

## **THE EXTRAORDINARY MEETING OF EXETER CITY COUNCIL**

Guildhall  
Tuesday 21 March 2017

The Right Worshipful the Lord Mayor (Cllr Thompson)

The Deputy Lord Mayor (Cllr Holland)

Councillors Baldwin, Bialyk, Brimble, Denham, Edwards, Foale, Gottschalk, Hannaford, Hannan, Harvey, D Henson (part meeting) , Mrs Henson, Keen, Lamb, Leadbetter, Lyons, Mitchell, Morse, Musgrave, Newby, Owen, Packham, Pearson, Prowse, Robson, Sheldon, Sills, Spackman, Sutton, Vizard, Wardle, Warwick and Wood

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### **APOLOGIES**

Apologies for absence were received from Councillors Ashwood, Branston and Foggin.

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### **IN ACCORDANCE WITH STANDING ORDER NO.1 A REQUISITION DULY SIGNED BY FIVE MEMBERS OF THE COUNCIL HAS BEEN RECEIVED TO CALL AN EXTRAORDINARY MEETING OF THE COUNCIL**

The requisition is as follows:-

'The reason is to ask you as Leader to make a full statement in respect of and explaining what is happening regarding the new Swimming Pool and the re-development of the Bus Station Site, including the closure of Paris Street (although not restricted to this) and all items pertaining to the project and its environs and its reported delay and escalating costs. Also, to allow the Opposition Parties and others to question you.'

Signed by

Councillors Leadbetter, D Henson, Mrs Henson, Prowse and Newby.

The Leader made the following statement that the Council had agreed to start construction on the state-of-the-art new leisure complex St Sidwell's Point, and a new Exeter Bus Station, at the end of March. Completion was due in December 2018.

The spades going in the ground was the end of a decade's worth of debate, scrutiny and transparency at every level. The project had full planning permission and a fully allocated budget, all scrutinised and passed by this very Council. That debate over the scheme had come and gone and was won.

The only change in the past couple of weeks was the nature of the tender returns coming in over budget. Officers needed more time to conclude the procurement process. Having asked for more time it would be irresponsible not to give it. That meant not closing the bus station as planned at the end of March and operating it as normal until further notice.

Just to reiterate, the tendering process was taking longer than the Council had predicted because of the nature of those returns. That did not negate the scrutiny the scheme had already gone through, the budget it had been allocated or the will of the people who were looking forward to it. The Council would not sign contracts

or appoint contractors until it was absolutely sure that it would be getting the best deal for Exeter.

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**QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER STANDING ORDER 8**

- (a)** In accordance with Standing Order No. 8, the following questions were put by **Councillor Newby** to the Leader.

*(1) How much have we spent on this project and from what budget has it come from?*

The Leader replied that as of 7 March 2017, the Council had spent £3.4m on the Leisure Complex project and £0.762m on the Bus Station. They had been spent from the approved Leisure Complex £26m budget and Bus Station £6.25m budget.

*(2) How long do you think the old bus station will remain in operation?*

The Leader replied that it was not clear yet.

*(3) How many people on this project have had their services dispensed with since the press release came out and at what financial cost to this council?*

The Leader replied that the Arcadis team were no longer working on the Project, which had consisted of up to six consultants on a part-time basis. The dispensing of these services were at additional cost to the Council.

*(4) As this is a new building concept and has only been around since 2011 in Germany will there be contractors in the UK and more so locally that can undertake this type of build?*

The Leader stated that the Passivhaus Standard was not a new building concept, but the City Council had built 30 houses and so had some experience of this method. It was a rigorous energy standard which had been in existence for over 25 years and could be applied to any type of building in the same way that the BRE AAM Standard was applied. The standard had been adopted in the UK over the last 10 years and there were an increasing number of contractors that had experience of working to the standard. Constructing to a passivhaus standard would not require any specialised skills or qualifications over and above the skill set a contractor or sub-contractor would already have.

In response to the supplementary question, the Leader confirmed that there were no other passivhaus leisure centres in this country. He had accompanied the Design Team on a visit to Germany to look at four passivhaus pools. He had received information which showed energy costs were 70% less than swimming pools in this country. If the energy costs go up and energy savings of 70% could be made over the next 30/40 years this would be a great way forward.

*(5) Have there been tenders from bus companies to supply the bus service for the new bus depot and if so how many have applied?*

The Leader replied that the Council had not reached the tender stage yet.

*(6) Why did we go for such a high cost build of the swimming pool which we don't know fully if it will achieve its proposed potential when we could have built a lower cost unit that is tried and tested and spent the difference on housing?*

The Leader replied that the budget cost for the swimming pool was comparable with similar facilities in terms of size, complexity and location. A 10% premium would be applied to take account of the environmental factors of the new facility, namely it being low energy, climate ready and healthy. The 'pay back' for this capital uplift was 11 years and the facility would benefit from a minimum 70% energy saving per annum from day one.

There were slightly higher costs associated with building a new facility on a tight inner-city location with interface implications with adjoining developments and this was reflected in the budget costs. He welcomed a landmark building would bring energy efficiencies and referred to the recent examples of passivhaus housing which enjoyed energy bills of under £50 a year.

The passivhaus standard was tried and tested and there were plenty of post-monitoring reports to support this, including for swimming pools. The City Council had been building new homes to this standard for the last nine years and these buildings continued to perform to exceptional low energy. Indeed, 60% of tenants had not needed to use any spare heating in their homes for the last eight years.

*(7) Is it right that we look to send traffic past a school and through an area of tight corners when at this moment in time it runs in a rough straight line?*

The Leader replied that the traffic alterations were considered within the Outline Planning Application approved in January 2016. They were subject to review by appropriate technical parties from the Highways Authority.

*(8) Once a contractor has been found what penalty clauses will be included?*

The Portfolio Holder Sport Health & Wellbeing advised there would not be penalties. The new leisure contract was being drafted to include a payment and performance monitoring mechanism, on the basis that failure to meet standards would result in financial charges for failure to meet performance standards.

**(b)** In accordance with Standing Order No. 8, the following questions were put by **Councillor Mitchell** to the Leader.

*(1) When this administration embarked on this project I asked whether the lessons had been learned from the multi-million pound RAMM overspend and I was assured yes. In light of the latest issues to this project is the Leader still confident the lessons have been learned?*

The Leader responded and agreed that lessons had been learned, and that in house staff were used on the RAMM project, the Council had used specialists for this project. There was a strict project control process in place. It was because of this strict control process that the Council were doing further work on the Contract now before it commits to a Contractor.

*(2) When did the Leader become aware of the 'indefinite delay' to this project?*

The Leader responded and stated that there was no indefinite delay to the project. The Council had tendered the building works and was currently working through the

complexities of the tender returns. The overall development remained on programme for completion May in 2020. The tenders were returned on 20 January 2017.

In response to the supplementary question, the Portfolio Holder Sports, Health & Well-being confirmed that the results of the tender opening which had taken place with officers and Councillor Edwards and himself were not as expected. There had been a number of meetings, and they had requested the Design Team to re-examine the project, and although the information had to remain confidential, there had been no secrecy or conspiracy. The work would not commence until the Council had ensured it had achieved the best possible deal for the city and the Council would ensure a full and transparent debate.

*(3) Are the financial figures allocated for the Swimming Pool and Bus Station project's within the budget papers presented to Council on the 21 February still accurate or are they subject to change due to this 'indefinite delay'?*

The Leader responded and confirmed that all expenditure had to be approved by Full Council, therefore the figures provided in the budget on 21 February 2017, represented the absolute limit that Officers and Members could spend. If any changes were required to any aspect of the budget, these would have to be presented and approved by Full Council, prior to any additional expenditure being committed.

