



## Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 11 DECEMBER 2007**, at 6.00 pm, at which you are hereby summoned to attend. The following business is proposed to be transacted:-

	Pages
1. Minutes	
To sign the minutes of the Extraordinary and Ordinary meetings held on 16 October 2007.	1 - 8
2. Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3. Planning Committee - 5 November 2007	9 - 26
4. Licensing Committee - 23 October 2007	27 - 34
5. Licensing Committee - 27 November 2007	35 - 38
6. Scrutiny Committee - Community - 6 November 2007	39 - 46
7. Scrutiny Committee - Economy - 7 November 2007	47 - 54
8. Scrutiny Committee - Resources - 21 November 2007	55 - 60
9. Standards Committee - 28 November 2007	61 - 62
10. Executive - 20 November 2007	63 - 70
11. Executive - 4 December 2007	71 - 76

### Notice of Motion

- a) Notice of Motion by Councillor Prowse under Standing Order No. 6

“ That the officers with delegated powers ensure in future that the relevant Ward (Elected) Members are consulted on all matters of a controversial or sensitive nature as was not the case in the removal of one or more trees subject to TPOs from a University site which have an impact on planning issues. Matters of this nature must be referred to the relevant Committee.”

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

Date: 4 December 2007

Philip Bostock  
Chief Executive

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

# Agenda Item 1

## THE EXTRAORDINARY MEETING OF EXETER CITY COUNCIL

Guildhall  
Tuesday 16 October 2007

The Right Worshipful the Lord Mayor (Cllr Slack)

The Deputy Lord Mayor (Cllr Choules)

Councillors D Baldwin, M A Baldwin, Bond, Boyle, Branston, Coates, Cole, Mrs Danks, Dixon, Edwards, Mrs Evans, Fullam, Hannaford, Mrs Henson, Lyons, Martin, Mitchell, Moore, D J Morrish, Mrs Morrish, Newby, Newcombe, Newton, Noble, Pettinger, Prowse, Robson, Sheldon, Shepherd, Shiel, P A Smith, R Smith, Sterry, Wadham and Winterbottom

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### EXECUTIVE - 18 SEPTEMBER 2007 - EXTRACT OF MINUTES

**RESOLVED** that Minute 112 of Executive of 18 September 2007 be received and adopted.

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### HONORARY ALDERMEN

**RESOLVED** that, in pursuance of its powers under Section 249(1) of the Local Government Act 1972, the Council do confer on the following the title of Honorary Alderman, in recognition of their eminent services to Exeter City Council during the period they were Members of the Council:-

Mr Mark Granville Baldwin

Mr Roy John Hill

Mr Barry Thomas McNamara

(The foregoing resolution was passed unanimously)

(The meeting commenced at 6.00 pm and closed at 6.05 pm)

Chair

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

Guildhall  
Tuesday 16 October 2007

The Right Worshipful the Lord Mayor (Cllr H Slack)  
The Deputy Lord Mayor (Cllr Choules)  
Councillors D Baldwin, M A Baldwin, Bond, Boyle, Branston, Cole, Coates, Mrs Danks, Dixon, Edwards, Mrs Evans, Fullam, Hannaford, Mrs Henson, Lyons, Martin, Mitchell, Moore, D J Morrish, Mrs Morrish, Newby, Newcombe, Newton, Noble, Pettinger, Prowse, Robson, Sheldon, Shepherd, Shiel, P A Smith, R Smith, Sterry, Wadham and Winterbottom

50. **MINUTES**

The minutes of the meeting of 17 July 2007 were taken as read and signed as correct.

51. **OFFICIAL COMMUNICATIONS**

Councillor Mrs Henson requested to place on record appreciation of the contribution of members and officers to the successful outcome of the Princesshay development scheme.

52. **PLANNING COMMITTEE - 23 JULY 2007**

The minutes of the meeting of the Planning Committee of 23 July 2007 were taken as read.

Members declared the following personal (\*prejudicial) interests:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Choules	98 (living in the vicinity), 107 (employee of the University of Exeter)
Mitchell	103 (known to applicant)
Newby	98 (lives in the vicinity)
P Smith	103* (co-applicant)

**RESOLVED** that the minutes of the meeting of the Planning Committee held on 23 July 2007 be received.

53. **PLANNING COMMITTEE - 10 SEPTEMBER 2007**

The minutes of the meeting of the Planning Committee of 10 September 2007 were taken as read.

A member declared the following personal interest:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Mitchell	117 (lives in the vicinity)

**RESOLVED** that the minutes of the meeting of the Planning Committee held on 10 September 2007 be received.

54. **PLANNING COMMITTEE - 1 OCTOBER 2007**

The minutes of the meeting of the Planning Committee of 1 October 2007 were taken as read.

A member declared the following personal interest:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Choules	128 (employee of the University)

**RESOLVED** that the minutes of the meeting of the Planning Committee held on 1 October 2007 be received.

55. **LICENSING COMMITTEE - 10 JULY 2007**

The minutes of the meeting of the Licensing Committee of 10 July 2007 were taken as read.

**RESOLVED** that the minutes of the meeting of the Licensing Committee held on 10 July 2007 be received.

56. **LICENSING COMMITTEE - 11 SEPTEMBER 2007**

The minutes of the meeting of the Licensing Committee of 11 September 2007 were taken as read.

**RESOLVED** that the minutes of the meeting of the Licensing Committee held on 11 September 2007 be received.

57. **SCRUTINY COMMITTEE - COMMUNITY - 4 SEPTEMBER 2007**

The minutes of the meeting of the Scrutiny Committee – Community of 4 September 2007 were taken as read.

A member declared the following personal interest:

<b>COUNCILLOR</b>	<b>MINUTE</b>
Choules	51 (employee of the University of Exeter)

**RESOLVED** that the minutes of the meeting of the Scrutiny Committee – Community held on 4 September 2007 be received.

58. **SCRUTINY COMMITTEE - ECONOMY - 6 SEPTEMBER 2007**

The minutes of the meeting of the Scrutiny Committee – Economy held on 6 September 2007 were taken as read.

In relation to Minute 41 (Public Art) Councillor Wadham stated that he still had concerns about the transparency of the process in relation to public art and he hoped that further consideration could be given to the issue.

**RESOLVED** that the minutes of the meeting of the Scrutiny Committee – Economy held on 6 September 2007 be received.

59. **SCRUTINY COMMITTEE - RESOURCES - 19 SEPTEMBER 2007**

The minutes of the meeting of the Scrutiny Committee – Resources of 19 September 2007 were taken as read.

**RESOLVED** that the minutes of the meeting of the Scrutiny Committee – Resources held on 19 September 2007 be received.

60. **EXECUTIVE - 18 SEPTEMBER 2007**

The minutes of the meeting of Executive of 18 September 2007 were taken as read.

A member declared the following personal interest:

<b>COUNCILLOR</b>	<b>MINUTE</b>
D Baldwin	112 (wife of proposed Alderman)

In relation to Minute 113 (Appointments to Outside Bodies) the Exe Estuary Joint Advisory Committee had been superseded by the Exe Estuary Management Group and a Council representative was no longer required.

**RESOLVED** that the minutes of the meeting of the Executive held on 18 September 2007 be received and, where appropriate, adopted.

61. **EXECUTIVE - 2 OCTOBER 2007**

The minutes of the meeting of Executive of 2 October 2007 were taken as read.

A member declared the following personal interest:

COUNCILLOR	MINUTE
Dixon	115 (Min 14 - Grants Committee) (Chairman of America Hall)

**RESOLVED** that the minutes of the meeting of Executive held on 2 October 2007 be received.

62. **NOTICE OF MOTION BY COUNCILLOR N. SHIEL UNDER STANDING ORDER NO. 6.**

Councillor Martin declared a prejudicial interest as an employee of Devon County Council in Exeter and left the meeting for the duration of the item.

Councillor Newcombe declared an interest in the matter as a member of Devon County Council.

In accordance with Standing Order No 6, Councillor Shiel submitted and Councillor Mrs Evans seconded a Notice of Motion in the following terms:

‘This Council greatly regrets the current, counterproductive intransigence of Devon County Council. Each Member of Exeter City Council confirms their total commitment to the City’s future as a unitary authority and will do all they can to ensure that this comes about as smoothly and effectively as possible.’

Councillor Mitchell proposed and Councillor Smith seconded an amendment to the Motion in the following terms:

*“If the Secretary of State grants the final go ahead to Exeter becoming a Unitary Authority, each member of Exeter City Council confirms their total commitment to this City’s future as a unitary authority and will do all they can to ensure that this comes about as smoothly and effectively as possible.”*

The amendment was put to a vote and carried and the amended substantive Motion was agreed.

Councillor Shepherd proposed and Councillor Edwards seconded an amendment to the new substantive Notice of Motion in the following terms:-

“If the Secretary of State grants the final go ahead to Exeter becoming a Unitary Authority, each member of Exeter City Council confirms their total commitment to this City’s future as a unitary authority and will do all they can to ensure that this comes about as smoothly and effectively as possible.

*The City Council requests Devon County Council to cooperate fully and constructively with us in planning the transition to a unitary Exeter authority, as to continue its obstructive public campaigning, at Council Tax payers’ expense, after the end of the stakeholder consultation and after the Secretary of State has*

*announced she is minded to give Exeter unitary status, is clearly against the ultimate interests of the residents of both Exeter and the rest of Devon.”*

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

Voting for:

The Lord Mayor (Cllr Slack), the Deputy Lord Mayor (Cllr Choules), Councillors D Baldwin, MA Baldwin, Bond, Boyle, Branston, Coates, Cole, Danks, Dixon, Edwards, Mrs Evans, Mrs Henson, Lyons, Mitchell, Moore, D Morrish, Mrs J Morrish, Newby, Newton, Noble, Pettinger, Prowse, Robson, Sheldon, Shepherd, Shiel, PA Smith, R Smith, Sterry and Winterbottom

(32 members)

Voting against:

Councillor Hannaford

(1 member)

Abstain:

Councillors Fullam, Newcombe and Wadham

(3 members)

The amendment was carried and the amended substantive Motion was agreed.

Councillor Shepherd proposed and Councillor Fullam seconded an amendment to the wording of the new substantive Notice of Motion, for the purpose of accuracy, in the following terms:-

“If the Secretary of State grants the final go ahead to Exeter becoming a Unitary Authority, *Exeter City Council* confirms *its* total commitment to this City’s future as a unitary authority and will do all *it* can to ensure that this comes about as smoothly and effectively as possible.

The City Council requests Devon County Council to cooperate fully and constructively with us in planning the transition to a unitary Exeter authority, as to continue its obstructive public campaigning, at Council Tax payers’ expense, after the end of the stakeholder consultation and after the Secretary of State has announced she is minded to give Exeter unitary status, is clearly against the ultimate interests of the residents of both Exeter and the rest of Devon.”

The amended wording and the amended Motion were agreed unanimously.

(The meeting commenced at 6.05 pm and closed at 7.10 pm)

Chair

# Agenda Item 3

## PLANNING COMMITTEE

Monday 5 November 2007

### Present:-

Councillor Rachel Lyons (Chair)  
Councillors Choules, P Brock, Mrs Henson, Mitchell, D J Morrish, Newby, Robson,  
Shepherd, Shiel and Wadham

### Also Present

Director Economy and Development, Head of Legal Services, Development Control  
Manager, Senior Area Planner (RC), Planning Technician (CJ) and Member Services Officer  
(SJS)

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### MINUTES

The minutes of the meetings held on 23 July 2007, 10 September 2007 and 1 October  
2007 were taken as read and signed by the Chair as correct.

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### DECLARATIONS OF INTEREST

Members declared the following personal (\*prejudicial) interests:-

COUNCILLOR	MINUTE
Councillor Choules	138*, 139*,140* & 141* (as an employee of the University of Exeter his work brought into contact with their Estates Department)
Councillor Robson	143* (had previously expressed a view on this application)
Councillor Shiel	138, 139,140 & 141 (Member of the University Court)

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### OVERVIEW OF PROPOSALS FOR STREATHAM CAMPUS - UNIVERSITY OF EXETER

Councillor Choules declared a prejudicial interest since, as an employee of the University of Exeter, his work brought into contact with their Estates Department and left the meeting during discussion of the item.

