial support was based on an extract from the Council Tax support case load and the figures were estimates based on the data held and could be subject to change;
- the scheme was modelled on a full spend by the end September 2023, and if there were no claims withdrawn, the 45% spending agreement with Devon County Council would be met;
- there were several agencies, who the Council worked with, which included various internal departments, who would support advertising the scheme. Engagement would also be undertaken with various charities, the food bank, and Devon County Councils networks; and
- the Council provided different payment methods to address different scenarios, which included vouchers which could be redeemed for cash at a Post Office, and using organisations which could provide shopping vouchers.

RECOMMENDED that Council approves the adoption of the proposed Household Support Fund – scheme 4 (HSF4), consisting of the following three projects:-

- (1) one-off support targeted at households identified through Council Tax Support records. Awards to be paid by cash voucher posted to customers by the end of September 2023, as detailed in paragraph 8.9 of the report;
- (2) an application based scheme for people with characteristics identified as having a priority need where households cannot be individually identified from existing records. Applications to open from October 2023 as detailed in paragraph 8.18 of the report; and
- (3) a flexible scheme allowing unspent funding to be allocated to individuals or groups needing extra support between January and March 2024.

71

ECONOMIC VULNERABILITY FUND

The Executive received the report which sought Member agreement for the dispersal of funding from the Economic Vulnerability Fund, which would operate in support with the Household Support Fund to provide additional care to low-income households where additional unmet needs were identified.

Particular reference was made to the use of redistributed underspent Covid wellbeing money, which had been returned from Devon County Council and would be used to support Household Support Fund scheme until March 2024. The priority groups for support were outlined in the report presented at the meeting.

During the discussion the Members welcomed the report and highlighted the importance in supporting residents who might have been missed in previous schemes. Members also welcomed advertising the fund to ensure residents were aware of it.

In response to a question from a Member, the Benefits & Welfare Lead confirmed that an application route would be communicated as soon as it was available.

The Portfolio Holder for Council Housing Development and Support Services expressed her thanks to the officers for the work that had been undertaken on bringing the Economic Vulnerability Fund forward.

RECOMMENDED that Council approves the adoption of the proposed Economic Vulnerability Fund scheme to provide crisis support to low income residents through to the end of March 2024.

72

REVIEW OF THE CORPORATE RISK REGISTER

The Executive received the report which advised Members of the Council's progress in delivering a new, updated Corporate Risk Register, which was linked to the Council's Strategic Priorities. A quarterly report would be presented to the Executive, but the Audit & Governance Committee would continue to ensure that there was a proper process to adequately manage the risks.

Particular reference was made to the work that would take place over the summer period. Directors would be consulting with their relevant Portfolio Holder's to refine the risks to ensure that the register was complete. The updated register would then be presented to the Executive in September 2023 and reported back on a quarterly basis.

RECOMMENDED that Council note the progress made in producing the new Corporate Risk Register.

73

REVISED LOCAL DEVELOPMENT SCHEME 2023

The Executive received the report on the revised Local Development Scheme which provided a scope and timetable for the preparation of Council planning policy documents, which included the emerging Exeter Plan (the new Local Plan) and other documents. Since the Local Development Scheme was approved in June 2021, work had been progressed and in keeping with statutory requirements, updates were being presented to Members.

Particular reference was made to:-

- the good progress that had been made in several key areas, which included the Exeter Local Plan, in which the first milestones of the plan had been achieved;
- the local plan engagement undertaken in late 2022, had exceeded all expectations of local planning policy, and had set a high standard for future consultation;
- work had been undertaken on the new Article 4 Direction, as well as a full review of the Community Infrastructure Levy (CIL);
- a new design code was being developed for the Water Lane area, which was a key priority for the Liveable Exeter initiative;
- the original budget and resources agreed in 2020 for the Local Plan did not include the broader range of new work being delivered;
- there was now a better understanding of complexity in delivering on the Brownfield sites and a report on resources for delivering on the key sites would be brought back the Executive in due course; and
- additional bench marking work on the Exeter Plan would be undertaken through joint working with other local authorities and partners.