In response to a supplementary question, the Leader responded that the Council was still negotiating the detail of the tenders at the time of the Budget Meeting and had nothing to report at that time.

*(4) Brexit has been quoted as a reason for the delay in this project. If he agrees with this statement can he please explain in greater detail how Brexit has effected this project?*

The Portfolio Sport Health & Wellbeing referred to the consequences of Brexit, and issues such as the fall in the pound and the effect on the construction industry, which were reported as risks to the Leisure Complex and Bus Station Programme Board in September 2016. Opposition Members were invited to the meetings and advised of the risks. The Portfolio Holder said that he was aware of a number of projects in the country that were experiencing costs higher than originally planned, including building projects in Plymouth, Bristol and further afield in London. This was not unique to Exeter and the outcome of Brexit had contributed to an escalation of contractor's costs, but every effort was being made to negotiate the tender to get the best deal for Exeter and take the project forward.

In response to the supplementary question, the Portfolio Holder Sport Health & Wellbeing stated that, rather than condemning the impact of Brexit, he had been appointed to see the project through and he would do so until his colleagues advised him otherwise.

*(5) Were tenders advertised for this project, if so when and can the Leader confirm how many tenders were received?*

The Leader confirmed that the works were tendered through the City Council's EXseed Contractors Framework which itself was fully OJEU (Official Journal of the European Community) compliant. Tenders were invited from all the contractors within Lot C.

The results of the tendering process were currently commercially sensitive in terms of tender return numbers.

In response to a supplementary question, the Leader stated that he was confident about the future and the Council would carry on until it achieved the right answer.

*(6) The administration has often stated a key element of the Swimming Pool plans is its 'Passivhaus standard'. Has this aspect of the project created a stumbling block and is the Leader still committed to its inclusion?*

The Portfolio Holder City Development responded that the passivhaus standard was a rigorous energy standard, but familiar to all the tendering contractors. Indeed all the EXseed Framework Contractors approached the City Council to be considered for the Framework given their wish to construct energy efficient sustainable projects. The passivhaus standard had not so far proved to be a stumbling block and the Leader and the administration continued to be committed to delivering a new development that was financially viable, environmentally responsible in its low-energy approach and socially responsible in providing truly healthy facilities for its users.

*(7) It has come to light the Council have parted company with its design team Arcadis, who were a key member of the project team. Can he please explain why and when this occurred?*

The Leader responded and clarified that Arcadis were not the design team, and the Council had not parted company with its design team, AFLS&P and Arup. The whole design team remained committed and engaged in delivering this development.

The Consultant Project Managers and Cost Consultants from Arcadis had been advising on the project budget.

In response to the supplementary question, the Leader confirmed that no other members of the team delivering the project had changed.

**(c)** In accordance with Standing Order No. 8, the following questions were put by **Councillor Musgrave** to the Leader.

*(1) Why was an in house model for the operation of the new leisure centre not considered?*

The Portfolio Holder for Sport Health & Wellbeing stated that the delivery of the Leisure Centre was discussed at the Leisure Complex Programme Board in 2014 and a continuation of an established outsourcing approach was agreed. The Council's view was that it would prefer to have the operations in-house, but it became clear that the Council did not possess the skills in house or the capacity to turn this around at present. The Portfolio Holder had been involved in trade unions for over 40 years and wanted to ensure the best deal for those who worked in the organisation as well as for the residents of Exeter. The outsourcing approach would secure future staff employment rights, including paid holidays, the living wage and Trade Union representation. He was confident that the Council would provide a good facility for the city.

In reply to a supplementary question, the Portfolio Holder for Sport Health & Wellbeing stated that it was misguided to say that the Council did not have the appetite to deliver an ambitious project for the city. The Council wished to make sure everything was right with the project.

*(2) Does the administration accept that Legacy Leisure is not running our existing facilities in the way in which the Council would like with particular reference to staff and maintenance of our facilities? If so, how can the administration explain the decision to pursue further outsourcing?*

The Portfolio Holder for Sport Health & Wellbeing responded and stated that a Task and Finish Group had been established to take an ongoing look at operator performance. The current contract with Legacy Leisure was managed by a Council officer, and the Legacy Leisure Working Group made up of a number of Members to ensure robust governance. An invitation had been made to Members to attend those meetings and tour the current leisure facilities. It was important to have a rigorous structure and there was now an opportunity to go forward with the new Leisure Centre with a new contract, the operator would be able to develop a new strategy to deliver the way forward.

*(3) How much has the administration spent, both in legal expenses and officer time, defending freedom of information request into the publication of the business case for this development?*

The Leader confirmed that a reply in respect of legal fees was being addressed in another reply.

In reply to a supplementary question, the Leader repeated his response that the reply on legal fees would be given in another reply and he confirmed that he was not aware that officer time was recorded directly against every activity undertaken by the Council in its daily routine.

*(4) What conveyance[s] of ECC land have already been undertaken in relation to the whole development site?*

The Leader responded and stated that there were none, pending the Development Agreement going unconditional. The freehold ownership would remain with the City Council.

*(5) Has there been a report published giving feedback on the consultation(s) undertaken with community interests over the development of the leisure centre?*

The Leader declared that the reports were published at the time and were included as part of the planning application process.

*(6) In addition to the passivhaus house standard what renewable technologies will be included in the building - esp solar on the roof to export to the grid or to allow community ownership of these?*

The Portfolio Holder for City Development advised that renewable technologies like solar PV were not a requirement of the Passivhaus standard and were not as successful in reducing the energy demand as passiv, fabric first design strategies. In comparison, even if the entire roof was fitted with solar photovoltaic (PV) this would only achieve 5-8% of the energy savings achieved with Passivhaus. The team focussed on Passivhaus design strategies which provided a significantly shorter payback time and therefore economic benefits for the Council.

In reply to a supplementary question, the Portfolio Holder for City Development referred to her earlier reply and said that at this time the project did not include solar PV.

*(7) Has the Pyramids swimming pool site been sold or subject to any contract?*

The Leader confirmed that the Pyramids site had not been sold and was not subject to any contract.

*(8) If the leisure centre doesn't proceed, will the bus station redevelopment go forward? If not, what plans will the administration put in place for the modernisation of existing bus station?*

The Leader declared that the existing Bus Station was long past its best. There was a dire need for the city's infrastructure to be improved and the Bus Station was a fundamental part of the infrastructure. The funding for the new Bus Station had been approved by Council without the help of Devon County Council as the Transport Authority and also the LEP (Local Enterprise Partnership) and it was the intention to proceed with this important redevelopment.

*(9) What level of CIL and/or S106 is the site developer contributing to the scheme? If not, why not, and will the administration seek this?*

The Leader confirmed that no CIL was liable. There had been no Section 106 contributions as Crown Estates were undertaking their own highway works and there was no legal reason for the Council to seek a Section 106 contribution.

*(10) Is the bus station and leisure centre contract being let as one or two contracts?*

The Leader stated that there would be one contract.

*(11) What use is being made by the Council of, for example the social value act to ensure that the construction contract will provide jobs for local people as part of the contract, and how many apprenticeships for local people will be created?*

The Leader confirmed that the tender documents required all tendering contractors to demonstrate how they would deliver social value by way of greater opportunities for Exeter residents, educational improvements to the local schools, colleges and university, supply chain initiatives, local recruitment and training, apprenticeships and work placements. The tendering contractors had responded individually on what their bid provided and these were being analysed alongside the cost returns.

In reply to a supplementary question, the Leader referred to a more formal approach to apprenticeships in the building trade. There would be labour from other parts of the country, but it was important to keep local jobs for local people, where possible.