Councillor Shiel declared a personal interest as a Member of the University Court.

The Senior Area Planning Officer presented a report which provided an overview of developments that the University was intending to undertake on the Streatham Campus. The report was presented to Members as background information to assist in consideration of the current University applications on the agenda.

The Senior Area Planner stated that the report referred to the Council's Supplementary Planning Guidance for development related to the University of

Exeter, but omitted any reference to the following principle identified in the guidance, which was relevant to the current proposals:

- The City Council supported the intention of the University to expand. The City Council, where appropriate, would impose planning conditions or seek a planning obligation to ensure that expansion in the University's teaching, research and general facilities was accompanied by the provision of significant increases in purpose-built student residential accommodation, such that 75% or more of the additional student numbers were accommodated.

He reported that this principle was relevant to item 5 on the agenda, which was for additional teaching accommodation. It was important that Members were aware that there was a further planning application for the redevelopment of Duryard Halls of Residence, which was specifically to accommodate students who would be taught in the proposed building. This application had only recently been registered and was likely to be considered at a future meeting of the Planning Committee. It was acknowledged that it would have been better to consider the two applications at the same Committee meeting, but the Duryard proposal was delayed by detailed pre-application discussions between the applicants and Planning Officers.

Members noted this report.

(Report circulated)

139 **PLANNING APPLICATION NO.07/0220/03 - STOCKER ROAD CAR PARK, STOCKER ROAD, EXETER, EX4**

Councillor Choules declared a prejudicial interest since, as an employee of the University of Exeter as his work brought into contact with their Estates Department and left the meeting during discussion of the item.

Councillor Shiel declared a personal interest as a Member of the University Court.

The Senior Area Planner presented this application for a detached three storey building for education use (Class D1), access to highway and associated works. The purpose of this building was to provide teaching accommodation for 500 international students.

He stated that revised plans and elevations had been received showing the following:

- an additional 3 metre space between Stocker Road and the proposed building (making a total of approximately 11m);
- introduction of significant additional hard and soft landscaping between the western frontage of the building and the remaining Stocker Road car park;
- concrete cladding replaced with brickwork to the west and north east elevations. Concrete cladding replaced with render on the Stocker Road elevation;
- relocation of a bin store, substation and cooling plant to lessen their visual impact, and use of more appropriate materials (brickwork) on these buildings.

These changes were considered by officers to be beneficial to the setting of the building, its external appearance, and relationship with nearby buildings.

The Senior Area Planner informed Members that a revised Transportation Report had been received. This replaced the parking study referred to in the report. It referred to additional parking to be provided around the campus, and the introduction of an Event Management Plan. This was intended to deal with occasions when there was an increase in traffic associated with large events such as evening performances at the Northcott Theatre and Great Hall. The Plan included a strategy for maximising use of parking spaces on the campus, signage, lighting and footpaths, parking stewards, and encouragement of public transport, walking and cycling. The potential for an evening bus service to serve the campus was being investigated.

The University had advised that it currently used Northcote House car park as the location for disabled parking for large events, because it had level access to the Great Hall. There were 40 spaces in this car park. It was now proposed to continue this practice, with clear signage from Prince of Wales Road. More details of this arrangement would be required as part of the Green Travel Plan to be submitted in connection with recommended condition 13.

This additional information was welcomed because it demonstrated that the campus could satisfactorily accommodate the demand for parking and that this demand would be effectively managed.

In answer to a query concerning the accuracy of the levels shown on the submitted drawings, it had been advised that the drop between the entrance level and the bottom edge of the building was 5.6m, not 7m as stated in the Design and Access statement. The levels shown on the drawing of the elevation fronting Stocker Road were correct.

The County Director of Environment, Economy and Culture advised that he had concerns about the loss of the existing off street parking, but that these concerns would be mitigated through:-

- i) the provision of adequate replacement parking, in terms of capacity and at locations convenient for the major attractions on the University campus; and
- ii) the provision of adequate public bus services during the evening between to City Centre and University, to supplement the current daytime service, to ensure that public transport was a viable option for those wishing to attend events on the University campus.

The recommendation was for approval subject to additional conditions requiring further levels details including finished floor levels, and an Archaeological recording.

Councillor Prowse having given notice under standing order no.44 spoke on this item. He raised the following points:-

- this application was interlinked with 2 further applications on this agenda
- unacceptable loss of car parking
- due to the gradients on the site, why could the development not accommodate underground parking?

Mr Allen (Registrar – Exeter University) spoke in support of the application. He circulated to Members a copy of the University’s “Sustainable Travel Plan for Exeter Campuses”. He raised the following points:-

- this development was part of the overall strategy for the Streatham Campus
- out of the proposed increase of 4,000 students, 1,500 of those would be accommodated at university facilities in Cornwall
- this proposal would provide teaching accommodation for 500 to 700 international students
- Exeter University was now in the top 20 Universities in the Country and was looking to progress in to the top 10
- the building was designed to fit in with the surrounding buildings
- the application for Halls of Residence on the Duryard site to accommodate these students had been submitted to the city council
- the University would ensure additional evening bus services were provided.

In answer to a Members question Mr Allen clarified that out of the 500 to 700 international students, it was expected that two thirds would continue at Exeter University for a further 3 years and that it was proposed to accommodate these students in purpose built accommodation at Duryard.

Members had a lengthy discussion and whilst some Members supported the proposal other Members had concerns regarding:-

- the loss of car parking, particularly in respect of the use of the Northcott Theatre and Great Hall
- the need to consider the Green Travel Plan and the updated Parking/Transport evaluation
- lack of regular evening bus services to the city centre
- lack of purpose built student residential accommodation accompanying the increase in teaching accommodation as required by the Council’s Supplementary Planning Guidance.

The Senior Area Planner confirmed that the design of the building had been amended to accommodate Members comments at the Area Working Party meeting.

**RESOLVED** that planning permission for a detached three storey building (2865 sq. m.) for education use (Class D1), access to highway and associated works, be refused for the following reason:-

- 1) The proposal is contrary to the Council's Supplementary Planning Guidance for Development related to the University of Exeter because this significant expansion of teaching facilities is not accompanied by the provision of purpose-built student residential accommodation, such that 75% or more of the additional student numbers are accommodated.

(Report circulated)

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**PLANNING APPLICATION NO.07/1827/03 - UNIVERSITY OF EXETER,  
LAND OFF RENNES DRIVE, EXETER, EX4**

Councillor Choules declared a prejudicial interest since, as an employee of the University of Exeter as his work brought into contact with their Estates Department and left the meeting during discussion of the item.

Councillor Shiel declared a personal interest as a Member of the University Court.

The Senior Area Planner presented the report for provision of 143 parking spaces, pedestrian footpaths and, widened vehicular access and associated works. This site already had a vehicular access and the site was a level field surrounded with trees along two sides.

The original application was for 196 spaces and revised plans had now been received reducing the number of parking bays to 143, and creating planting between parking bays. A more substantial planting belt of approximately 6 metres was proposed at the eastern end of the car park.

The Senior Planning Officer stated that the reduction in parking numbers eased the relationship between the proposal and trees around the periphery of the site. The planting belt was intended to help minimise any visual impact and noise nuisance to residents of Hillcrest Park further east. It was considered that the proposed car park as revised would have an acceptable impact on the character and setting of the campus and the amenity of neighbours.

County Director of Environment, Economy and Culture had raised no objections to the proposal.

The recommendation was for approval.

Councillor Prowse having given notice under standing order no.44 spoke on this item. He raised the following points:-

- welcomed the reduction of spaces to 143
- was the purpose of this car park to serve the Great Hall and Northcott Theatre?
- the residents of Hillcrest Park had concerns regarding light pollution which they already experience from the sporting facilities at the university and this would cause noise pollution in particular from car doors
- the footpath from this site to the Great Hall and Northcott Theatre was steep
- was in a wildlife corridor
- this was not a suitable site for parking for public visiting the Great Hall and Northcott Theatre.

Mr Allen (Registrar – Exeter University) spoke in support of the application. He raised the following points:-

- this provided replacement parking for the loss of parking by the development on Stocker Road
- the Great Hall provided facilities to the community at a loss
- there would still be disabled parking available on the upper part of the Stocker Road car park near to the Great Hall and Northcott Theatre
- there were plans in place to provide an evening bus service to and from the city centre.

In answer to Members questions Mr Allen acknowledged the importance of wildlife on the campus and that the university was looking into the best way of providing a sustainable evening bus service to and from the campus.

The Senior Area Planner confirmed that the amended plans had moved the car parking and access away from the wildlife corridor and that the Head of Leisure and Museums now had no objection.

**RESOLVED** that provision for 143 parking spaces, pedestrian footpaths and, widened vehicular access and associated works be approved subject to receipt and consideration of detailed plans indicating the reduction in parking numbers and the areas to be landscaped and the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C35 - Landscape Scheme
- 4) C36 - No Trees to be Felled
- 5) C37 - Replacement Planting
- 6) C38 - Trees - Temporary Fencing
- 7) No development shall take place until full details of the proposed pedestrian path from the car park to the centre of the campus, including width, materials, steps and handrails has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the detail and quality of the development is acceptable.

(Report circulated)

141 **PLANNING APPLICATION NO.07/1493/03 & 07/1517/07 - REED HALL,  
STREATHAM DRIVE, EXETER, EX4 4QR**

Councillor Choules declared a prejudicial interest since, as an employee of the University of Exeter as his work brought into contact with their Estates Department and left the meeting during discussion of the item.

Councillor Shiel declared a personal interest as a Member of the University Court.

The Senior Area Planner presented the planning application and listed building consent for redevelopment of tennis courts to provide 35 parking spaces, access to highway and associated works.

The original application was for 53 parking spaces, but a revised plan had been received showing 35 parking spaces and increased landscaping.

The Senior Area Planner stated that it was considered that the revisions significantly enhanced the proposals and that they were now acceptable in relation to the setting of Reed Hall and the character and appearance of the area. The planting details required some further negotiations and this could be addressed through condition 4 of the recommendation.

He informed Members that the report did not make reference to policy L7 of the Exeter Local Plan First Review. This policy stated “development that would result in the loss of sporting facilities which serve a local area would not be permitted if it would harm sports opportunities in the area”. The applicant had advised that there were 8 new tennis courts at the Tennis Centre at the top of Stocker Road, which were available for use by the public. Officers considered that the loss of these tennis courts was compensated by the provision of new facilities on the campus.

The recommendation was for approval subject to a S106 Agreement to secure a traffic order.

Councillor Noble having given notice under standing order no.44 spoke on these items. He raised the following points:-

- was it absolutely necessary to have a car park in the setting of a listed building?
- concerns regarding the proposed entrance as it could cause traffic to back up Streatham Drive
- any congestion that queuing traffic caused could limit the access for emergency vehicles
- the lights should be cowled to prevent light pollution
- would the car park be limited to guests to Reed Hall?

Councillor Prowse having given notice under standing order no.44 spoke on these items. He raised the following points:-

- endorsed Councillor Noble’s comments
- this was a unique tree lined road in a highly desirable residential area
- the public used the tennis courts
- the entrance was on a bend which would cause public safety issues particularly as there was no pavement and the street was widely used by pedestrians in particular students moving around the campus and children visiting the nearby sport facility
- all 14 objections to the application were valid
- objected on public safety grounds and asked the Committee to refuse the application.

Mrs Smith spoke in opposition to the applications. She made the following points:-

- concerned about the safety aspect of the entrance which could cause traffic to queue on to the highway
- this proposal would add to the heavy traffic already on Streatham Drive
- would congest the road and make it more difficult for emergency vehicles to gain access
- could the access be moved?

Mr Allen (Registrar – Exeter University) spoke in support of the applications. He raised the following points:-

- this car park would provide parking for the public attending conferences at Reed Hall
- the regeneration of Reed Hall was part of the Business Plan for the university and income generated from conferences would be used for necessary improvements to Reed Hall

- the tennis courts were now not maintained and the university had provided 8 new tennis courts which the general public had the use of
- the courts may need to be withdrawn from use in the future for Health and Safety reasons
- this would be a dedicated car park for Reed Hall users.