Councillor M. Mitchell, as an opposition group leader, spoke on this item and enquired on when the Local Plan and Article 4 Directive documents would be brought back to Executive following consultation?

In response to a Members question, the Director of City Development advised that following consultation each item would be presented back to the Executive for consideration and the Local Plan would be presented to Council for adoption.

During the discussion the following points were made:-

- the consultation had been highly effective and demonstrated how the Council listened to residents and led to a lot of work being undertaken;
- the local plan was about defending green spaces and the challenge for identifying and freeing Brownfield sites was noted; and
- did the work on Water Lane cause any complications in relation to the redevelopment scheme?

The Portfolio Holder for City Development commented on the hard work of the planning policy team who were still finding solutions to issues with limited resources and noted that there were still areas of the Local Plan were being worked on. She also advised that the Article 4 Direction had been presented at an Executive Committee, earlier in the year.

RESOLVED that the revised Local Development Scheme (Appendix A of the report) be approved as the basis for preparing local planning policy.

74

WATER LANE COMPULSORY PURCHASE ORDER

The Executive received the report on the residential led redevelopment of the Water Lane area as one of the Liveable Exeter aspirations. Exeter City Council had been approached by the Water Lane Development Management Company as one of the major land promoters in the area to consider using a Compulsory Purchase Order Indemnity Agreement (CPOIA) to assemble two strategic land parcels needed for accessing the Water Lane site to enable redevelopment for a residential led mixed use waterside development which aligned with Liveable Exeter principles.

The report requested CPO powers to acquire and simultaneously dispose of land and properties to the land promoter on regeneration grounds, whilst also agreeing the principle of dedicating to Highways or disposing the northern tip of the Council's Exton Road Depot Material Recycling Facility.

Particular reference was made to:-

- the report was seeking approval to potentially use CPO powers to dedicate a small piece of land with limited operational value to assist in the regeneration of Water Lane;
- the Council was working with the Water Lane Development Management Company to deliver new infrastructure to create a new access solution to the area centred around a reduced car neighbourhood;
- the disposal of the land, would create a new access route into the regeneration area, including improvements to the Willeys Avenue/ Water Lane junction, re-alignment of Tan Lane and the creation of a new service road. This would also enable Water Lane being converted into a pedestrian boulevard; and

- Water Lane was a complex site and was one of the Council's tools to work with the developer to open the site, which required a strategic approach, with limited financial or legal risk to the Council.

The Leader referred to the Equality Impact Assessment in relation to use of the CPO for Casting House, and what assurance could be provided, that discussions with tenants would take place and that there would be no forced removal.

The Director of City Development advised that the use of the CPO would be a last resort and due care would be taken throughout the process to ensure that Water Lane Development Management were doing everything possible to protect tenants, ensuring they were well informed and dealt with in a considered way.

Councillor Jobson, as an opposition group leader, had submitted questions, which were tabled at the meeting and appended to the minutes.

During the discussion the following points were made:-

- It was important to have due diligence in regards to the tenants and Housing and Lettings Officers could provide support to the tenants in finding new accommodation; and
- the report showed that the Council was not buying the whole site and were only facilitating a section of the land for the regeneration work.

In response to a Member's question, the Director of City Development explained that the land would be dedicated to Devon County Council (DCC) to become a highway. Consultation work with DCC Highways had been taken throughout the process and they were fully supportive of the proposed plans for the site, but there was a contingency in place should DCC not proceed.

The Leader moved and was seconded by Councillor Wright, to amend to recommendation 2.3 to read as follows:-

- subject to the S151 Officer, in consultation with the Leader of the Council, being satisfied as to the financial standing of the party/parties providing the indemnity, delegate authority to the Director of City Development to enter into a Compulsory Purchase Order Indemnity Agreement ("CPOIA") and if necessary, a development agreement with the land promoter (and any other relevant third party) prior to undertaking any preparatory works in respect of a Compulsory Purchase Order to acquire the third-party proprietary interests identified in Appendix 1.