*(12) Will the council be offering an open tender under the OJEU process?*

The Leader confirmed that the building works were tendered through the City Council's EXseed Contractors Framework – this framework was fully OJEU compliant.

*(13) The administration included a promise of free swimming for children - is that accounted for in the business plan?*

The Portfolio Holder for Sport Health & Wellbeing stated that an aspiration for swimming lessons for children up to the age of seven years had been included in the Manifesto, to encourage a healthy lifestyle from an early age. It was the intention to look to include targeted free children swimming lessons into the contract.

*(14) Who undertook an independent review of the business case for the project - both the capital and revenue forecasts and risk assessment?*

The Leader responded and confirmed that the Business Case for the Accommodation Mix for the design was undertaken by Continuum Sport and Leisure who were specialist Sports and Leisure Consultants. This work was undertaken in tandem with SLM Ltd, an Operator Consultant with specialist skills in Leisure Facilities Management. Max Associates reviewed the Risk Register for operator procurement – which included business risks.

*(15) What significant qualification or advice was received as a result of this review?*

The Leader responded and said that they had spent a great deal of time talking to residents. The consultant who reviewed the Risk Register for operator procurement (Max Associates), did not suggest any amendments or revision as the document appeared to be comprehensive.

*(16) Has any third party placed any contract penalties on ECC should the leisure centre, bus station go ahead or for some other reason the project not proceed such as the closure of Paris Street?*

The Leader confirmed that there were none.

In reply to a supplementary question the Leader reiterated that there were no contract penalties on the Leisure Centre or Bus Station.

*(17) When will Exeter have an agreed and publically consulted on sports strategy for the city? Does the Council believe that such a strategy would bring investment in swimming into the city? (and should that money only go into the pool or elsewhere?)*

The Portfolio Holder for Sport Health & Wellbeing responded that the Council was currently putting together a Sports Strategy, which was desperately needed and also working on a Facility Strategy. The Council was discussing the requirements with Sport England, the Football Association, Exeter City Football Club and Exeter Chiefs. He also confirmed that a meeting of the Exeter Playing Pitch Strategy Steering Group was due to be held on 24 April, to which a number of sporting bodies represented in the city were due to attend.

In reply to a supplementary question, the Portfolio Holder Sport Health & Wellbeing was not able to offer a date as to when the strategy would be completed and formally published, but the consultation would include a wide range of groups and partners and he looked forward to their participation on the Sport Strategy as this was an opportunity for the city.

*(18) Why is the council proposing to hand over control of our new leisure centre and not keep all the benefits/profits in the public purse?*

The Leader responded that the City Council would retain the freehold of the site and this had been addressed in an earlier question.



*(19) Aside of election results, how has the administration measured public support for this project?*

The Leader confirmed that they had consulted a wide range of stakeholders, held public consultation events at the Corn Exchange, as well as other public meetings. Meetings had also been held with bus groups such as Stagecoach. The Council had adequately consulted the residents of the city and the feedback was that the residents wanted a new Bus Station and pool. The aging Pyramids pool had been built during World War II and continued spending on it could no longer be justified.

In reply to a supplementary question, the Portfolio Holder for Sport Health & Wellbeing confirmed that the trade unions would be consulted at the appropriate stage, the Council would ensure that all the relevant consultation would take place with regard to the operation of the new complex.

*(20) Has there been an independent assessment for the financial viability of the proposed build? If it all goes wrong, who will pay for what might be an expensive mistake?*

The Leader stated that an independent assessment of the financial viability and business case had been covered in previous answers. The performance of the leisure centre would be a shared risk with the operator. The Council would receive a share of the profits with a sharing of the risks.

The Council had looked at every aspect of the development and considered what to expect in the future. The days were long gone when a Local Authority could build a pool and continually spend money subsidising it.

In reply to a supplementary question, the Leader stated the Council did not know who the operator would be yet or what the charges would be. Members of the Council would be consulted on such details including any potential risks.

**(d)** In accordance with Standing Order No. 8, the following questions were put by **Councillor Holland** to the Leader.

*(1) The press release from the City Council dated the third March stated that there would be a delay in the Bus Station Development. Will the leader of the Council explain why Newsletters from the Labour Party – delivered over the weekend 18<sup>th</sup>–19<sup>th</sup> March herald a start date of the 3<sup>rd</sup> April. Would the leader of the Council agree that this is misleading the residents of Exeter and reflects badly on the City Council as a whole?*

The Leader responded and said that he did not agree. A press release was issued at the first opportunity after telling Members and stakeholders. Even that morning the team were working to get to a point where the public could be told.

*(2) The first Passivhaus leisure facility was built in Germany during 2011. Therefore only guaranteeing a five year life-cycle at present. Could the Leader of the Council please explain how the Council can claim that the swimming pool is going to be 'future-proof' when the technology hasn't been around long enough to stand the test of time?*

The Portfolio Holder for City Development confirmed that the first two Passivhaus pool projects were completed in 2011. These projects were developed using the same technologies, design strategies and modelling tools as any other Passivhaus

project completed since 1990. As with any other building type, the heating demand of a swimming pool building was reduced by improved air tightness, high levels of insulation, high quality triple glazed windows and doors, controlled ventilation with heat recovery and an optimum solar orientation. Today these design strategies were well understood and scientific research on numerous Passivhaus projects (abroad and in the UK – also include Exeter City Council's own Passivhaus schemes which formed part of a successful two year building performance study) from the last 25 years had proven that these technologies and design tools would reliably meet the energy design targets. The two Passivhaus pools in Germany had also been monitored for the last five years and had exceeded the considerable expectations of them.

On the St Sidwell's Point Project, the design team had not only relied on the Passivhaus methodology to future proof the building but also applied best practice to design in climate resilience. With help from experts from Exeter University, future probabilistic climate data developed under Exeter University's Prometheus project was used on this project to model the building up to 2080 to ensure optimum comfort even under changing future climate conditions.

*(3) The orientation of a building with Passivhaus technology is incredibly important. Solar gains make a significant component of heat gains available during the winter months and windows are like 'room radiators', effectively making the building self-sufficient. However, in the summer months there is a risk of overheating. Whilst landscaping (deciduous trees) around the Centre may alleviate this to some degree could the leader of the Council explain how this will work before the trees grow to maturity?*

The Portfolio Holder for City Development responded that Passiv Houses were well known for their excellent comfort. In addition to energy targets to meet the Passivhaus standard, good indoor comfort needed to be achieved during winter and summer. South facing glazing needed to be carefully sized to optimise beneficial solar gains without increasing the risk of overheating. The Member was correct and passive strategies like external shading, ventilation and thermal mass helped to further reduce this risk. The St Sidwell's Point Project would not rely on trees for solar shading. The internal layout would locate the warm pool areas along the south side and the areas that required cooling along the north side. Pool halls would be operated at 32 Celsius, so in a UK South West climate, the pool areas would require heating all year round even when summer solar gains would be beneficial. Integrated Environmental Solutions (IES) had a dynamic modelling of the St Sidwell's Point designs that demonstrated that up to 40% glazed area of the south façade were beneficial without increasing the risk of overheating. The pool areas would be protected from direct sunlight by roof overhangs that block out the high summer sun but let in the lower winter sun. Additional protection from glare would be provided via internal louvres.

The German Passivhaus pools had a similar glazing ratio to that proposed for the St Sidwell's Point Project. In-use monitoring in 2014-2015 of comfort conditions of these pools had demonstrated that stable internal temperatures were maintained with minimal fluctuations of 1-2 degree Celsius even during summer heat waves. It should be noted that the summer climate in Germany features significantly warmer temperatures (in excess of 30degree C) than the South West.