Some Members had concerns regarding the loss of recreational facilities and public safety particularly as there was no footpath in Streatham Drive, other Members were of the opinion that a conference facility such as Reed Hall should be able to provide some parking to delegates attending.

In answer to Member's questions the Senior Area Planner stated that because of the levels on the site the access was placed in the best position so as to avoid unnecessary excavation. He reminded Members that the County Director of Environment, Economy and Culture had raised no objection to the position of the access. He also confirmed that Sport England was not a statutory consultee because the relevant regulations did not include a requirement to consult on loss of tennis courts and was therefore not consulted.

**RESOLVED** that planning permission to redevelop tennis courts to provide 35 parking spaces access to highway and associated works be approved subject a Section 106 Agreement to secure funding for a traffic order, the detail of which the Head of Planning Services be given the delegated authority to negotiate and determine and the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C36 - No Trees to be Felled
- 6) C37 - Replacement Planting
- 7) C38 - Trees - Temporary Fencing
- 8) No development shall take places until details of lighting, including measures to minimize light spillage beyond the car park area, and hours of operation of lighting, have been submitted to and approved in writing by the Local Planning Authority. The development shall take place only in accordance with the approved details.

**Reason:** In the interests of minimising the impact of lighting on the wider environment, and protecting the amenity of neighbours.

**RESOLVED** that listed building consent for redevelopment of tennis courts to provide 35 parking spaces and associated works be approved subject to the following conditions:

- 1) C08 - Time Limit - L.B. and Conservation Area

2) C15 - Compliance with Drawings

(Report circulated)

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**PLANNING APPLICATION NO.07/1836/03 - LAND OF HIGHCROFT,  
EXETER, EX4**

The Senior Area Planner presented the application for six detached dwellings, parking and associated works.

This site had a planning approval for 6 dwellings and this application was for 6 dwellings in a similar location but of a contemporary design. The County Director of Environment, Economy and Culture had raised no objections subject to the imposition of highway conditions, which were incorporated in the circulated report.

The recommendation was for approval.

Councillor Prowse having given notice under standing order no.44 spoke on this item. He raised the following points:-

- this was a steep site
- the design was not in keeping with the character of the area
- the proposal would have an overbearing effect on the neighbouring properties.

Councillor Noble having given notice under standing order no.44 spoke on this item. He raised the following points:-

- concerned about the character of the proposed dwellings
- the development would cause overshadowing, over looking and a sense of enclosure
- plot 6 was only 18 metres away from 9 Highcroft
- design was out of character with the area.

Mr S Bright (representing residents of Highcroft) spoke against the application. He raised the following points:-

- the application had received many objections
- the development was totally unacceptable
- the design was out of character with the area
- plot 6 was 19 metres from 9 Highcroft, Local Plan Policy Guidance stated that the acceptable relationship was a distance of 22 metres
- this development was overbearing and overshadowing
- asked the Committee to reject the application as it contravened Local Plan Policy Guidance.

The Senior Area Planner confirmed that the guidance of 22 metres applied to the distance between habitable room windows and the distance of 19 metres between plot 6 and 9 Highcroft was in respect of the distance to a blank wall.

Members welcomed this fresh approach with a contemporary design.

**RESOLVED** that planning permission for six detached dwellings, parking and associated works, be approved subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C23 - Permitted Development Restriction
- 5) C35 - Landscape Scheme
- 6) C37 - Replacement Planting
- 7) The occupation of any dwelling shall not take place until the off-street car parking and any other vehicular access facility required for the dwellings by this permission have been completed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority and are available for use.  
**Reason:** To ensure that adequate access and parking facilities are available for the traffic attracted to the site.
- 8) The proposed estate road, footways, verges, junction, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.  
**Reason:** To ensure that adequate information for the proper consideration of the detailed proposals.
- 9) Provision shall be made within the site, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, for the disposal of surface water so that none drains onto any highway.  
**Reason:** In the interests of public safety and to prevent damage to the highway.
- 10) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials during the construction period in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** In the interest of public safety and to avoid obstruction of and damage to the adjoining highway.
- 11) No construction works shall take place and no deliveries taken at the site outside the following times: - 8am – 6pm Monday to Friday, 8am – 1pm Saturday, nor at any time on Sundays, Bank or Public Holidays.

**Reason:** In the interests of residential amenity.

- 12) C36 - No Trees to be Felled
- 13) C38 - Trees - Temporary Fencing
- 14) No development shall take place until a wildlife plan showing how the site can be enhanced for a significant increase in wildlife value, including provision of badger gates, has been submitted and approved in writing by the Local Planning Authority.  
**Reason:** In the interests of protecting and improving existing, and creating new wildlife habitats/corridors and landscape setting in the area.

(Report circulated)

143

**PLANNING APPLICATION NO.07/1316/01 - UNIVERSITY OF  
PLYMOUTH, EXETER CAMPUS EARL RICHARDS ROAD NORTH,  
EXETER, EX2 6AS**

Councillor Robson declared a prejudicial interest and left the meeting during the discussion as she had previously expressed a view on this application.

The Development Control Manager presented this outline application for redevelopment to provide continuing care retirement community.

This site had been used as a university campus by Plymouth University and was currently vacant. There were two main buildings on the site, the Towne and Veysey Buildings together with areas of hard standing and a substantial number of mature trees and landscaping. None of the existing buildings were proposed to be retained.

This was an outline application for access, layout and scale, materials with external appearance and landscaping would be dealt with under any reserved matters application. The proposal comprised of 156 individual supported accommodation units, a 40 bed nursing home for elderly people and a 15 bedroom nursing home for people with dementia. A community centre which would include a library, restaurant and coffee shop and other facilities would be provided on site. 160 parking spaces were proposed with 96 of those being in an undercroft parking area.

The Development Control Manager stated the proposal was a good use of the site. This development would ensure that the impact on the mature trees would be kept to a minimum and the footprint was similar to that of the existing buildings and hardstandings. He informed Members that there was not a precedent for securing affordable housing on such developments but a sum of £2 million off site contribution would be secured by way of a S106 agreement.

A further 5 letters of objection to the current scheme had been received, one of which contained 11 separate signatures. These letters re-iterate previously expressed concerns and highlighted the following matters: -

- Size/height and massing of development (especially in relation to Building 2 and its proximity to existing dwellings);
- Loss of tree (T16);

- Noise during demolition and construction;
- Lack of permeability through site;
- Private rights of way through site via gates from properties in Ellards Close.

The Development Control Manager updated Members on the further objections:-

- building 2 was more than 20 metres away from the rear boundary of properties in Ellards Close at the closest point, and was in excess of 45 metres from the rear elevation of those buildings. Given this considerable distance, the relative massing and height of the building was considered acceptable and would not give rise to any undue adverse impact on the residential amenities of those properties;
- the submitted scheme allowed for the retention of a significant number of trees. Whilst some trees would inevitably be lost, including Tree T16, the overall impact was considered acceptable. T16 was a Cherry tree that had been identified as a category C tree in the submitted Arboricultural Survey. This was the lowest of the 3 categories and in the context of the overall scheme its loss was considered acceptable;
- conditions were proposed regarding construction management in order to minimise potential disturbance;
- the scheme was not intended as a gated community and the applicant had been keen to emphasise that there was no desire to prevent public access across the site unless this started to conflict with the operational needs of the accommodation and its residents. It was not considered that in planning terms there was justification to insist upon a public right of way through the site given the proximity of alternative routes from Topsham Road through to the river, including that via Salmon Pool Lane;
- as regards private rights of way through the site from properties in Ellards Close this was an entirely private matter and not one that could be secured through this application. However, there was nothing in the layout that would preclude the prevailing situation from persisting should the individual property owners be able to reach private agreements with the developers.

The County Director of Environment, Economy and Culture had raised no objection to the proposal on highway grounds. He did however recommend some matters for further control by way of conditions including submission of Travel and Construction Management Plans.

In response to South West Water concerns about the capacity of the existing system to accommodate foul drainage associated with the development, the applicant had stated that, if proven necessary, design contingencies could be included within the site boundary to attenuate increased foul water flows contributed from the proposed development discharging to the public sewerage network. This solution if required would negate any costly or disruptive sewer enhancement works either within or beyond the site boundary. However, this approach was not acceptable to South West Water who were seeking a more formal identification and costing of any improvements with any works necessary being carried out by the developer.

Consequently it was considered that the appropriate course of action would be to include an additional condition requiring the developer to undertake investigations to establish the capacity of the foul sewage system and identify any required

improvements prior to the commencement of any works on site. The S106 Agreement would need to cover the financing and implementation of those works.

The recommendation was for approval subject to a S106 Agreement for the Affordable Housing contribution and extra clauses regarding the financing of any identified improvement to the public sewage system by the developer, an additional clause in condition 20 for a construction management plan and additional conditions regarding renewable energy and investigations works required by South West Water.

Sir Bert Massie OBE (applicant) spoke in support of the application. He raised the following points:-

- this proposal would provide 2 nursing homes to accommodate older people and those with dementia
- the community facilities would be able to be used by the wider community
- would provide 156 units
- as a disabled person it was important that the environment was the right one
- as people got more fragile they needed an environment in which they feel safe and retain dignity
- the accommodation would be larger than normal residential homes
- the protection of the trees was important to provide the right environment
- wanted to build accommodation that provided people with their basic human rights.

Members welcomed this quality scheme for older and disabled people and they felt it was a very good use of the site.

In answer to Members questions the Development Control Manager confirmed that there were no definitive rights of way across the site and that any rights of ways issues would be a private matter between residents and the developers although there was no boundary fence proposed around the site. He also confirmed that the 10% renewable energy offered by the applicant would be conditioned and that the community bus would be part of the Green Travel Plan which was a condition of any approval.

**RESOLVED** that planning permission for redevelopment to provide continuing care retirement community (appearance and landscaping reserved for future consideration) be approved subject a S106 Agreement for off site Affordable Housing contribution and the financing of any identified improvement to the public sewage system and the following conditions:

- 1) C07 - Time Limit - Outline
- 2) C01 - Standard Outline
- 3) C12 - Drainage Details
- 4) C15 - Compliance with Drawings
- 5) C17 - Submission of Materials
- 6) C34 - Landscape Scheme - Outline

- 7) C36 - No Trees to be Felled
- 8) C37 - Replacement Planting
- 9) C38 - Trees - Temporary Fencing
- 10) Prior to the commencement of work a full written schedule of any tree work proposed, showing the limbs and branches affected shall be submitted to the Local Planning Authority and their written approval obtained.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity to comply with Tree Preservation Order Regulations.
- 11) The plans submitted in accordance with condition 2 of this permission shall indicate the location of all trees, shrubs and hedges in the land, together with their species.  
**Reason:** In the interests of amenity.
- 12) C57 - Archaeological Recording
- 13) C70 - Contaminated Land
- 14) C72 - Highway - Estate Roads etc
- 15) H02 - Highways - Provision parking, etc
- 16) TO8 - Trees - Bat Condition
- 17) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the buildings, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.  
**Reason:** In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.
- 18) Prior to the development being occupied, or at such other time as may be agreed by the Local Planning Authority in writing, a sustainable drainage solution such as a soakaway, designed and constructed in accordance with Building Research Establishment Digest 365; or a Sustainable Urban Drainage System, in accordance with Construction Industry Research and Information Association Document 522 for surface water disposal shall be installed and the system shall be maintained effective at all times thereafter. Clean surface and roof water shall be kept separate from the foul drainage system. Unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** In order to reduce surface water runoff in a catchment area where flooding occurs.
- 19) Notwithstanding the details indicated in the Revised Design and Access Statement dated October 2007 prior to the commencement of any development detailed method statements for the construction of the development, including all buildings, footpaths, roads and services to the development shall be submitted to, and be approved in writing by, the Local

Planning Authority. Thereafter the development shall be completed strictly in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that implementation of the development proceeds in a manner that will not prejudice the health and long term retention of existing trees and vegetation to be retained as part of the development.