It was explained that the reason for the amendment was to ensure that the Leader was consulted prior to any Compulsory Purchase Order Indemnity Agreement being entered into.

RECOMMENDED that Council approve:-

- (1) that the City Surveyor, in consultation with the Leader, Director of City Development and the Director Finance (Section 151 Officer) be granted delegated authority to dedicate part of the Exton Road Depot Material Recycling Facility, as shown on the site boundary plan in Appendix 2 of the report, to Devon County Council for Highways use. Or, if necessary, and subject to the provisions of the subsidy Control Act 2022, dispose of the land (conditional on the underpass improvements works being commenced to adoptable standards) to the Water Lane Development Management Company

(or the relevant corporate vehicle), at less than best consideration but at a cost that covers the relocation of stored materials on the disposal site and the construction of an appropriate boundary treatment on the revised boundary line.

- (2) that in the event of a proposed less than best disposal, that the City Surveyor, in consultation with the Leader, (Section 151 Officer) and Director of City Development, be granted delegated authority to assess and, subject to compliance with relevant statutory provisions, agree an undervalue.

RESOLVED that:-

- (3) subject to the S151 Officer, in consultation with the Leader of the Council, being satisfied as to the financial standing of the party/parties providing the indemnity, that the Director of City Development be granted delegated authority to enter into a Compulsory Purchase Order Indemnity Agreement (CPOIA) and if necessary, a development agreement with the land promoter (and any other relevant third party) prior to undertaking any preparatory works in respect of a Compulsory Purchase Order to acquire the third-party proprietary interests identified in Appendix 1 of the report;
- (4) subject to resolution (3), that the Director of City Development be granted authorisation to take all necessary steps to secure the making, submission, confirmation and implementation of a Compulsory Purchase Order to acquire the third-party proprietary interests identified in Appendix 1 of the report;
- (5) the Director of City Development be granted authorisation to issue all relevant notices and certificates in connection with the making, confirmation and implementation of any Compulsory Purchase Order;
- (6) the City Surveyor be granted authorisation to acquire third party proprietary interests by private treaty negotiation;
- (7) the City Surveyor be granted authorisation to dispose of any third party proprietary interest acquired pursuant to the Compulsory Purchase Order to WLDMC (or the relevant corporate vehicle) in accordance with terms to be agreed and subject to compliance with relevant statutory provisions;
- (8) the Director of City Development be granted authorisation to make General Vesting Declarations (GVDs) under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or serve notices to treat and notices of entry (if required) following confirmation of a Compulsory Purchase Order by the Secretary of State;
- (9) the Director of City Development be granted authorisation to issue and serve any warrants to obtain possession of property acquired by the Council following the execution of a General Vesting Declarations or service of a notice of entry if it was considered appropriate to do so; and
- (10) the City Surveyor be granted delegated authority to agree the final terms for the disposal of the strip of land at Exton Depot and the final terms of the Compulsory Purchase Order Indemnity Agreement, subject to compliance with relevant statutory provisions.

The Executive received the proposal to offer the position of Honorary Alderman of the City to Mrs Yolonda Henson in recognition of her outstanding service to the Council.

Members noted that the term of office for Mrs Henson amounted to 39 years, and therefore met the necessary length of service criteria. Mrs Henson has also held a number of positions, including that of Lord Mayor of the City and had provided exceptional service during her terms of office.

The Leader advised on the nomination criteria, and highlighted that group leaders would be requested to submit any nominations, for the position of Honorary Alderman of the City, in which they considered met the criteria for nomination.

RECOMMENDED that in accordance with Section 249 of the Local Government Act 1972, the Right Worshipful the Lord Mayor be requested to convene an Extraordinary meeting of the Council, on the rising of the Ordinary meeting of the Council on 18 July 2023, to consider granting the position of Honorary Alderman of the City to Mrs Yolonda Henson.