The design for St Sidwell's Point Project would be more resilient against overheating than the two pools in Germany. As part of the client's brief the designs had been developed to allow the building to adapt to increasing temperatures predicted under future climate scenarios up to 2080. Rather than using standard

climate data, future climate data developed by Exeter University had been used to develop the designs. The IES dynamic modelling for the St Sidwell's Point Project demonstrated that even under potentially significantly hotter future climate scenarios the building design would provide good summer comfort.

*(4) Passivhaus buildings require good air tightness in order to reduce the demand of heating and to prevent warm moisture from entering the building fabric. This can only be achieved by installing an airtight membrane or barrier around every building element. Where the building has an opening such as a window or a door, the barrier is interrupted. Can the Leader of the Council explain what steps are being taken to mitigate this?*

The Portfolio Holder for City Development responded and stated that over the last 25 years a wide range of components had been developed specifically for the use in Passivhaus projects including Passivhaus certified windows and doors that would meet the stringent air tightness requirement. On the St Sidwell's Point Project, such components had been specified that would comply with the highest air tightness standards.

*(5) Although no longer working with the City Council the Project Manager for Arcadis advised that the swimming pool would have to carry out summer purging if the building exceeds a certain temperature. This basically means that all of the heat needs to be released from the building by opening all of the windows and doors during the night hours. This does generate a security risk as well as an extra expense due to more staff needing to be employed to carry out this task. My concern is that this project is going to end up putting our City Council into unimaginable levels of debt. Will the Council Leader please explain what steps are being taking to minimise these costs and state where the money for this activity will come from in the years ahead?*

The Portfolio Holder for City Development stated that the building would be purged mainly via the mechanical ventilation system specified which had been suitably sized.

*(6) I understand that there was some conflict between Arcadis and the Development Team. A member of the Development Team is quoted as saying 'I wouldn't use this system (Passivhaus) as there is a maintenance requirement such as changing the filter every year. The expense is extortionate and I don't think it is worth it'. Can the Leader of the Council reassure the residents of Exeter that they will not be burdened by ongoing costs if the Passivhaus system is adopted?*

The Portfolio Holder for City Development responded that the the Council were not aware of any conflict within the Project Team, the views expressed do not concur with those from the St Sidwell's Point Team who were 100% committed to delivering a building to the certified passivhaus standard.

A filter would be required to protect the mechanical ventilation system and to improve the internal air quality. This was not a passivhaus feature but standard for all air handling plant. The same filters exist on very 'normal' pool building. The intervals and costs for changing the filters would be no different to a standard pool.

*(7) Having carefully studied the plans it appears that there is no back up heating system. Could the leader of the Council please explain what will happen to the Leisure Centre should the system shown on the plans fail?*

The Portfolio Holder for City Development replied that St Sidwell's Point had two heating systems. An air source heat pump as the main heating system and a gas boiler as back up and to assist with temporary peak demands.

*(8) Is the leader of the Council confident that the build will be completed as planned? The Passivhaus system requires a great amount of expertise from contractors. Will the leader confirm that there are sufficient skilled people in the United Kingdom who may be able to start work and complete the work in a timely fashion or will we be facing further delays?*

The Portfolio Holder for City Development confirmed that the Passivhaus Standard was not a building concept, it was a rigorous energy standard. It had been in existence for over 25 years and could be applied to any type of building in the same way that the BREAAAM Standard was applied.

The standard had been adopted in the UK over the last 10 years and there had been an increasing number of contractors that had experience of working to the standard. Of the contractors tendering for St Sidwell's Point, all with the exception of one had delivered certified passivhaus projects, including very large scale developments. Constructing to a passivhaus standard did not require any specialised skills or qualifications over and above the skill set a contractor or sub-contractor would already had.

**(e)** In accordance with Standing Order No. 8, the following questions were put by **Councillor Mrs Henson** to the Leader.

*(1) Can the Leader of Council confirm that the City Council has engaged with The ASA and Sport England to provide grant funding for the Public Leisure facility and if not who is going to fill any funding gap.*

The Portfolio Holder for Sport Health & Wellbeing confirmed that the Council had engaged with the Amateur Swimming Association (ASA) during the design of St Sidwell's Point, however the ASA did not provide grant funding. The Council had also engaged with Sport England to seek funding. The Sport England facilities fund was heavily oversubscribed and did not award funds to this fully funded project. However, the Council continues to engage with Sport England to seek funds to meet the city's sporting and physical activity aspirations for the benefit of the people of Exeter.

*(2) Can the Leader of Council confirm that a fixed price has already been obtained for the construction contract in light of the procurement risk on many other factors which could have a big impact on final costs?*

The Portfolio Holder for Sport Health & Wellbeing stated that they were currently in discussions with the bidders to obtain a fixed price lump sum contract for the construction contract. It was important that the Council ensured that the costs did not spiral. The Council had learnt the lessons of the RAMM and would try and tie down the contract all in the one deal. There were tried and tested ways that the council tax payers of Exeter would want the Council to follow.

In response to a supplementary question, the Portfolio Holder for Sport, Health & Wellbeing referred to his earlier reply and stated that the tenders had been opened on 20 January 2017. He had apologised for the delay at a recent meeting of the Leisure Complex and Bus Station Steering Group but reiterated that only a number of officers from the project team and Councillor Edwards and himself had been aware of the tender detail, which had been treated in the strictest confidence. He

said that even if Members had been made aware, there was little that could be done and the advice had been not to disclose the information.

*(3) Will the Leader of Council confirm it is nothing but a delay and not turn out to be a failure to deliver the complete project?*

The Leader responded that the Council had every expectation that the project would be delivered.

In respect of a supplementary question, the Leader stated that at the last Council meeting on 21 February 2017, Members had not been misled and he could, with confidence, support the reasons for maintaining confidentiality.

*(4) Can we ensure that we update our Corporate Risk Register as per the Council's Code of Governance?*

The Portfolio Holder for Support Services advised that the Risk Register was updated on a quarterly basis and reported to the Audit and Governance Committee.

**(f)** In accordance with Standing Order No. 8, the following question was put by **Councillor Lamb** to the Leader.

*(1) How unusual is it for budgets of big projects to increase in Exeter?*

The Portfolio Holder for Sport, Health & Wellbeing replied that a lot of projects across the country had come in over budget so the City Council was not unique to have to deal with this issue. It was important that the Council got the right deal for Exeter.

**(g)** In accordance with Standing Order No. 8, the following question was put by **Councillor Brimble** to the Leader.

*(1) Did the Conservatives try to focus the last election on a single issue, the pool, and what did people think about it?*

The Leader replied that they had one issue and that was to turn down a £100 million investment for the city and leave the Bus Station as it is. The residents of Exeter had spoken by the election of 30 Labour Councillors out of 39 seats last May.

**(h)** In accordance with Standing Order No. 8, the following question was put by **Councillor Sheldon** to the Leader.

*(1) Is the LEP funding this scheme?*

The Leader stated that the Local Enterprise Partnership (LEP) had put no funding into the project and Devon County Council had not put any monies towards the Bus Station. Somerset, Taunton and Plymouth had received funding from the LEP but the City Council had received very little funding from the LEP.

In response to a supplementary question, the Leader stated that it would be beneficial if the City Council had representation on the LEP.

**(i)** In accordance with Standing Order No. 8, the following question was put by **Councillor Morse** to the Leader.

*(1) Are companies currently in discussion with Crown Estates to come to Exeter?*

The Portfolio Holder for Economy stated that the Crown Estates development was very much part of the wider commercial development of the city centre. There was a real risk to the city centre viability if this overall development was not delivered and there could be the potential for out of town shopping centres to come forward.