- 20) Notwithstanding condition no. 4 no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be provided in accordance with such details:
- a) refuse storage facilities;
  - b) details of construction phasing;
  - c) hours of construction works;
  - d) location, size and means of enclosure of storage compounds;
  - e) extract ventilation systems;
  - f) noise levels associated with all plant and equipment associated with the development;
  - g) Air Quality Assessment;
  - h) Green Travel Plan;
  - i) Wildlife Plan identifying existing wildlife associated with the site, and proposals for its protection and the further enhancement of wildlife opportunities; and
  - j) all boundary treatments.
  - k) Construction Management Plan, including Construction Traffic

**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.

- 21) Prior to the commencement of the development hereby approved a detailed statement, including appropriate plans/drawings, specifying proposals for the provision of at least 10% of the energy needs generated by the development to be provided from renewable sources on site in line with the submitted 'Renewable Energy Design Strategy and Energy Assessment' shall be submitted to and approved in writing by the Local Planning Authority. This statement should also demonstrate the overall energy efficiency of the scheme in accordance with recognised national assessment criteria, and the features incorporated within the design to achieve such rating. Thereafter the development shall be implemented in accordance with the approved details.

**Reason:** To ensure that the scheme is developed in such a way as to reduce reliance on non-renewable energy sources, maximise energy efficiency in the interest of sustainable development and in accordance with the terms of the submitted application.

- 22) Prior to the commencement of works hereby approved the developer shall undertake such investigations as are reasonably required by South West Water to ascertain whether there is sufficient capacity in the existing public sewage system to accept foul water drainage from the development and if there is insufficient capacity identify, in agreement with South West Water, any works of improvement or enhancement to the public sewage system that are required as a result of the development. Any agreed works shall then be carried out in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that there is adequate capacity within the public sewage system to accommodate the development.

(Report circulated)

144

**PLANNING APPLICATION NO.07/1850/03 - 26 BERKSHIRE DRIVE,  
EXETER, EX4 1NF**

The Development Control Manager presented the application for change of use from dwelling (Class C3) to boarding house (Class C1).

The property was a semi detached dwelling in a residential area and this was a retrospective application as the property had been in use as a boarding house since 2002. The applicant hosted foreign students, the Head of Environmental Health and the Director of Environment, Economy and Culture raised no objection. For clarification, the property should be described as three storey as it contained accommodation within the roofspace as distinct from two storey.

The application was recommended for approval with the permission being made personal to Mr Jonathan Plesinger.

Mr Jonathan Plesinger (applicant) spoke in support of the application. He raised the following points:-

- this application was to allow up to 7 students plus 2 householders to occupy the property at any one time
- students usually stayed for between 2 to 4 weeks
- took in foreign students so that they could experience family life
- had a licence as a HMO
- very occasionally a teacher would stay and bring a car but the driveway had room for up to 3 cars.

**RESOLVED** that planning permission for change of use from dwelling (Class C3) to boarding house (Class C1) be approved subject to the following conditions:

- 1) The use hereby permitted shall be carried on only by Mr Jonathan Plesinger-Rees and shall cease at such time as the aforementioned person cease to occupy the site.

**Reason:** To enable the proposed use by the applicant to be monitored.

- 2) C24 - Use Condition

- 3) Within one month of the date of this permission, full details of a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Within a further period of one month from this date the approved plan shall be circulated to occupants of the property.

**Reason:** To ensure that all students and other guests staying at the property are aware of the development's car free status.

(Report circulated)

145                    **OBJECTIONS TO TREE PRESERVATION ORDER NO.570 (39 THE STRAND, EXETER),2007**

The Development Control Manger presented the report, giving details of an objection that has been received by the Council to Exeter City Council Tree Preservation Order No. 570 (39 The Strand, Exeter).

**RESOLVED** that the order was confirmed without modification.

(Report circulated)

146                    **PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND WITHDRAWN APPLICATIONS**

The report of the Head of Planning Services was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

147                    **ENFORCEMENT PROGRESS REPORT**

The Development Control Manger presented the report updating Members on enforcement matters.

**RESOLVED** that the report be noted.

(Report circulated)

148                    **APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(Report circulated)

149                    **SITE INSPECTION PARTY**

**RESOLVED** that the next Site Inspection Party will be held on Tuesday 27 November 2007 at 9.30 a.m. The Councillors attending will be P.J. Brock, Moore and Morrish.

150                    **DATE OF NEXT MEETING**

The next meeting of the Planning Committee will be held on Monday 10 December 2007 at 5.30pm.

(The meeting commenced at 5.30 pm and closed at 9.02 pm)

Chair

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## LICENSING COMMITTEE

23 October 2007

### Present:

Councillor Branston (Chair)

Councillors Cole, Mrs Danks, Newby, Noble, Robson, R Smith, Sterry and Wadham.

Senior Licensing Officer, Principal Environmental Health Officer, Solicitor and Member Services Officer.

### 111. **Minutes**

The minutes of the meetings held on 10 July and 11 September 2007 were taken as read and signed by the Chair as correct records.

### 112. **Declarations of Interest**

The following Member declared a personal and prejudicial interest as indicated:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Sterry	119 (knew the applicant)

### 113. **Statement of Licensing Policy**

The Senior Licensing Officer presented the report on the results of the consultation exercise in respect of the Draft Licensing Policy. The Council was required to prepare and publish a Statement of Licensing Policy every three years. In the first three-year period, the policy had been kept under review. Although the licensing authority could make such revisions, as considered appropriate, the policy has been demonstrated to be robust and only minor alterations were therefore necessary. The results of the consultation exercise and a schedule of the proposals received and how they were dealt with were made available to Members.

Members considered the views and comments received from various consultees.

**RESOLVED** that the Executive and Council be requested to approve the revised Licensing Policy.

(Report circulated)

### 114. **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

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

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

### **115. Application for issue of Street Trading Consent**

The Senior Licensing Officer presented a report seeking approval to vary the current consents granted to street traders in Castle Street, Exeter, which was designated a consent street under the provisions of the Local Government Act 1982, for a period of 42 days over the Christmas period.

In attendance were Mr C representing the Hot Sausage Company and Mr D, the operator of the fudge outlet. The City Council's Head of Estates Services was also present to explain the background to the proposal for the German Christmas Market.

The Head of Estates Services reported that a German Christmas Market had been held in 2006 in Sidwell Street but it had been felt that the standard of the stalls had not been particularly high. Negotiations had been held with Mr S who managed another German Market bringing together a number of small scale German traders who toured the country to operate from Castle Street. It had been proposed as a valuable additional support to the Ice Rink to be held at Rougemont Castle. Mr S operated one of the stalls and good references had been obtained from other local authorities. Consultations had been held with Devon County Council and the existing three street traders in Castle Street. It was stated that there had been considerable consultation with the three daytime food traders for a temporary re-alignment of their stalls to accommodate the market and the Head of Estates Services detailed the new sites proposed, in each case, the stalls would only move a matter of metres and would remain in the Castle Street consent area. The changes had been proposed with view to ensuring that the consent traders would be incorporated into the Market and it was believed that they would benefit from the additional footfall the Market and Ice Rink would bring and enhance their trading potential for this period.

The Christmas Market would commence on 23 November up to and including 2 January but excluding Christmas Day. Mr C spoke on behalf of Mr M who had also provided written representations in which he had suggested a re-location of his stall to the middle of the High Street. Mr C stated that the Hot Sausage Company had operated successfully for 20 years across the country and that the Exeter franchise had been operated successfully by Mr M for four and a half years on a six days a week and 50 weeks a year basis. The Christmas market would offer unfair competition particularly as two similar outlets - a German steak stall and bratwurst store - were closer to his stall than any other stalls. On this basis he felt that a more prominent position for his stall should be provided.

Mr C made the following additional points:-

- Mr M was also charged rates;
- a peddler was able to sell sausages on the High Street without the need for a street trading licence;
- inviting German traders meant that British produce was not utilised; and
- problems might materialise with regard to the open air bar selling mulled wine.

In response to the above points it was noted that:-

- rates was not a matter for this Committee;
- the sausage vendor, who travelled in a van from Dorset, had been advised that this form of transport was not covered by a peddlers licence and that he had now stopped coming to the City;
- the site suggested in the High Street could not be permitted as it was a prohibited street; and
- matters relating to the sale of alcohol were not a matter that could be considered at this meeting.

Councillor Mrs Danks suggested that the sweet stall should be moved away from the High Street to point 13 on the plan - next to the Telephone Exchange - and Councillor Noble also felt that preference should be given to providing more prominent positions for the existing street traders. In response to the Chair, it was confirmed that pitch 2 on the plan - the open air bar - was in Castle Street.

The Head of Estates Services stated that the County Council had initially been against the use of the High Street but the operator had been adamant that some trading should take place on the High Street otherwise the entire operation could be prejudiced. He stated that the location of the stalls had been re-ordered to accommodate the preferences of the street traders as far as possible and that negotiations had been very amicable and broadly collaborative. The Police, Devon and Somerset Fire and Rescue Service, the County Council, the German Market and the street traders had all signed up to the plan. He stated that the track record of German Christmas Markets in the City was not an issue as a new operator was being proposed.

Mr D addressed Members and confirmed that there had been significant and amicable negotiations with the traders and that he was content with the temporary pitch suggested for his stall which had been moved to the front of the other stalls and was open to the High Street. He did however feel that it was somewhat unfair that a temporary arrangement should be made in favour of stall operators who would only be present when trade was likely to be at a peak but would not be present during the early weeks of the New Year when footfall was considerably reduced. He compared the 8 metre length of the German sweet stall to his stall which was some 2 metres in length. He suggested that the overall arrangements were unbalanced and weighted against the long standing occupants of Castle Street.

In response to the Solicitor, he expressed a preference for remaining in his current pitch to the alternative location. Mr C, in response to the same question, referred to Mr M's suggested use of High Street.

The Chair suggested the consideration of alternative consent streets in the City that might be appropriately utilised by the street traders during this period, one such being Bedford Street. Councillor Newby felt that the Christmas Market offered unfair competition and that an alternative location for the street traders would be appropriate. He also felt that Bedford Street might be a suitable alternative. Councillor Wadham stated that all three traders had operated to high standards and that as regular traders they should be supported, suggesting that the needs of a larger organisation were being met at the expense of smaller traders. Councillor Mrs Danks felt uneasy that a temporary market should take precedence over the existing traders

and referred to the possible negative impact the German sweet stall in the middle of High Street would have on the fudge operator. She also supported the examination of alternative sites. Councillor Sterry remarked that the German Christmas Market would be an important asset to augment the inaugural Ice Rink at Rougemont Castle but felt that its presence would impinge on the existing street traders and that it would be appropriate for alternative sites to be examined. Other Members agreed that the existing street traders should be supported as far as possible and supported the suggestion of examining the use of Bedford Street initially as an alternative location.

The Senior Licensing Officer confirmed in response to a Member that Bedford Street was a consent street but was currently restricted to charitable and temporary events and would also be subject to consultations with interested parties. The Principal Environmental Health Officer stated that there could be conflict with other potential users as the old Bedford Street had been used for various purposes, many in association with charitable collections. The Head of Estates Services stated that there had been opposition to keeping the Farmers Market in this area as mobile trading vans and vehicular movements would detract from a newly created high quality public realm.

The Solicitor reminded Members that the decision was whether to grant a variation to the existing street trading consent. The Chair referred to the Bath Christmas Market which greatly boosted the City's trade and stated that significant spin offs were also likely to accrue to Exeter. Members were also advised that, given the lengthy negotiations with the operator, any suggestions of further change to the layout, could lead to the withdrawal of the operation.