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

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

77 **VAUGHAN ROAD DEVELOPMENT SITE**

The Executive received the report on the Vaughan Road development site to develop 91 homes. The first phase (phase A) of the scheme was approved at Executive on 7 February 2023 and was underway to deliver the first 35 homes. In order to address ongoing viability challenges for the final 2 phases of the scheme commercial work had been undertaken to consider the cost for phases B & C, in delivering 56 new homes.

Particular reference was made to:-

- the first phase of the development had received a budget allocation of Right to Buy receipts and the requested allocation would come from HRA right to buy receipts;
- modelling had been based on current interest rates, and financial markets would be considered to minimise borrowing and refresh the viability model; and
- work was being undertaken with contractors on reducing costs and timing was critical to move the project forward.

Councillor Jobson, as an opposition group leader, had submitted questions, which were tabled at the meeting and appended to the minutes.

Councillor M. Mitchell, as an opposition group leader, spoke on this item, he enquired on the potential of the project not breaking even over a 50 year period, if interest rates rise.

Members welcomed the report and noted the risks related to cost rises impacting on the financial modelling, but acknowledged delays would impact on the development of the new homes.

RECOMMENDED that Council:-

- (1) note the content of the report and the funding arrangements to deliver phases B and C of the scheme;
- (2) approve a Capital Budget of £22 million to deliver phases B and C;
- (3) grant delegated authority to the Director Finance (Section 151 Officer) and the Director City Development in consultation with the Portfolio Holder for Council Housing Development and Support Services and the Leader of the Council, to finalise the most advantageous combination of borrowing, Homes England grant and Housing Revenue Account capital to successfully deliver the scheme; and
- (4) approve that notice be given to Exeter City Living Limited in accordance with the Development Agreement between Exeter City Council and Exeter City Living Limited to carry out and complete phases B and C of Development.

78

SOCIAL HOUSING DEVELOPMENT OPPORTUNITIES REPORT

The Executive received the report which brought together a number of development projects requiring funding for progression. Each project was outlined in the report with all projects requiring additional funding beyond that previously agreed in order to deliver completed schemes.

Members were advised that there were six projects and the first project outlined in the report was seeking additional funding for completion. The remaining projects were in development and waiting implementation.

Councillor Jobson, as an opposition group leader, had submitted questions, which were tabled at the meeting and appended to the minutes.

The Leader requested, going forward, that a means of redacting reports be undertaken, to ensure the projects were presented in the public domain to make residents aware of the work being carried out.

The Leader moved and was seconded by Councillor Wright, to amend recommendation 2.4 in the report to read as follows:-

That the decision is delegated to the Director Finance (S151 Officer), and the Director City Development in consultation with the Leader of the Council, to finalise the most advantageous combination of borrowing, capital and S106 commuted sums and allow for the capital borrowing to be undertaken at the most beneficial moment for the Council.

RECOMMENDED that Council:-

- (1) note the content of the report and the funding arrangements to move the various schemes forward;
- (2) approve a budget totalling £2.5 million to deliver the final phase of the Laings project, including the purchase of one privately owned property;
- (3) approve a budget totalling £1,250,000 to progress the schemes (Chestnut Avenue, Lower Wear Road, Clifford Close and Build Up) to the next work stage as reported at the meeting;
- (4) agrees that the repurposing of the Rennes House refurbishment budget be used for the redevelopment design and site investigations work for Rennes House, as approved at Council on 22 February 2022; and

- (5) grant delegated authority to the Director Finance (Section 151 Officer) and the Director City Development in consultation with the Leader of the Council, to finalise the most advantageous combination of borrowing, capital and S106 commuted sums and allow for the capital borrowing to be undertaken at the most beneficial moment for the Council.