- (j) In accordance with Standing Order No. 8, the following question was put by **Councillor Robson** to the Leader.

*(1) Why don't you just build a cheap leisure centre?*

The Portfolio Holder for Sport, Health & Wellbeing stated that he was disappointed that this question should be asked. The Council needed to bring an anchor point to this complex which would attract people to the city. This was a great opportunity to secure a building to ensure that Exeter was a city that people wanted to visit.

- (k) In accordance with Standing Order No. 8, the following question was put by **Councillor Wood** to the Leader.

*(1) As a comparatively new Council Member, I was not involved in development of the project unlike the Members opposite. My understanding is that the opposition has been involved from the start and have seats at every Scrutiny Committee as well as the Executive of the Council. What new information can possibly be raised tonight that is not already known?*

The Portfolio Holder for Sport, Health & Wellbeing replied that all Members and public were invited to attend the Leisure Complex & Bus Station Programme Board meetings but usually only two or three people attended. This was the group that discussed all the details with regards to the project. The agendas and minutes were available on the Council's website.

- (l) In accordance with Standing Order No. 8, the following questions were put by **Councillor Denham** to the Leader.

*(1) What project governance arrangements were put in place for this project to ensure transparency and accountability?*

*(2) Have opposition Councillors raised concerns about the project management or contractor procurement arrangements, either through the Programme Board or Scrutiny Committees?*

*(3) Have all Councillors had access to reports and documents associated with the project?*

The Leader stated that the Leader of the opposition was invited to the Leisure Complex and Bus Station Programme Board meetings but he had not attended. The current two opposition Members had been coming along to the meetings and asked challenging questions. Members had access to the Board's reports and could come to the meetings to ask questions.

- (m) In accordance with Standing Order No. 8, the following question was put by **Councillor Lyons** to the Leader.

*(1) How much will Exeter taxpayer's rates rise to fund the bus station and leisure centre development?*

The Leader stated that none of the council tax rise would go towards the Bus Station and Leisure Centre development. The Council had put up council tax by £5, this year the maximum allowed by Central Government, although this Council still had the fourth lowest council tax rate in the Country. This Council had been prudent with its New Homes Bonus monies, £8 million of which had been allocated for the complex.

- (n) In accordance with Standing Order No. 8, the following question was put by **Councillor Warwick** to the Leader.

*(1) How will the proposed leisure complex enhance the city's green credentials?*

The Portfolio Holder for City Development reported that the Council had won the Environmental Council of the Year at the Local Government Chronicle awards last year for its solar panels on the John Lewis and Mary Arche's car park. This Council had already built its own Passivhaus council houses which were cheaper to run, healthier to live in and better for the environment. Passivhaus had been operating since 1990. Once built, the complex would be a great place to visit and swim and would include a café. This Council was forward thinking and ambitious for its residents.

- (o) In accordance with Standing Order No. 8, the following question was put by **Councillor Pearson** to the Leader.

*(1) How does the provision of a new city centre leisure complex fit with the aims of Active Exeter/ Active Devon?*

The Portfolio Holder for Sport, Health & Wellbeing replied that the Council was consulting with Active Devon, Active Exeter, local sporting community groups and Sports England to deliver a fit for purpose Sports Strategy going forward.

- (p) In accordance with Standing Order No. 8, the following question was put by **Councillor Hannaford** to the Leader.

*(1) Why is it important for the prosperity of the city to have the leisure complex in the current proposed location?*

The Portfolio Holder for Economy replied that not everyone had access to a car and this location was very accessible. It was important the city centre had a range of services and facilities to cater for a wide audience. The National Planning Framework recognised the need to ensure the viability of town centres by offering a range of facilities.

- (q) In accordance with Standing Order No. 8, the following questions were put by **Councillor Vizard** to the Leader.

*(1) According to Young Minds, the UK's leading charity committed to improving the emotional wellbeing and mental health of children and young people, many aspects of today's society can be bad news for the mental health of children and young people in the UK. As they grow and develop, children have to navigate a complex and ever-changing world, facing challenges and pressures in numerous aspects of their lives.*

The Portfolio Holder for Sport, Health & Wellbeing commented that the Council was engaging with a number of groups with special needs to make sure that the facilities

on offer took into full account the wide spectrum of everyone in the city regardless of disability.

*(2) We know that scientists have discovered that exercise makes your brain release chemicals that make you feel good - the same chemicals that you get from antidepressants. For mild depression, research shows that physical activity can be as good as antidepressants or psychological treatments like cognitive behavioural therapy (CBT). How are we engaging with local schools to ensure we support the mental and physical health and wellbeing of our future generations?*

The Portfolio Holder for Sport, Health & Wellbeing replied that the Exeter Health and Wellbeing Board and its Partners would be engaging with schools to promote the benefits of exercise.

**(r)** In accordance with Standing Order No. 8, the following question was put by **Councillor Wardle** to the Leader.

*(1) When did the current Leisure Services Contract commence and under what political party leadership? What, if any, changes to the current Leisure Services Contract would Exeter City Council be seeking to incorporate into any new contract?*

The Leader stated the current Leisure Services Contract commenced under the Liberal Democrat administration. Any new contract would be overseen by a panel of Members to ensure that it provided value for money and a facility for all residents.

**(s)** In accordance with Standing Order No. 8, the following questions were put by **Councillor Harvey** to the Leader.

*(1) What are the advantages to the City of the new leisure complex and bus station?*

The Portfolio Holder for Economy commented that the wide range of benefits had already been addressed. This complex would replace the Pyramids Pool and help Exeter to become the most active city in the South West bringing with it economic benefits to the city.

*(2) What will the charge be for a family or a single parent and child to swim in our new pool and how does this compare to commercial establishments across the City?*

The Leader stated that, until an operator had been appointed, the charges would not be known but it was important that the charges were affordable for all citizens.

**(t)** In accordance with Standing Order No. 8, the following question was put by **Councillor Packham** to the Leader.

*(1) Is Cllr Edwards aware that Exeter University men's first rugby team won their British students semi-final last Wednesday and are returning to Twickenham on the 30<sup>th</sup> March to defend the trophy they won last year? And would the Leader agree that the Leisure Centre would continue to build on Exeter's name as a great sporting destination?*

The Portfolio Holder for Sport, Health and Wellbeing commented that it was important that Exeter continued to support first class sporting talent.



- (u) In accordance with Standing Order No. 8, the following question was put by **Councillor Sills** to the Leader.

*(1) In light of the fact that it is the responsibility of the County Council to provide provision for transport in our city, can the leader confirm that we, as a district authority, have received no funding whatsoever from the Conservative run Devon County Council to help fund the crucial re-development of Exeter's outdated, 50 year old bus station?*

The Leader stated that Devon County Council had not provided any funding for the Bus Station although they had said they were going to build a new bus station in the city. The Council may have to look to the CIL monies for additional funds for the project.

- (v) In accordance with Standing Order No. 8, the following question was put by **Councillor Gottschalk** to the Leader.

*Not forgetting the delays and issues that it incurred before construction, could the Leader remind the council the value of the jobs and further investment that the Princesshay development has brought to Exeter. Does he agree with me that for this crucial redevelopment of this City centre site not to go ahead would risk the emergence of "out of town" shopping centres, risking the jobs and economic prosperity that Exeter is so proud to boast?*

The Portfolio Holder for Economy commented that yes she did agree this development was important for the viability city centre which would create 500 jobs. It would be a disaster for the city centre if an out of town development was to be built.

- (w) In accordance with Standing Order No.8, the following questions were put by **Councillor Leadbetter** to the Leader.