**RESOLVED** that for the period of the set up and operation of the German Christmas Market between 20 November 2007 and 2 January 2008:-

- (1) variation of consents be granted for the three existing consent traders in Castle Street ("the Castle Street Traders") to be moved to the positions as set out in the circulated plan;
- (2) consents be granted to the Castle Street Traders to trade in appropriate sites in Bedford Street, subject to there being no objections from the Highway Authority and other interested parties and to availability of pitches/sites;
- (3) in the event of there being objections as stated in (2) above to consents to trade in Bedford Street, a Licensing Sub Committee be requested to consider and, if appropriate, grant consents to trade on alternative sites; and
- (4) in the event of no consents to trade being granted to the Castle Street Traders for Bedford Street or alternative sites, the Castle Street Traders continue to trade from Castle Street in accordance with (1) above.

(Report circulated to Members)

#### 116. **Application for issue of Street Trading Consent**

The Senior Licensing Officer presented an application for consent to street trade from Mrs F and Mrs P for a period of twelve months in Bittern Road, Sowton, Exeter,

which was designated a consent street under the provisions of the Local Government Act 1982.

Mr F had previously gained approval from the Licensing Committee on 21 October 2002 to trade in Bittern Road and subsequent consents had been renewed on each occasion since then - for that part of the road outside Surridge Dawsons.

The applicants were seeking to trade from Monday to Saturday between the hours of 06.00 until 15.00. They proposed to use a Mercedes Sprinter Van for the sale of burgers.

Mrs F and Mrs P did not attend.

Members were advised that a condition could be added to the consent to specify the precise area of operation.

**RESOLVED** that the consent be granted for a period of 12 months, subject to the applicant trading in the position identified by the Head of Environmental Health Services.

(Report circulated to Members)

#### 117. **Application for issue of Street Trading Consent**

The Senior Licensing Officer presented an application for consent to street trade for a period of twelve months at Grace Road West and Heron Road, Exeter, which were both designated consent streets under the provisions of the Local Government Act 1982.

Ms G had not traded in Exeter before and was seeking to trade from Mondays, Tuesdays and Thursdays between the hours of 07.00 until 16.00 on Grace Road West and Wednesdays to Fridays between 07.00 and 16.00 on Heron Road. It was intended to use a catering trailer, approximately 12ft by 7ft for the sale of miscellaneous fresh foods. The intention was for the vehicle to move to the relevant site on the appropriate day.

Ms G spoke in support of her application. She stated that she had also applied to trade in Sidwell Street as her first choice but had been advised that all the pitches available for consent were unsuitable for a vehicle of the size proposed. She reported that the vehicle to be used was in good condition and that she would use local produce as far as possible. She gave many examples of local suppliers she proposed to use.

Members felt that the stall would be an asset.

**RESOLVED** that the consent be granted for a period of 12 months.

(Report circulated to Members)

118. **Application for issue of Street Trading Consent**

The Senior Licensing Officer presented an application for consent to street trade for a period of twelve months in Bittern Road, Sowton, Exeter, which was designated a consent street under the provisions of the Local Government Act 1982.

Mr W had not previously traded in Exeter.

The applicant was seeking to trade from Monday to Friday between the hours of 07.00 until 15.00. He proposed to use a mobile trailer, approximately 6ft by 12ft for the sale of fish and chips.

Mr W did not attend.

Members were advised that a condition could be added to the consent to specify the precise area of operation.

**RESOLVED** that the consent be granted for a period of 12 months, subject to the applicant trading in the position identified by the Head of Environmental Health Services.

(Report circulated to Members)

**TOWN POLICE CLAUSES ACT 1847/TRANSPORT ACT 1985, SECTION 16**

119. **Application for a Hackney Carriage Vehicle Licence**

Councillor Sterry declared a personal and prejudicial interest as she knew the applicant and left the meeting during consideration of this matter.

The Senior Licensing Officer reported that Mr A had applied for a Hackney Carriage Vehicle Licence.

Mr A did not attend the meeting.

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr A be deferred pending the outcome of a survey into unmet demand.

(Report circulated to Members)

120. **Application for a Hackney Carriage Vehicle Licence**

The Senior Licensing Officer reported that Mr M had applied for a Hackney Carriage Vehicle Licence.

Mr M did not attend the meeting.

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr M be deferred pending the outcome of a survey into unmet demand.

(Report circulated to Members)

121. **Application for a Hackney Carriage Vehicle Licence**

The Senior Licensing Officer reported that Mr P had applied for a Hackney Carriage Vehicle Licence.

Mr P did not attend the meeting.

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr P be deferred pending the outcome of a survey into unmet demand.

(Report circulated to Members)

122. **Application for a Hackney Carriage Vehicle Licence**

The Senior Licensing Officer reported that Mr R had applied for a Hackney Carriage Vehicle Licence.

Mr R did not attend the meeting.

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr R be deferred pending the outcome of a survey into unmet demand.

(Report circulated to Members)

123. **Application for a Hackney Carriage Vehicle Licence**

The Senior Licensing Officer reported that Mr R had applied for a Hackney Carriage Vehicle Licence.

Mr R did not attend the meeting.

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr R be deferred pending the outcome of a survey into unmet demand.

(Report circulated to Members)

124. **Application for a Hackney Carriage Vehicle Licence**

The Senior Licensing Officer reported that Mr W had applied for a Hackney Carriage Vehicle Licence.

Mr W did not attend the meeting.

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr W be deferred pending the outcome of a survey into unmet demand.

(Report circulated to Members)

The meeting commenced at 2.30 pm and closed at 4.10 pm

Chair

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## LICENSING COMMITTEE

27 November 2007

### Present:

Councillor Richard Branston (Chair)

Councillors Mrs Danks, Newby, Robson, P A Smith, Sterry and Wadham.

Principal Licensing Officer, Head of Legal Services and Member Services Officer (HB).

### 125. **Declarations of Interest**

No declarations of interest were made by Members.

### 126. **Local Government (Miscellaneous Provisions) Act 1976 - Transport Act 2006**

The Principal Licensing Officer presented the report seeking to amend the Council's current policy relating to the Licensing of Private Hire Vehicles (PHV) in regard to vehicles not currently considered acceptable because of age.

He reported that the present anticipated date for removal of an exemption currently contained in the Local Government (Miscellaneous Provisions) Act 1976 allowing a number of vehicles and class of vehicles to avoid being licensed for hire or reward will have effect from 28 January 2008.

Members welcome the report as it was important for vehicles of this nature to be properly regulated to ensure standards of maintenance etc. They noted that firms operating novelty vehicles were not currently based in Exeter. If they wished to operate from the City they would need to apply for the appropriate licenses. It was proposed that they would not normally be licensed unless specific conditions could be identified and put forward in a report and adopted by a subsequent Licensing Committee.

The Head of Legal Services highlighted the condition mentioned in the Appendix relating to the policy change of age of vehicle for inclusion in the resolution. She added that the resolution should also formally mention the change as the conditions were not policy and had no weight without the Committee minute mentioning the amended policy that vehicles that were of a design normally referred to as stretch limousines would be eligible for licensing up to 6 years old when first presented and up to a maximum of 12 years old.

### **RESOLVED** that:-

- (1) the policy in respect of the licensing of stretch limousines in Exeter be accepted;
- (2) the proposed conditions in respect of the policy, as set out in the circulated report, be adopted;

- (3) the policy of licensing limousines be adopted from 28 January 2008; and
- (4) vehicles that were of a design normally referred to as stretch limousines would be eligible for licensing up to 6 years old when first presented and up to a maximum of 12 years old under delegated powers.

(Report circulated)

127. **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

**RESOLVED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of Min. Nos. 128 to 130 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

128. **Application for Issue of Street Trading Consent**

The Principal Licensing Officer presented an application for consent to street trade from Mr C for a period of twelve months in Heron Road, Sowton and Grace Road West, Marsh Barton, Exeter, which were designated as consent streets under the provisions of the Local Government Act 1982. This was his first application.

Mr C spoke in support of his application. He was seeking to trade on Grace Road West on Wednesday and Fridays and Heron Road on Mondays, Tuesdays and Thursdays. These proposed sites were the same as those granted by this Committee to Ms G on 23 October 2007 (Min. No. 117 refers). He would be occupying the pitches on the days when Ms G was trading on the other trading estates and he would be able to offer an alternative food option.

In response to a Member, he advised that he already sold fish and chips at night in Mid and East Devon and had purchased a small mobile trading van in order to increase his income from the sale of fish and chips during the day. Also in response to Members, he advised that the fish and chips would be sold in three lined grease proof paper not polystyrene dishes and that he would supply wooden spoons and waste bins.

**RESOLVED** that the consent be granted for a period of 12 months, subject to conditions requiring that polystyrene holders will not be used, a litter bin and biodegradable wrappers being provided and the applicant being required to clear up the area around the van after trading.

(Report circulated to Members)

**TOWN POLICE CLAUSES ACT 1847/TRANSPORT ACT 1985, SECTION 16**

129. **Application for a Hackney Carriage Vehicle Licence**

The Principal Licensing Officer reported that Mr H had applied for a Hackney Carriage Vehicle Licence.

Mr H attended the meeting and spoke in support of his application. He explained his personal circumstances and the reasons he wished to change occupation from a Stagecoach bus driver to a taxi driver. This would offer him greater flexibility in his working hours which would enable him to manage his personal life more effectively.

In response to the Head of Legal Services, he explained that he did not wish to work for a taxi firm as he believed that the rota arrangements he would be required to work would again restrict him picking up his daughter from school.

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr H be deferred pending the outcome of a survey into unmet demand.

(Report circulated to Members)

130. **Application for a Hackney Carriage Vehicle Licence**

The Senior Licensing Officer reported that Mr A had applied for a Hackney Carriage Vehicle Licence.

Mr A did not attend the meeting.

**RESOLVED** that the application for the issue of a Hackney Carriage Vehicle Licence to Mr A be deferred pending the outcome of a survey into unmet demand.

(Report circulated to Members)

The meeting commenced at 2.30 pm and closed at 3.55 pm

Chair

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## SCRUTINY COMMITTEE - COMMUNITY

6 November 2007

### Present:

Councillor Baldwin (Chair)

Councillors Robson, Bond, Branston, S Brock, Mrs Danks, Mitchell, Moore, Newton, Shiel and Winterbottom.

Director Community and Environment, Head of Leisure and Museums, Head of Housing Services, Head of Environmental Health Services, Assistant Chief Executive and Member Services Officer (HB).

### 65. **Minutes**

The minutes of the meeting held on 4 September 2007 were taken as read and signed by the Chair as correct.

### 66. **Declaration of Interests**

A Member declared the following personal interest:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Winterbottom	71 (user of Pyramids and Clifton Hill Sports Centre)

### 67. **Review of Exeter Social Inclusion Strategy 2003-2006**

The Assistant Chief Executive presented the report updating Members on the position in respect of the Social Inclusion Strategy 2003-06 and proposing a way forward in developing a new strategy for addressing issues relating to community involvement and inclusion within Exeter.

She reported that the Social Health and Inclusion Partnership had for a number of years helped develop and deliver on priorities relating to building stronger communities, promoting social inclusion and addressing public health issues.

In anticipation of Exeter achieving unitary status, work had commenced on a review of the Local Strategic Partnership (LSP) - the Exeter Vision Partnership - which would retain its existing responsibility for developing a Sustainable Community Strategy (SCS). The LSP would assume responsibility for developing and delivering a Local Area Agreement (LAA) for Exeter, from April 2009. A fundamental part of the LAA would be delivering on the priorities within the SCS. There was likely to be a number of priorities that related to inclusion and involvement that the SHIP or a body performing a similar role would have to develop and deliver.

The Devon LAA was set to be agreed in April 2008. The Government had indicated that in areas where Districts were seeking unitary status, the LAA should be developed in a way that was possible to detach the part that related to the District at the point where unitary status was secured in April 2009. Devon County Council had indicated that, regardless of the unitary decision, they recognised the need for one part of the LAA to be customised for Exeter, in recognition of the particular needs of the City.

Members of the SHIP had been reviewing the role of the Group and, in particular, its relationship to Exeter's LSP. The SHIP had agreed to focus its future work on issues related to the stronger communities and health and well being elements of the LAA.

A draft Community Involvement and Inclusion Strategy would be developed for consideration by Members once the relevant priorities in the SCS and the LAA had been developed. The Strategy would also be informed by an analysis of the Neighbourhood Engagement Pilots. The timing of this was likely to be December 2008.