79

PROPOSALS REGARDING STAFFING AT RAMM

The Executive received the report the proposals regarding staffing at the Royal Albert Memorial Museum and Art Gallery (RAMM). This followed work undertaken on making savings from Exeter City Council's revenue contribution, whilst maintaining an outstanding service and delivering its business plan. The report set out a restructure at RAMM in order to make the required savings whilst maintaining the National Portfolio Organisation delivery plan.

Particular reference was made to the requirement to make a saving at the RAMM, whilst still maintaining its high level of service. The RAMM also received an annual grant of £618,000 per annum from Arts Council England, a result of its National Portfolio Organisation (NPO) status. The proposed restructure would make the required savings with the best chance of maintaining the NPO delivery plan and allowing the museum to remain one of the most valued city museums in the country.

Councillor M. Mitchell, as an opposition group leader, spoke on this item and enquired if the Unions had been consulted as part of the consultation?

The Director of Culture, Leisure and Tourism advised that process had been undertaken in line with the Council's Organisational Change Management policy.

Members welcomed the report and highlighted the good work and reputation of the RAMM and reputation of the staff.

The Portfolio Holder for Culture and City Centre Strategy clarified that the report was addressing a restructure of staffing at the RAMM and was not making redundancies.

RECOMMENDED that Council, on the grounds of service efficiency approve the redundancy and pension strain related to the restructure at the RAMM.

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

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 18 July 2023.

Questions and Responses received from Cllr A. Jobson to Executive Tuesday 27 June 2023

Agenda Item 6 – Overview of General Fund Revenue Budget 2022/23

1) Page 14 – Leisure and Sport

The reduction in hours has severely impacted groups such as indoor bowls who play matches in the evening and will be unable to do so. Will there be a review as to the provision of these facilities on a case by case basis to consider options that will enable these sports to continue.

Response

The leisure team had been working tirelessly our user groups to mitigate the impact of the budget. The Council had been able to accommodate changes so matches could continue and thanks were given to the staff and the clubs. Isca was investing in a new bowling carpet for users to improve the matches that were taking place.

2) Page 28 – proposed supplemental budgets Appendix 4

Is there a more detailed breakdown of what the £808,000 from Earmarked reserves for the Exeter Development fund is for?

Response

This funding builds on OPE funded work which resulted in an outline business case and allowed continued progress to a full business case. The engagement process involves Scrutiny and progress would be reported regularly throughout the year.

Agenda Item 7 – General Fund Capital Monitoring 2022/23 and Revised Capital Programme for 2023/24 and Future Years

1) Page 37/40- Schemes to be deferred to 2023/24 - Play areas

When is it likely that the Mulberry Close Play area will have their much needed make-over – it does not appear to be on the list of works undertaken in 2022/23?

Response

Mulberry close junior multi-play unit would be refurbished in 2023-24, with all timbers replaced and coated. All other items in the play area were still in a fit condition for use and would be monitored and replaced as and when required.

Agenda Item 8 – 2022/23 HRA Budget Monitoring Report – Outturn

1) Page 55 – HRA Final Accounts

Is the figure of £1,511,160 for tenancy services the sum collected by way of service charges from tenants? Are the sums received by way of service charges spent generally over the estate or on the individual properties (eg the

blocks of flats and green space available to each block) and are there any accounts available that provide a more detailed breakdown of expenditure?

Response

The figure of £1,511,160 on page 55, represented the approved budget for delivery of the Tenancy Services function within the HRA. This included administration of the RTB scheme, lettings, tenancy management and rent collection costs and was not therefore the sum collected by way of service charges.

With regards to service charges, the Council was only permitted to recover the actual costs of providing rechargeable services to tenants and leaseholder flat owners (e.g. emergency lighting, door entry systems, communal area repairs, landlord water supplies etc). Records must therefore be maintained to support the setting of service charges in order to ensure they were fairly apportioned. Officers would be able to provide more detailed information, which would be arranged.

Agenda Item 14 – Water Lane Compulsory Purchase Order

- 1) Is it possible to have a members' briefing on these proposals that can include information about Water Lane DMC Ltd; what negotiations have been held with the occupants of the 4 residential properties that might be subject to a CPO?**

Response

A Members Briefing on the Water Lane Design Code was being organised and would make reference to these proposals.