*(1) When was it envisaged the original contract to build the Swimming Pool Complex would be awarded? When was it envisaged the original contract to build the Bus Station would be awarded?*

The Leader replied that February 2017 had been envisaged as the date to award the contract. Although now he could not give a specific date. He did not know when the Crown Estate would begin their scheme.

*(2) Has the Council Considered the needs of its constituents in terms of Sporting provision for the City? What was the outcome of the Consultation?*

The Portfolio Holder for Sport, Health & Wellbeing commented that the Council was preparing a Built Facilities Strategy which would include consultation with a wide range of groups including Active Exeter and Active Devon. This was still in the development stage.

*(3) Does the Council have an adopted Sports Strategy? What does it say about Swimming Pool Provision?*

The Portfolio Holder for Sport, Health & Wellbeing replied that Sport England would be consulted on the strategy. The consultation would assess what demands there were for various sporting activities including swimming. A key element of the draft Built Facilities Strategy was the delivery of modern, fit for purpose new swimming pools within the leisure complex at St Sidwell's Point.

In answer to a supplementary question, the Portfolio Holder for Sport, Health & Wellbeing stated that the Pyramids Pool needed to be replaced. Scrutiny Committee had received a report in relation to the position with the Riverside Leisure centre. The Council had to ensure that they got the right replacement for the Pyramids which was coming to the end of its life.

*(4) What is the anticipated borrowing, from who and at what rates? What will the total cost of the borrowing be and over what term?*

The Leader stated that the current Council resolution was that no additional borrowing would be incurred as a result of the project.

*(5) Please state where the rest of the money is coming from – eg New Homes Bonus etc*

The Leader responded that the Council did not know what would be required. When more details were known these would be brought to Members for consideration.

*(6) Please list the developments in the City contributing CIL or Section 106 monies to the project*

£8 million from CIL had been allocated for the scheme. When the Council had more detail with regards to any additional funding requirement it may ask Council for additional monies from CIL.

In answer to a supplementary question the Leader stated that the City Council may need to assess the amount of CIL monies it paid to the County Council as the County Council had not contributed to the Bus Station.

*(7) Has the Section 151 Officer been consulted on the borrowing and is he in agreement?*

The Section 151 Officer gave his professional opinion on the Council budget requirements.

*(8) Are Stagecoach or any private operators contributing towards the build cost?*

No

In reply to a supplementary question, the Leader commented that any bus operators would be required to pay the Council rent.

*(9) What is the estimated revenue over the next five years? How has this been estimated?*

The Portfolio Holder for Support Services stated there was a detailed Business Case for the Leisure Complex and it showed a profit.

In response to a supplementary question, the Portfolio for Sport, Health & Wellbeing replied that appropriate information about the Business Case was available on the Council's website.

*(10) How much revenue will the Council lose whilst Paris Street is being redeveloped? How will this money be recovered?*

The Leader stated that the Council did not have any properties in Paris Street. The leases for properties in Paris Street was a matter for Crown Estates and these leases were short term.

*(11) Has the council paid any Business money to vacate their lease early and/or move?*

The Portfolio Holder for Support Services commented that the leases for properties in Paris Street was a matter for Crown Estates.

*(12) How many people per year pay to swim at the Pyramids Swimming pool? How many people pay to swim at the Riverside Swimming Pool?*

The Leader stated that Pyramids was used by 79,500 – Inclusive of swimmers, lessons and aqua fit and Riverside was used by 128,500 - Inclusive of swimmers, lessons and aqua fit.

*(13) How many people do you anticipate will use the new Swimming pool per annum?*

The Leader stated that the projected figures were in the business case.

*(14) Will the swimming club be able to use the pool?*

Yes, the Council were committed to providing water space for the city's swimming, triathlon and water polo clubs.

*(15) Will the pool be big enough for the Water Polo Club to use/play matches?*

Yes, the main pool would accommodate training and match facilities for the city's thriving water polo club.

*(16) Will the clubs that currently use Pyramids have to pay more in the next five years?*

Prices had not yet been agreed. The Council would do its best to ensure that the prices would be affordable.

*(17) Will the Pool still have movable floors?*

Yes.

In response to a supplementary question, the Leader confirmed that there would be improved seating to that at the Pyramids.

*(18) Will the changing rooms be single sex? Will there be a facility for family changing?*

The Leader clarified that there would be a communal changing village with individual cubicles for use by anyone, including larger cubicles for family use. There would also be separate single sex team changing rooms and changing rooms for groups and schools.

*(19) Will Exeter residents be entitled to a discount to use the Pool?*

The Leader stated that favourable rates for Exeter residents would be examined.

*(20) What compensation will be paid to traders in Sidwell Street that are losing trade?*

The Leader replied that traders could apply to the valuation office for a reduction in Business Rate if they could demonstrate that trade had been severely affected.

*(21) DCC is losing money whilst the parking bays are closed. What compensation will be paid to DCC?*

The Leader replied that Devon County Council, as the highways authority, approved the works and this had included the loss of income as part of the interim bus arrangements.

*(22) What is the estimated cost of the New Bus Station?*

The Leader stated that the estimated cost of the New Bus Station was commercially sensitive information, however he confirmed that the estimated cost was one of the cost headings within the approved budget, which included the cost of build, interim arrangements and consultancy costs.

*(23) How much money will Stagecoach receive from the council over the next 3 years?*

The Leader replied that stagecoach would receive nothing.

*(24) What will Stagecoach pay to use the bus station?*

The Leader commented that the future operator, whoever that is, would pay rent.

*(25) Has stagecoach received any compensation payment now or in the future?*

The Leader clarified that the contract with Stagecoach was commercially sensitive, however nothing had been paid to date.

*(26) Where will Coaches/National Express/Megabus vehicles park to drop off Customers?*

The Leader responded that National Express, Megabus and other long distance coaches would use Bampfylde Street, as per the Outline Planning submission approved in January 2016. Touring coaches would use South Street, again as per the Outline Planning submission which was approved in January 2016.

*(27) Will a waiting room be provided?*

The Leader stated that the Council were currently exploring this possibility.

In answer to a supplementary question, the Leader stated that the bus operator and County Council had confirmed that bus station provision was sufficient.

*(28) Do the council have any more pending legal actions or tribunals?*

The Leader confirmed that the council does not have any more pending legal actions or tribunals relating to the leisure complex.

*(29) Does any council member or officer have a relationship with anyone involved with the pool or bus station?*

The Leader - Not as far as I know. The Member's Register of Interest was published on the Council's website.

*(30) Has any Councillor declared any Conflict of Interest in respect of any part of the project?*

The Leader responded no.

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

*The decision to build a pool/leisure centre to Passivhaus standard has been highly questionable.*

*(1) The cost of the project is around the £26 million pound mark. Does the Leader agree this is a sound investment?*

The Leader replied that yes it was a sound investment and would provide value for money. RAMM was an example of a great facility.

In response to a supplementary question, the Leader stated that there were other 50 metre pools in the Country. The proposed centre would be a family facility with a state of the art Bus Station.

*(2) The visit to Germany by both Officers and Labour Cllrs were I believe warmed to this technically advanced proposal. How many such Passivhaus centres existed in Germany at the time of the visit?*

The Portfolio Holder for City Development replied that Passivhaus schemes had been around since 1990 and the Council had sought the advice of experts. Exeter City Council had been developing homes to the Certified Passivhaus Standard for the last eight years and were therefore familiar and confident with this tried and tested standard. As there were no passivhaus swimming pools in the UK, a study trip to Germany had been arranged to visit two completed passivhaus pools/leisure centres. At that time, there were two such facilities in Germany. Members had been accompanied by the Project Consultancy Team.