Scrutiny Committee - Community noted the process for developing the Council's new Strategy for Community Involvement and Inclusion.

(Report circulated)

#### 68. **Performance Monitoring**

The Chair advised Members that the Policy Officer would provide some training on performance management and interpretation of performance indicators at a Members' Briefing.

The Director Community and Environment advised Members of performance in the middle of the year on a range of services across the Directorate. It was noted that the targets were generally on course to be met. The following responses were made to issues raised by Members in respect of the performance indicators:-

- the average time to re-let a Council property had increased as a result of the success of the incentive scheme to encourage tenants to downsize - some 25-30 to date. Approximately half of these were the result of tenants moving to the 16 flats for over 55's provided at the McCarthy and Stone site at Honeywell Court in Heavitree as 13 three bed and two two bed houses had been made available as a result;
- void figures were over target but still remained within acceptable tolerances; and
- over the winter period (December to February), although regular fortnightly collections of green waste would stop, green waste could still be collected on request, including biodegradable sacks.

Scrutiny Committee - Community noted the report.

(Report circulated)

69. **Scrutiny Committee Sub Group**

As set out in the operational guidelines for Scrutiny Committees, the Committee was required to establish a sub group to:-

- review progress in the current year;
- consider initial proposals for the following year's work programme; and
- consider general issues relating to the overall workload and operation of the Committee.

Members considered a list of potential policy areas for possible scrutiny. With regard to a proposed re-structuring of cemetery fees, the Director Community and Environment suggested that selected Members consider the way forward in advance of the sub group. Any further suggested areas could be forwarded to the Member Services Officer.

Scrutiny Committee - Community supported:-

- (1) the restructuring of cemetery charges being considered by the Chair, Deputy Chair and Councillors Mrs Danks, Shiel and Winterbottom at 4.30pm on Wednesday 14 November 2007;
- (2) the consideration of the full list of suggested areas by the sub group on Monday 26 November 2007 at 4.00pm, the sub group to comprise the Chair, Deputy Chair and Councillors Bond, Mrs Danks, Mitchell and Shiel; and
- (3) Committee Members being invited to put forward any further policy areas for consideration by the sub group.

**MATTERS TO BE CONSIDERED BY EXECUTIVE**

70. **Statement of Licensing Policy - Result of Consultation**

The Head of Environmental Health Services presented the report on the results of the consultation exercise in respect of the Draft Licensing Policy. The Council was required to prepare and publish a Statement of Licensing Policy every three years. In the first three-year period, the policy had been kept under review. Although the licensing authority could make such revisions, as considered appropriate, the policy has been demonstrated to be robust and only minor alterations were therefore necessary. The results of the consultation exercise and a schedule of the proposals received and how they were dealt with was made available to Members.

Members considered the views and comments received from various consultees.

The Scrutiny Committee - Community supported the report and requested Executive and Council to approve the revised Licensing Policy, to take effect from 7 January 2008.

(Report circulated)

## 71. **New Swimming Pool at Clifton Hill**

Councillor Winterbottom declared a personal interest as he used both the Pyramids and the Clifton Hill Sports Centre.

The Head of Leisure and Museums presented the report outlining the results of the feasibility study into the suitability of Clifton Hill as a site for a new pool to replace the Pyramids and seeking approval for development funding of up to £85,000 to obtain a RIBA Stage C design for a 25 metre 8 lane pool.

The feasibility study had looked at three options for a new pool for the City: a 50 metre pool, an 8 lane 25 metre pool and a 6 lane 25 metre pool. Each option was to include provision for a learner pool. There was insufficient space to pursue a 50 metre option and the costs of providing and running a 50 metre pool were much greater than for a 25 metre pool with the cost of removing contaminated land fill very high. A 50 metre pool would also need substantially more ancillary room if it was going to fulfil national and regional competition needs. The Amateur Swimming Association had expressed a preference for a 50 metre pool in Plymouth.

Either of the two 25 metre options would fit on the site. An 8 lane pool would provide significantly more flexibility than a 6 lane pool and also be able to host national events. It was likely that a 20 metre wide, 8 lane (2.5 metre lane width), 2.5 metre deep main pool would satisfy all of the main users' aspirations, especially if part of it had a moving floor. However, the costings and the fitting of the pool within the uncontaminated land were based on a 16 metre wide pool (2 metres per lane) so it may not be possible to achieve everything.

There was approximately £27,000 remaining in the feasibility study budget and it was suggested that an additional sum of up to £85,000 be allocated for the work needed to reach RIBA Stage C, to create a development budget of up to £112,000.

A Member welcomed the proposal and hoped it would be developed as a centre of excellence for swimming to complement other sporting facilities in the City such as at the Arena, at the University and at the new Rugby Stadium. Given that a 50 metre pool had not been considered appropriate, he hoped that a facility of the highest standard would be provided. In response to Members' comments, the Head of Leisure and Museums stated that a diving facility had not been incorporated into the proposal as this would have necessitated a separate and deeper area as well as a higher ceiling. In addition, there was no significant demand. He agreed that street lighting around and along the approach roads to the Clifton Hill Centre should be of a high standard and this would be examined as part of the overall project as would the potential for improving public transport access to the site, possibly by seeking a bus service to the Centre. It was noted that the bus station was close to the Centre.

Scrutiny Committee - Community supported the report and requested the Executive and Council to:-

- (1) confirm the intentions to build a new 8 lane, 25 metre swimming pool at Clifton Hill to replace Pyramids subject to it being affordable within the framework of the Council's current medium term financial plan;

- (2) proceed to the appointment of a design team; and
- (3) allocate funding for the procurement of architectural services to design a 25 metre 8 lane pool to RIBA Stage C level of detail.

(Report circulated)

**72. Proposal to purchase Glencoe, Alphington Street, Exeter**

The Head of Housing Services presented the report seeking approval for the purchase of Glencoe, Alphington Street, Exeter for use as an emergency accommodation for homeless families.

In response to a Member, he stated that a negotiated purchase price had been agreed with the owner within the budget allocated.

Scrutiny Committee - Community supported the report and requested Executive to authorise the Head of Estates Services, in consultation with the Director Community and Environment and subject to prior consultation with the Portfolio Holder for Housing and Social Inclusion, to purchase Glencoe, subject to the following conditions:-

- (a) the cost of the purchase price and any capital works required to be within the budget as set out in the report; and
- (b) planning permission being granted for use of the property as a hostel.

(Report circulated)

**73. Review of Disabled Adaptations Policy and Procedure (Council Properties)**

The Head of Housing Services presented the report seeking approval for the revised Disabled Adaptations Policy and Procedure following a comprehensive review.

A review had been undertaken as timescales for adaptations varied depending on the complexity of work required and the budget available. Therefore, whilst minor adaptations could take a few weeks or months to install, some applicants had experienced waits of over 12 months for major adaptations such as walk-in showers. The review would lead to a more effective assessment of tenants' needs and speed up the time taken from referral to completion of the work.

Responding to Members, he stated that a joint Exeter City Council and Devon County Council funded occupational therapist worked with the City Council's housing staff to help assess tenants requiring assistance. He confirmed that there were links with individual charities providing housing support and agreed to explore the potential for assistance from the City Council to the Exeter Municipal Charities. He advised that where disabled individuals were not eligible for full downsizing support, alternative support packages were available, such as assistance with carpet and curtain removal.

Scrutiny Committee - Community supported the report and requested Executive to agree to:-

- (a) adopt the Disabled Adaptations Policy and Procedure document; and
- (b) include performance information relating to this new policy within the Housing Unit's Performance Digest.

(Report circulated)

**74. Temporary Accommodation Manager Post**

The Head of Housing Services presented the report seeking approval to make the post of Temporary Accommodation Manager (C306216) within the Housing Services Unit permanent.

Since the post has been established there has been a reduction in the time temporary accommodation remained empty before being re-occupied (from an average of almost 20 days in August 2005 to an average of 10 days in the first quarter of 2007/08), greater control over expenditure on repairs and maintenance of properties, improved relations with external contractors and landlords and improved tenancy management and sustainment for the homeless households accommodated in temporary accommodation.

In addition to supervising the staff in the temporary accommodation team, the Temporary Accommodation Manager's post was responsible for delivery of the Council's temporary accommodation reduction plan and would be responsible for overseeing the management of the Council's first local authority hostel at Glencoe. The work undertaken by the postholder had resulted in significant efficiency savings to the Council. For example, the reduction in average void times had saved an average of £21,000 per annum.

The post had initially been made on a temporary basis for a period of one year ending on 8 September 2006 and extended for a further 12 months until 8 September 2007. It had then been further extended for the proposal for a permanent appointment to be considered at this Committee.

Scrutiny Committee - Community supported the report and requested Executive to make the post of Temporary Accommodation Manger (CE06216) permanent from 8 September 2007.

(Report circulated)

**PERFORMANCE MONITORING**

**75. Housing Revenue Account Stewardship to September 2007**

The Director Community and Environment advised Members of any major differences by management unit to the outturn forecast for the first six months of the financial year up to 30 September 2007. During this period the total of the variances indicated that there would be a net surplus of £83,860, which would be transferred to the working balance as at 31 March 2008 increasing it to £2,927,028.

Scrutiny Committee - Community noted the report.

(Report circulated)

76. **Community Services - Stewardship to September 2007**

The Director Community and Environment advised Members of any major differences by management unit to the revised budget.

The current forecast suggested, that after adjusting for approved additional expenditure of £32,550, deferred contributions of £147,749, reductions of capital charges of £44,703, deferred AIM expenditure of £58,300, net movements to reserves of £10,517 and revenue contributions to capital of £20,000, net expenditure for this Committee would increase from the revised budget by a total of £75,369, which represented a variation of 0.5% from the revised budget.

Scrutiny Committee - Community noted the report.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 6.40 pm

Chair

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## SCRUTINY COMMITTEE - ECONOMY

7 November 2007

### Present:

Councillor Adrian Fullam (Chair)

Councillors Martin, Choules, Coates, Mrs Evans, Gale, Hannaford, Pettinger, Prowse, Wadham and Winterbottom

Director Economy and Tourism, Head of Economy and Tourism, Head of Estates Services and Member Services Officer (SLS)

### Also present:

Councillor Greg Sheldon - Portfolio Holder for Economy and Tourism  
Councillor John Shepherd - Portfolio Holder for Sustainable Development and Transport

#### 42. **Minutes**

The minutes of the meeting held on 6 September 2007 were taken as read and signed by the Chair as correct.

#### 43. **Declarations of Interest**

The following personal interests were declared:-

<b>COUNCILLOR</b>	<b>MINUTE</b>
Councillor Gales	46(wife an employee of Exeter University (Northcott Theatre)
Councillor Choules	46 (an employee of Exeter University)
Councillor Wadham	46 (Member of the Arts Council)

<b>OFFICER</b>	<b>MINUTE</b>
John Rigby, Director	43 (Member of the Board of Sustrans)

#### 44. **PORTFOLIO HOLDERS TO PRESENT THEIR HALF YEARLY REPORT**

Councillor P J Shepherd (Portfolio Holder for Sustainable Development and Transport) and Councillor G N Sheldon (Portfolio Holder for Economy and Tourism) presented a verbal report on the priorities for the Committee's work programme for the remainder of the year.