Agenda Item 16 – Vaughan Road Development Site

- 1) Para 5.2 Interest rates are now 5% and there are predictions that they could rise to 6% or higher and not reduce as fast as had been anticipated. Is it possible to quantify the financial position in those circumstances?**

Response

The modelling was at 3.5% and indicated that each 0.5% interest rate rise added a requirement for circa £1.3million - £1.5million of additional capital to make the scheme viable over 50 years.

- 2) Para 10.3 – when will the result of the bid to Homes England be known. If the bid is rejected I assume that this will be known before any contract/pre-contract spending has taken place.**

Response

The engagement with Homes England had been ongoing for well over a year and we have been looking at a number of scenarios with them for the Vaughan Road scheme. Once we have finalised costs for phases B & C a bid will be submitted to Homes England and the Council would not enter into contract for the entirety of phases B & C of the scheme until the scheme was fully funded.

Agenda Item 17 – Social Housing Development Opportunities Report

1) When will the re-analysis of the HRA be available as referred to at Para 5.1

Response

HRA analysis would occur as a next step to ensure the viability of the continuing development programme, but there was no exact timescale for that work.

The approval sought for build-up, was to allow for a more detailed modelling and financial feasibility assessment.

2) Are the financial requirements set out in paras 8.3.2.5; 8.3.3.4; 8.3.4.5 and 8.3.6.5 inflation proofed or are they at today's costs?

Response

These costs were an indication of cost based on current tender returns to give Members an indication of the order of costs for each of the schemes. These costs would be presented in more detail once the schemes were fully designed and were able to cost the scheme in more detail.

3) There is no budget figure for completion of Build-up – it would be helpful to have such in addition to the allocation set out at 8.4

Response

Build-up was a complex project, and at this time it was not known what the potential delivery for the project was. The funding requested would allow the team to explore the options, designs and suitability of block typologies. The team would be able to report in more detail around numbers and potential costs in due course.

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SEATING IN THE GUILDHALL Agenda Annex

		Deputy Lord Mayor Councillor Read (G)	Chief Executive	Lord Mayor Councillor K.J. Mitchell (LD)	Democratic Services Team Leader	Service Lead Legal Services	
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Democratic Services Officers				Director Corporate Services	Director Finance	Director
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Councillors	Councillors	Councillors	TABLE	Councillors	Councillors
Warwick (L)	Miller (L)	Bialyk (L)		Moore, (G)*	Jobson (C)
Atkinson (L)	Hannaford (L)	Wright (L)		Mitchell, M.N. (LD)*	Leadbetter(C)
Patrick (L)	Snow (L)	Morse (L)		Fullam (LD)*	Holland (C)
Ellis-Jones (L)	Begley (L)	Denning (L)		Sparling (G)*	Sheridan (C)
Lights (L)	Vizard (L)	Williams, R.T. (L)		Ketchin (G)*	
Allcock (L)		Parkhouse (L)		Bennett (G)*	
Branston (L)	Knott (L)	Foale (L)		Rees (G)*	

Cllr Asvachin (L)	Cllr Williams M.J. (L)	Cllr Wardle (L)	Cllr Wood (L)	Cllr Pearce (L)			Cllr Harvey (I)
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L: Labour: 25
G: Green: 6*
LD: Liberal Democrat 3*
C: Conservative: 4
I: Independent 1

* Known as the
Progressive Group

Portfolio Holders

Bialyk: Leader
 Wright: Deputy Leader and Culture and City Centre Strategy
 Parkhouse: Climate and Ecological Crisis
 Williams, R.T.: Place and City Management
 Denning: Council Housing Development and Support Services
 Wood: Leisure Services and Physical Activity
 Foale: Corporate and Democratic Services and Environmental Health
 Morse: City Development
 Pearce: Communities and Homelessness Prevention