*(3) The visit to Germany convinced the group that such a development in the centre of this City was viable. Was there a report of the visit?*

The Portfolio Holder for City Development stated that the trip to Germany provided an opportunity to see the passivhaus standard applied to a swimming pool / leisure centre use. Members had talked to the people running the centre which provided strong evidence with regards Passivhaus builds. Each visit required every attendee to complete a feedback report on the observations of the visit and the findings of this were compiled into a report which helped shape the Client Brief.

*(4) Can the Leader explain the plaudits of a Passivhaus system given that no other Council or private initiative has built one in the UK? How does it work?*

The Portfolio Holder for City Development replied that the Council had been developing all their new homes to the certified passivhaus standard for the last eight years. There were many other Councils and Private Developers that were now

developing passivhaus buildings and the numbers had increased year on year. Across Europe, and globally, the passivhaus standard was one of the fastest adopted building standards and she understood that there were now entire regions that mandate the standard, such as Brussels, Vancouver, Frankfurt and parts of Dublin in Ireland. The standard was a rigorous energy standard that could be applied to any building type or use (including retrofit and refurbishment).

The core focus of the passivhaus standard was to dramatically reduce the requirement for space heating and cooling, whilst also creating excellent indoor comfort levels. This was primarily achieved by adopting a fabric first approach to the design, by specifying high levels of insulation to the thermal envelope with exceptional levels of airtightness and the use of mechanical ventilation, with no need to leave windows open.

Passivhaus buildings do not require heating or cooling systems on conventional scales, meaning that money that would have gone towards these expensive systems could be spent instead on higher quality components. Add to this the long-term energy savings passivhaus buildings bring and it became clear that passivhaus buildings were a good investment. Especially in the face of dwindling energy resources and rising energy costs, the passivhaus standard exemplifies sustainable affordability.

In response to a supplementary question, the Portfolio Holder for City Development commented that the project team had considered all the relevant information to ensure that they understood the technology and how repairs and maintenance operations would be undertaken.

*(5) Considering that such a building has to be 'Fabric First Approach' does this reflect in the sky high cost?*

The Portfolio Holder for City Development stated that the cost plan made provision for an uplift in costs for adopting the passivhaus standard, this equated to approximate 10% of the total build cost. The Council had built over 30 Passivhaus homes so the Council had tried and tested this model.

*(6) Is it correct if we go ahead that most of the fabric of the building is not going to be sourced locally?*

The Portfolio Holder for City Development replied that the materials for the building were not particular to it being passivhaus, the materials adopted reflect the aesthetic design aspirations for the building and its context, its functional requirements and the planning requirements. The palette of materials would be sourced locally and installed by locally employed sub-contractors/suppliers.

*(7) There is an assertion that the building will be 70-80% efficient. To achieve this, the building has to be airtight, certified by a qualified technician who is accredited and it is now apparent that the scale of the building project has found that it's 'too risky'. As no Councillor on this Council has no knowledge of this system on what report did the Leader rely on to convince his group of its merits?*

The Portfolio Holder for City Development commented that she was not aware that anyone from the project team had said the project was too risky. The building had been designed to be at least 70% energy efficient by adopting the passivhaus standard. This standard was tried and tested and the Council had first-hand experience of using the standard over the last eight years for all of its new council housing stock. The Council received Government Funding to undertake two years

of post-completion monitoring on the Council's first passivhaus developments so had definitive evidence on the effectiveness of the Standard. A copy of this report was in the public domain and was readily available to any Member.

With regard to specific knowledge and evidence of completed passivhaus swimming pools and leisure centres, Members and Officers (as well as the Project Consultancy Team) visited two completed passivhaus facilities in Germany and attended a workshop with the Passivhaus Institute in Frankfurt where the post monitoring findings of these facilities were presented. The Passivhaus Institute were also consultants to the Project Team and had worked closely with the Design Team to ensure that the design conformed to the standard and would be certifiable.

In response to a supplementary question, the Portfolio Holder for Sport, Health & Wellbeing replied that this was an economically sound project and not too risky.

*(8) Can the Leader advise on the amount that Sport England contributed to the funding?*

The Leader stated that the Council had approached Sport England for funding at every opportunity.

*(9) Did the Leader not consider engaging either Exeter University or Exeter College, or both into entering into a joint venture?*

The Leader commented that, whilst this was not a joint venture, the University had been involved with the passivhaus design element.

*(10) What considerations were given to tapping into the District Heating Infrastructure?*

The Leader stated that provision had been made to connect the new facility into the District Heating System in the future which could also include the RD & E Hospital and the Civic Centre.

*(11) In the Labour groups manifesto leaflet dated April 2016 it states that free swimming lessons for children will be offered. Was this budgeted for?*

The Leader stated that it was important that children got the chance to learn to swim when young and the Council would talk to any potential contractor regarding the free swimming lessons for children.

*(12) The number of gym stations has increased from 100 to 150. Planning approval was given for this on 20<sup>th</sup> January 2016. Pursuant to this date, this council via planning committee has approved a significant number of other gyms. Some of these are 24 hours. In other cases they are integral to new student accommodation sites. How are we to encourage any users members to our site?*

The Portfolio Holder for Sport, Health & Wellbeing stated that this has been considered when the planning application went to Full Council as part of the business case. Some of the 24 hour gym facilities were in student accommodation and not open to the public. The Council wanted to provide a facility for everyone.

*(13) At a meeting held on the 12<sup>th</sup> September at which I was present a report clearly stated "Due to the limited supply of available contractors in the SW construction market, and uncertainty due to the UK's decision to leave the European Union, the tender prices are returned higher than the current budget allows."*

*A) What was the date of the EU referendum?*

*B) By how is the tender too high?*

*If the answer to b above is not publicly available then by what percentage is it too high?*

The Leader replied:-

A) 23rd June 2016

B) The tender returns were commercially confidential at present

C) A percentage could not be provided for commercially confidential reasons.

*(14) At the meeting on the 22 October 2015 I asked why no solar panels were to be installed on the vast roof of this pool. We were told a report would be forthcoming. Where is that report?*

The Portfolio Holder for City Development stated that this had already been covered in a response provided earlier. Renewable technologies like solar PV were not a requirement of the Passivhaus standard and were not as successful in reducing the energy demand as passiv, fabric first design strategies. In comparison, even if the entire roof would be fitted with PV this would only achieve 5-8% of the energy savings achieved with Passivhaus. The team focussed on Passivhaus design strategies which provided significantly shorter payback times and therefore economic benefits for the councils.

That said, the St Sidwell's Point Project used renewable technology like, for example, a heat pump to cover the remaining heat load. A roofing system had been specified which also allowed for retrofitting PV in the future should this be desired. Future savings on energy could then be re-invested to install PV.

*(15) The express and echo of 9<sup>th</sup> March featured on article on a pending hearing at Exeter Magistrates Court on Monday 13<sup>th</sup> March whereby this Council was seeking to overturn a decision issued by the Information Commissioner directing this Council to release to a member of the public details of this Council's business case for the pool.*

*As the opposition member on the pool & bus station committees why should I learn of such action via a newspaper?*

The Leader replied that there was no secret, it was part of routine work. The newspaper article was not instigated by Exeter City Council officers.

*(16) How many other FOI requests exist in relation to this entire development? (including others that may have been made as above)*

The Leader stated 5.

*(17) Does the Council have any more pending legal actions or tribunals regarding the development?*



The Leader replied no.

*(18) Since the press release of 23<sup>rd</sup> February 2017 regarding the developments delays are there any indications that any legal actions are possible pursuant to the dispensing of services of those involved in the development?*

The Leader replied no.