Councillor Shepherd highlighted the key areas for the Planning and Sustainable Development Portfolio:-

- **Climate Change** – After a period of consultation the City Council will review the responses to the draft Climate Change Strategy for Exeter. This strategy sets out key proposals for how the Council and others can take the lead in reducing carbon emissions. The Final Strategy will be presented to Executive in January.
- **Policy** – Further work on the core strategy of the Local Development Framework is being undertaken. Supplementary Planning Documents on Affordable Housing and Student Accommodation have been prepared, but Members have yet to see the draft core strategy.
- **Future Projects** – Princesshay has successfully opened; options for a suitable conversion scheme for Debenhams to retail, leisure and residential are being discussed; and the Council’s major projects team are preparing background studies for the future redevelopment of the Bus Station site.
- **City Centre Enhancements** – the improvement works in Lower High Street, Cathedral Yard and Cathedral Close have been completed.
- **The New Growth Point** - we continue to work with the New Growth Point Board to progress the joint project for the East of Exeter area.
- **Transportation** –
  - Buses** - we continue to support a further bid by the County Council for TIF funding tying in with the Park and Ride Strategy. Lottery funding has been attracted to implement a Travel Smart Scheme which will provide door to door advice on public transport services targeting up to 30,000 households in the city. There has also been considerable work carried out by the Directorate Projects Officer relating to the future funding options for the Concessionary Fares Scheme.
  - Rail** – we continue lobbying First Great Western on a number of issues relating to their Franchise; an outline scheme for improvements to the forecourt of Central Station has been submitted to Network Rail.
- **Walking and Cycling** – there are a number of welcome initiatives with other partners including the extension of the Exeter cycle network to 18 km; 29 out of the 37 Exeter Schools have Travel Plans and over 890 children have received cycle training. Progress has also been made on plans for the walking loop in Exwick, a route in Topsham along Sir Alec Walk and proposals for a path between Summerway and Pinhoe Road are also currently being worked up.
- **Guildhall Car Park** – the refurbishment was completed on time and the new Pay on Foot system is fully operational.
- **District Centres** –local enhancement works in Heavitree, Fore Street will commence in the middle of next year. Design work is being prepared for St Thomas but will not begin on site until the Heavitree project is completed.
- **Natural Environment** – A project officer has been appointed to progress the Wild City project.

The following responses were given to Members:-

- The Director reported that funding of the Travel Smart Scheme included £15,000 from the City Council, £70,000 from the County Council and the remainder was lottery funding of £400,000. This will enable individual interviews allowing tailored information on routes, bus frequencies and passenger fares and will result in a bigger modal shift in travel behaviour than

many other transport initiatives. (*John Rigby declared an interest as a member of the Board of Sustrans*)

- Cllr Shepherd responded to concern over the reduction of some city bus services stating that the City and County Councils have put considerable effort and funding in, ensuring the availability of a good quality public transport system.
- Cllr Shepherd assured a Member that work on Cowick Street would start as soon as the Heavitree scheme was completed. He referred to the Directorate Projects Officer's continued efforts to press for more funding to be committed to St Thomas Railway Station but was not certain if the budget would be sufficient for all the changes necessary to improve accessibility.
- Cllr Shepherd stated that an update on the Green Circle Walk route at Luggs Farm would be provided.
- Cllr Shepherd advised that roadworks at the junction at Sidwell Street and Cheeke Street had been suspended during operation of the Continental Market to improve the environment for traders and pedestrians.
- Cllr Shepherd clarified that the Local Development Framework would not be replacing the Local Plan immediately. It is a new process bringing together various planning documents to provide a general policy on a range of topics including employment, housing and retail provision. The Director added that the LDF process was very time consuming but as part of this that some policies had been prepared such as guidance on student accommodation and houses in multiple occupation which had already been considered by Planning Member Working Group, Planning Committee and Executive.

Councillor Sheldon highlighted the key areas for the Economy and Tourism Portfolio:-

- **Promotion of City Centre Vitality** – Princesshay has successfully opened with over 95% of the units let. The new venues for The Underground Passages; Shopmobility and the Exeter Visitor Information and Ticket Centre have all opened in their new locations. The City Centre Management Partnership Board have approved the City Centre Strategy; and have been working with a number of key city centre partners to enhance the Christmas Launch and a range of activities throughout November and December; work is continuing to develop the Exeter Festival of South West Food and Drink which will take place from 11 - 13 April.
- **Quay/Canal Basin** – the Custom House has been extensively refurbished and the Archaeological Field Unit now occupy the building, which has given more space for the Phoenix Arts Centre at Bradninch Place; Cricklepit Mill has now been occupied by the Devon Wildlife Trust; the refurbishment of the Old Electricity Building is progressing with the legal documentation now complete and work on the Maclaines Warehouse and 60 Haven Road should commence in the New Year.
- **Economic Development** - we continue to provide a proactive service to companies wishing to relocate to Exeter; the Innovation Centre Phase 2 is due to open in January and will provide a hub for hi tech companies; planning for the Science Park is continuing, with the main planning application due to be submitted to East Devon District Council next summer; the Heart of Devon Enterprise Agency has now successfully merged with Enterprise South Devon

and the Council's Economic Development Team continues to work with key agencies to develop skills within the local economy.

- **Tourism** –further work to build on the early success of the Underground Passages, and the new Visitor Information and Tickets Centre is continuing. Joint promotional work of the area with neighbouring associations is producing a promising response for enquiries about accommodation and visiting. It is intended to build up this area of work with the private sector.
- **Arts and Festivals** – we continue to support a range of Festivals either directly delivered by ourselves or supporting others to add to the city's cultural calendar.
- **Property** – we continue to manage our portfolio in an efficient way including the successful relaunch of the Corn Exchange. We will support the refurbishment work of Debenhams.

The following responses were given to Members:-

- The Head of Estates advised that complaints regarding noise during a recent performance arose because the windows were open to counteract a problem with the heating; full sound protection of the windows was not universal in the building but improvements will be made if capital funding can be identified.
- The Head of Economy and Tourism referred to the on line capacity at the Visitor Information and Tickets Centre and would pick up the comments made to extend the on line facility for other ticket purchases.
- The Director responded to comments on the Christmas Lights stating that the infrastructure was developed in conjunction with local businesses. The Princesshay Centre Manager and City Centre Manager coordinated their respective approaches to lighting. He would respond separately to comments made about the Christmas lighting in the District Centres - St Thomas and Heavitree.
- The Director commented on the level of traffic enforcement in the city centre which could not be enforced appropriately until all signage was in place. Despite a high level of monitoring he was unaware of any particular instances of unacceptable cyclist behaviour in Princesshay. He added that a policy on the usage of Bedford Square would be considered by the City Centre Management Partnership Board in January.

The reports of the Portfolio Holders were noted.

#### 45. **APPOINTMENT OF SCRUTINY COMMITTEE SUB-GROUP**

Members considered the appointment of a Sub-Group as set out in the operational guidelines for Scrutiny Committees to discuss issues pertinent to the Committee including:-

- To review progress of their Committee in the current year;
- Consider initial proposals for the following year's work programme; and
- Consider general issues relating to the overall workload and operation of the Committee.

The Chair responded to a Member's concern about the purpose of the Sub-Group, he felt this was an effective way of setting the programme.

Scrutiny Committee – Economy supported the appointment of the sub-group which would comprise the Chair and Deputy Chair and Councillors Wadham and Winterbottom. They agreed to identify a date and meet after the Scrutiny training session for Members due to be held on 22 November.

#### 46. **ARTS OVERVIEW**

Councillor Choules declared a personal interest as an employee of Exeter University; Councillor Gale declared an interest as a family member is an employee of Exeter University; and Cllr Wadham declared an interest as a member of the Arts Council.

The Head of Economy and Tourism presented a summary of the arts activities undertaken and detailed the objectives of the current Arts and Media Strategy which provide the focus for the Arts, Festivals and Events Team.

He responded to a number of Member comments -

- That there had been an increasing level of support from the City Council for the Barnfield Theatre which has helped to develop its business activity through providing advice for the development of its Business Plan, with the aim of generating more income. The Head of Estates referred to the City Council's ongoing support and generous interpretation of responsibility for internal repairs particularly those backstage.
- The Director stated that many of the pieces of public art from the old Princesshay have been resited within the scheme, but that the provision of interpretation had yet to be resolved. Some items were not appropriate for returning to the new Princesshay. He would ensure that a list of all the items of public art from the old Princesshay was made available.
- The Head of Economy and Tourism referred to the community based activities agreed with the Northcott Theatre for delivery during its 'dark' period during the refurbishment project. It was intended that this would continue. The new radio station will be based at Phoenix and should start broadcasting from February, offering a distinctive live high quality of live music including local bands and musicians, as well as training and career opportunities.
- The Head of Economy and Tourism agreed that as part of the review of the Art Strategy, they would engage with colleagues at East Devon and Teignbridge District Councils.

A Member also suggested that consideration of a future Arts Strategy should include a lower priority for public art to avoid any criticism from voters. The Director responded stating that public art was often controversial, but the reality was that it can often make a real impact in changing the perception of places.

The Scrutiny Committee – Economy noted the report and that a new Arts and Media Strategy would be prepared to provide a focus and framework for future City Council activity to promote and support the Arts.

(Report circulated)

47. **PERFORMANCE MANAGEMENT INDICATORS REPORT**

The Director Economy and Development presented the report advising Members on the current position on key performance indicators. He corrected a half year performance figure for major planning applications determined within 13 weeks which should have read 60%, thus hitting the target. He also provided an update on concessionary fares with the take-up increasing from 80% to 85%.

Members passed on their appreciation of the knowledge and professionalism of the Red Coats Guides on a recent Red Coats Guide tour for Members and the commitment of both the Quay House and the Exeter Visitor Information and Tickets Centre staff. A Member asked if anything could be done to make the entrance to the Underground Passages more visible. The Director advised that they were looking at a range of options including improved signage and laser cut paving.

The Scrutiny Committee – Economy noted the contents of the report.

(Report circulated)

48. **CAPITAL PROGRAMME MONITORING REPORT (HALF YEARLY)**

The Director Economy and Development presented the report advising Members of the latest position with regard to the 2007/08 Capital Programme for Economy. The report highlighted a number of schemes. The Director confirmed that he would respond to a Member who requested information on the latest position with regard to work at Okehampton Street car park and alleged blocking by a farmer of the Exwick Green Circle Walking route. He also advised that the flowering pear tree in the High Street which had been vandalised was likely to be replaced by the Parks and Open Spaces team shortly.

Members welcomed the continued investment in District Centres such as the Beacon Lane shops and looked forward to other schemes being developed.

The Scrutiny Committee – Economy noted the content of this half-yearly report on the capital programme (2007/08) for Economy and Development.

(Report circulated)

49. **ECONOMY STEWARDSHIP TO SEPTEMBER 2007**

The Director presented the report advising Members of any forecast variations to the budget, based on the first six months of the financial year 2007/08. A Member enquired about the rent collected from the Southgate Hotel. The Head of Estates Services responded that the rent income from the Southgate Hotel related to occupation levels, as the City Council owns the freehold of the site.

The Scrutiny Committee – Economy noted the contents of this report.

(Report circulated)

50. **PROPERTY PERFORMANCE INDICATORS**

The Head of Estates presented the report informing Members of the position regarding the Council's performance on Property Performance Indicators (PPIs) and to establish further targets for those indicators. The report also proposed new targets for 2007/08.

Members sought clarification on a number of topics including operational and non operational assets, the overall average internal rate of return for the Council's retail portfolio and a specific example of a review of rents in a parade of shops in St Thomas.

The Scrutiny Committee – Economy noted the report and adopted the targets for 2007/8.

(Report circulated)

51. **PROPERTY VOIDS AND DEBTS**

The Head of Estates presented the report informing Members of the performance of the City Council's commercial portfolio including void properties for the period 1 February 2007 to 30 September 2007 and debts for the four quarters ending on the September 2007 quarter day. Generally, commercial property in the city centre was in demand, which is reflected by the low level of debts and voids.

Members noted the report and congratulated the Estates Team on their impressive achievement.

(Report circulated)

The meeting commenced at 5.25 pm and closed at 7.55 pm

Chair

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## SCRUTINY COMMITTEE - RESOURCES

21 November 2007

### Present:

Councillor David Morrish (Chair)

Councillors Choules, Branston, P Brock, Coates, Martin, Newcombe, Noble, Prowse, Robson and Sterry

Chief Executive, Director Corporate Services, Head of Treasury Services, Head of Audit, Head of Corporate Customer Services and Member Services Officer (SJS)

### Also present:

Councillor Edward - (*Leader*)

Councillor Dixon - (*Portfolio Holder for Business Transformation and Human Resources*)

#### 60. **Minutes**

The minutes of the meeting held on 19 September 2007 were taken as read and signed by the Chair as correct.