*(19) Given the fact that I attended court 3 at the Court on 13th March I was surprised at the level of Officer Representation. Just how much has this legal challenge cost this council?*

The Leader stated that the level of officer representation changed through the day as required to facilitate the tribunal – not just for the part of the morning Councillor Prowse attended. To date, the Council had spent £4,050 on barrister costs (with a further invoice for £3,870 still to be paid).

*(20) Who authorised the challenge to the Information Commissioners decision?*

The Leader responded that it was the Deputy Chief Executive of Exeter City Council.

*(21) It has always been the case that the threat of closure of the upper Paris Street has only been the desire of the Developers. Did the Labour members as a group have a full briefing on the likely impact of the proposed alternative route before they voted on the 20<sup>th</sup> January 2016?*

The Leader confirmed that Labour Members had not been briefed.

Adopted Local Plan Policy KP3 guided that development on the site should “improve permeability and the safety and convenience of pedestrian access to the site especially across Paris Street.”

*(22) WSP acting on behalf of the developers have prepared an alternative route which on the face of it was acceptable by Devon County Council as Highways Authority. However, it was only acceptable with a dearth of mitigating factors. Were any members of this Council invited to be given a demonstration of this route prior to the vote on 20<sup>th</sup> January 2016?*

The Leader reconfirmed that Planning Permission had been granted by Full Council and he did not see the point in continuing to discuss such matters.

*(23) Were any of the Labour group briefed prior to the vote of the 20<sup>th</sup> January 2016 about any evidence of traffic modelling to demonstrate the effects of the traffic impact on the alternative route if Paris Street was shut?*

The Leader clarified that Planning Permission had been granted by Full Council.

*(24) In a press release from this Council on 28<sup>th</sup> June 2016 it states, “Paris Street will become pedestrianised once redevelopment is completed.” On account that the advert for this proposal was not placed until 18<sup>th</sup> January 2017 (six months later) how did such a misleading statement be approved and by whom?*

The Leader clarified that Planning Permission had been granted by Full Council.

*(25) It is a stated pre condition by the application (Crown Estates) that upper Paris Street should be shut to make their scheme viable. Is it expected that all of the traffic which this street services will go via the alternative route?*

The Leader commented that Paris Street use to have two way traffic. Car drivers would find alternative routes around the city. It was important that pedestrians could walk safely around the city centre.

In response to a supplementary question, the Portfolio Holder for Economy stated that it was best practice that pedestrians and cyclists had the most direct routes with good public transport links. The closing of Paris Street would encourage walking and cycling and discourage driving into the city centre.

*(26) The Transport assessment for the bus station re-development bases usage on current date. Was any data available for projected usage?*

The Leader stated it was based on projections, rather than data.

*(27) Does the Leader believe that the bus station is future proofed for expansion, given the housebuilding approvals by our neighbouring authorities?*

The Leader stated that an additional route capacity could be accommodated and measured such as flexible allocations stands. Long term, the design of the bus station would allow the concourse to be extended if the Coop Supermarket site were to come forward for development. No contribution had been made from the County Council for the bus station.

*(28) The original planning application for the entire site was circulated for public consultation on 23<sup>rd</sup> July 2015. In other words the summer holiday period. The closure date was the 28<sup>th</sup> August. Still the summer holidays. Was this by design or default?*

The Leader stated that there had been plenty of opportunity for the public to comment.

*(29) Did the Leader avail himself of the opportunity to read all 247 registered objections? (Either before or after the 20<sup>th</sup> January 2016)*

The Portfolio Holder for Sport, Health & Wellbeing commented that there was an opportunity for Members to read all objections and they were given the chance to ask questions when the application was considered.

In response to a supplementary question, the Portfolio Holder for Sport, Health & Wellbeing replied that Members had all the information before them to consider as part of the planning application.

*(30) In letters seen by me to our Member of Parliament and between the Head of Planning, (Highways, Devon County Council) and concerned constitutions to the entire development is it clear that only the applicant (Crown Estates) require the closure of upper Paris Street. Given this fact and the suggested alternative route via busy narrow residential streets to what extent was the Leader involved in these discussions?*

The Leader clarified that all these issues were considered when the application was granted planning permission by Full Council.

*(31) Given that the alternative route is via busy narrow residential streets would the Leader confirm that this Council via its planning dept. did consult with all those households that will be directly affected?*

The Leader stated that all the evidence was considered when the application was considered by Full Council.

*(32) The planning report to the Full Council of the 20<sup>th</sup> January 2016 states that the applicants NO2 concentrate readings were 15% below than that predicted. Given that reading sites is at the front gates of the local infant's school does the Leader agree that re-directing all of the Paris Street traffic past this point is ill conceived?*

The Leader stated that the comments of the County Council on this matter would have been taken into account when the application was considered by Full Council.

In response to a supplementary question, the Leader confirmed that he would write to the Member with regards to the school children objections on the application file.

*(33) Given the importance of promoting our City as a visitor destination does the Leader believe the offer of two spaces in South Street as an alternative to the existing coach station is adequate?*

The Leader responded yes and that a full consultation had been undertaken.

*(34) Considering that one of these spaces is for continental left hand drivers we are only offering one space to UK coaches. Is this adequate?*

The Leader considered that two spaces would be adequate, particularly as there was coach parking at Haven Banks.

*(35) Sidwell St., interim works took effect on 9<sup>th</sup> January 2017. The fencing was not removed until; 13<sup>th</sup> March. During that period there were a significant number of days where no work took place. Takings of the shops that were fenced off were dramatically reduced. Were the shop holders kept informed of delays?*

The Portfolio Holder for Sport, Health & Wellbeing stated the Council had decided to use a temporary bus station arrangement because a further option of the Triangle car park had not been supported by residents. This was a compromise situation. This temporary arrangement would start when the Council released the site. The Council had put in place arrangements to make sure the project was on time and the Council was ahead of the game. The Portfolio Holder confirmed that he had visited the business in Sidwell Stteet to address their concerns. If traders on Sidwell Street had felt that they had lost business due to the on-going works, there was process they could apply to for possible business rates compensation. He suggested that the money that the County Council took from their parking meters on Sidwell Street could be used into improving the infrastructure in Sidwell Street.

In response to a supplementary question, the Portfolio Holder for Sport, Health & Wellbeing replied that the Council was below its budget for the installation of temporary bus stops.

*(36) How many units of social or affordable housing have been allocated on the re-development site?*

The Leader stated that there would be no housing proposed on the Bus Station Redevelopment Site. The City Council had a proud record of delivering affordable housing across the City.

In response to a supplementary question, the Leader stated that this Council had built more social housing than any other district council in Devon and provided new Council housing for its residents. The Princesshay development had provided city centre residential accommodation.

*(37) The City Council is the freeholder of the Bampfylde Street car park. Given that as a freehold site that earns a substantial amount of income (on account that as an asset has very little overheads) why on each are we allowing it to be built on?*

The Leader stated that this was discussed and debated at the time, the whole of the city could not be car park.

*(38) Is this another developer demand?*

The Leader stated that this was part of the overall development to bring £100 million investment to the city and provide 500 jobs.

*(39) This would have been the most ideal car park to facilitate all of those wanting to use our prestigious new facilities whose only means of travel is the car. Does the Leader agree?*

The Portfolio Holder for Economy stated that a review of the city's car parks had been undertaken and the development of this car park was an essential part of the project of the site.

*(40) This Council is the freeholder of the site on which this city's fourth cinema will be built. This is a developer idea? Can the Leader detail any communications undertaken by this Council prior to this decision whereby a theatre option was tested as a joint venture?*

The Leader stated that currently there was a £75,000 feasibility study for an entertainment venue at South Street.

(The meeting commenced at 6.00 pm and closed at 9.35 pm)

Chair