#### 61. **Declarations of Interest**

Members made no declarations of interest.

### **PERFORMANCE MANAGEMENT**

#### 62. **AIM Property Maintenance Progress Report 2007/08**

The joint report of the Head of Contracts and Direct Services, Head of Housing and Social Inclusion, Head of Treasury Services and Head of Estates was submitted.

The Scrutiny Committee – Resources noted the second quarter financial position of the £15.3m programme of reactive and planned property maintenance and refurbishment for 2007/08, as detailed in the report.

(Report circulated)

#### 63. **Financial Stewardship**

The report of the Head of Treasury Services was submitted.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

64. **Corporate Complaints Monitoring**

The report of the Assistant Chief Executive was submitted.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

65. **Performance Monitoring**

The report of the Director of Corporate Services was submitted.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

**MATTERS FOR CONSIDERATION BY THE EXECUTIVE**

66. **Capital Monitoring**

The Head of Treasury Services presented the report setting out the current position in respect of the Council's annual capital programme and advised Members of the anticipated variations.

He informed Members in order to manage the risks associated with capital programming the annual capital programme was updated every six months. The capital programme for the current financial year was £25,796,210 and it was projected that £4.3 million of the programme would need to be carried forward into future years.

During the first six months of the current financial year the Council had spent £6.7 million of the 2007/08 Capital Programme. In overall terms this equated to 25.9% of the Capital Programme being spent in the first six months of 2007/08, compared to £6.3 million (25.4%) being spent in the first six months of 2006/07.

In answer to a Member's questions, the Head of Treasury Services confirmed that the funding for the Gallery Space at the Central Library was to enable exhibitions to be put on while the Museum was closed and that it was normal for the Council to only have spent a quarter of its capital programme at this stage in the financial year as the comparison with last years figures showed.

The Director of Corporate Services confirmed that the Council had spent 36.9% of budgets approved for capital schemes that it identified as being reasonably certain of being able to deliver within the planned timescale. These were the C1 schemes.

Scrutiny Committee - Resources:-

- (1) noted the current position and amendments in respect of the annual capital programme; and

- (2) requested Executive to amend the Council's annual capital programme as outlined in Appendix 2 of the report.

**67. Overview of the Revenue Budget 2007/08**

The Head of Treasury Services presented the report advising Members of the overall projected financial position of the General Fund Revenue Budget after six months, for the 2007/08 financial year.

The Service Committee budgets showed a forecast under spend of £55,200 (0.29%). The Scrutiny Committee - Community had an under spend of £25,600 which included an additional income of £115,340 from the sale of recycling materials and associated recycling credits.

The Scrutiny Committee - Economy had an under spend of £413,650 part of this was because the car park income was higher than budgeted and expenditure in respect of car park maintenance was lower than budgeted with some work being undertaken in 2008/09.

In answer to questions from the Chair, the Head of Treasury Services confirmed that the overall income from car parks was in excess of £5 million and that the opening of Princesshay had increased activity within car parks in the City.

The Head of Treasury Services clarified that the reduction in interest was due to a reduction in the amount available to be invested.

Members discussed how the free national bus travel for the over 60's and disabled could reduce the income from car parks and the extra funds that would be needed to cover this scheme.

The Head of Treasury Services informed Members there was a proposed increase in car park charges, the first in 2 years, which would also include a climate change levy which was part of the Council's Climate Change Strategy. He anticipated that the funds required for the free national bus service could increase the Council's expenditure on concessionary travel from £1.5 million currently to £2.3/£2.4 million next year.

The Scrutiny Committee - Resources supported the report and recommended approval by Executive of the forecast financial position for the 2007/08 financial year.

(Report circulated)

**68. Review of Parliamentary Polling Districts and Places – Electoral Administration Act 2006**

The Head of Corporate Customer Services presented the report setting out the proposals for new polling districts and polling places arrangements recommended as a result of the Council's responsibilities under the Electoral Administration Act 2006.

The review would need to be completed by 31 December 2007. The public consultation phase was carried out between 25 June and 31 July 2007. All Exeter City

and Devon County Councillors, political parties and other stakeholders such as disability charities had been contacted.

Discussion took place as to the location and suitability of polling stations. Members were of the opinion that the Council should ensure that polling stations were accessible to all residents either by public transport or car as this would then encourage residents to vote in Elections.

Scrutiny Committee – Resources noted the report and recommended approval by the Executive and Council:-

- (1) of the adoption of the proposals as outlined in the circulated report for implementation from a revised register of electors to be published on 3 March 2008;
- (2) to formally publish its final report on the Review of Parliamentary Polling Districts and Places within the Exeter Constituency on 17 December 2007, as required by the Electoral Administration Act 2006; and
- (3) to complete a further review by 31 December 2011, as required by the Electoral Administration Act 2006.

(Report circulated)

#### **MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - RESOURCES**

##### **69. Internal Audit Work – Half-yearly Report 2007/08**

The Head of Audit presented the report advising Members of the work undertaken by the Internal Audit Unit. This Committee was responsible for considering the work undertaken by Internal Audit as part of the overall probity checking and systems testing of the Council. Internal Audit's objective was to examine the Council's financial and non-financial systems to check that adequate internal controls were in place to prevent loss due to frauds, errors and inefficiency, and that due attention was paid to Corporate Governance and risk management.

The Scrutiny Committee – Resources noted the report.

(Report circulated)

##### **70. Risk Management Update**

The Head of Audit presented the report advising the Committee of the Council's risk management progress and to seek approval for the updated corporate risk register.

The Risk Management Group and relevant officers had reviewed the risks and, based upon actions implemented and actual experience, had re-assessed the 'Impact' and 'Likelihood' scores.

The Head of Audit informed Members that the Materials Reclamation Facility (MRF) risk had been reduced from High to Medium as there were now other MRF's in the region capable of providing cover.

In answer to a Member's question, the Head of Audit confirmed that measures were in place for data protection which had now been reduced from High to Medium Risk based upon experience to date.

The Director of Corporate Services confirmed that the corporate risk register was available to Members on the intranet.

Members discussed the Environmental risk of the air quality around the city and the Chair expressed a view that these figures should be made available for Members on a two yearly basis.

The Scrutiny Committee – Resources approved the updated Corporate Risk Register and noted the risk management progress to date.

(Report circulated)

71. **HOUSING AND COUNCIL TAX BENEFIT - INTRODUCTION OF LOCAL HOUSING ALLOWANCE**

The Head of Treasury Services presented the report advising Members of the current position with regard to the introduction of Local Housing Allowance and to consider the impact that it would have upon the Housing Benefit Service.

The Local Housing Allowance (LHA) was a new way of deciding rent payments for tenants in privately rented accommodation who were receiving Housing Benefit. It would come into effect from 7th April 2008. It would use a flat rate allowance based on the size of the tenant's household and the area in which they rented a property to determine the amount of benefit they would receive. There were no changes to the entitlement rules; this would continue to be based upon a person's income and savings and proof of a valid tenancy. Payment would normally be made to the tenant, who would then pay the landlord.

The scheme was to allow tenants more choice on how to spend their income and to take on greater responsibility, they would be able to choose whether to rent a larger property, or spend less on housing and increase their available income. If a tenant's rent was lower than the LHA they would be able to keep the difference. However, if their rent was higher the Council would not pay more LHA. The tenant would have to pay the difference from their other income.

The Department for Work and Pensions had already allocated £114,438 of new grant funding to the Council for the successful implementation of LHA. This grant would be used to fund the new Direct Payments Officer and other implementation costs including the necessary software changes. The scheme had been tested on a trail basis at several Councils including Teignbridge District Council.

Members raised concerns regarding the problems that could arise from this scheme including overcrowding if a tenant opted to receive more money rather than renting a

more suitable, larger property, ensuring that the rent was passed on the landlord and how the rent would be set.

The Head of Treasury Services confirmed that each local authority would be divided into one or more Broad Rental Market Areas (BRMA). Rent Officers from the Rent Service (a government agency) would set individual LHA rates for each BRMA. He informed Members that already 40% of tenants received their rents payments direct and that a significant part of the new Direct Payments Officer post would be to ensure that this scheme was successfully implemented.

The Chair asked that Members could be updated on the scheme by way of a report to this Committee 12 months after the implementation of the scheme.

The Scrutiny Committee – Resources noted the report and requested that Members were updated on the progress of the scheme 12 months from its date of its introduction.

(Report circulated)

#### 72. **Scrutiny Committee Sub Group**

As set out in the operational guidelines for Scrutiny Committees, the Committee was recommended to establish a sub group to:-

- review progress in the current year;
- consider initial proposals for the following year's work programme; and
- consider general issues relating to the overall workload and operation of the Committee.

Members were of the opinion that this item should be dealt with by all Members of the Committee and it was agreed to place it on the agenda of the next ordinary meeting.

#### 73. **Date of Next Meeting**

The next meeting of the Scrutiny Committee – Resources will be held on Wednesday 23 January 2008 at 5.30 p.m.

The meeting commenced at 5.30 pm and closed at 6.30 pm

Chair

# Agenda Item 9

## STANDARDS COMMITTEE

Wednesday 28 November 2007

### Present:-

Councillor Hilda Sterry (Chair)  
Councillors Branston, Choules, Hannaford and D J Morrish

(Independent members)  
Professor B Kirby and Andrew Mimmack

### Also Present

Head of Legal Services, Assistant Chief Executive and Member Services Manager

### 11 MINUTES OF PREVIOUS MEETING

The minutes of the meeting of Standards Committee held on 27 June 2007 were taken as read and signed by the Chair as correct.

### 12 DECLARATIONS OF INTEREST

Councillor Choules declared a personal and prejudicial interest as the subject of the complaint and left the room for the duration of the discussion on the item.

### 13 THE CODE UNCOVERED

A Standards Board DVD, which used a fictional planning application dispute to illustrate the key changes to the revised Model Code of Conduct, was shown to members.

Members discussed a number of points emerging from the DVD which examined the rules about declaring interests, disclosing confidential information and bullying.

### 14 ETHICAL OFFICERS REFERRAL OF COMPLAINT TO MONITORING OFFICER

The report of the Monitoring Officer/Head of Legal Services was submitted setting out the procedure in respect of the referral of a complaint by an Ethical Officer of the Standards Board to the Monitoring Officer for investigation.

The Monitoring Officer/Head of Legal Services reported that an independent investigation into the complaint was being undertaken and it was anticipated that the investigation report would be finalised in early December.

Members noted the report and agreed to hold a Special Meeting of the Standards Committee to consider the investigation report once the finalised report had been received.

(Report circulated)

15

**STANDARDS BOARD - UPDATE ON CASES**

The Monitoring Officer/Head of Legal Services circulated an update on the number and nature of recent allegations submitted to the Standards Board for England.

16

**COUNCILLOR DEVELOPMENT - STEERING GROUP AND CHARTER**

The report of the Assistant Chief Executive was submitted seeking to formalise the reporting arrangements of the Councillor Development Steering Group and advising of the launch of the South West Charter for Elected Member Development.

**RECOMMENDED** to Executive that:-

- (1) the proposal for the Councillor Development Steering Group to report formally to the Standards Committee on a regular basis in future be agreed and that the nomination of a representative of Standards Committee to serve on the Steering Group be agreed in consultation with the Chair;
- (2) the Portfolio Holder Business Transformation and Human Resources be nominated as a member of the Steering Group; and
- (3) the Council signs up to the South West Charter for Elected Member Development, the appropriate timing of the submission to be decided by the Councillor Development Steering Group.

(Report circulated)

17

**DATE OF NEXT MEETING**

The next meeting of the Standards Committee will be held on Wednesday 27 February 2008 at 4.30pm.

(The meeting commenced at 4.30 pm and closed at 5.45 pm)

Chair

## EXECUTIVE

Tuesday 20 November 2007

### Present:-

Councillor Edwards (Chair)

Councillors D Baldwin, Boyle, Dixon, Mrs Henson, Mrs Morrish, Sheldon, Shepherd and P A Smith

Chief Executive, Director Community and Environment, Director Economy and Development, Director Corporate Services, Assistant Chief Executive, Head of Treasury Services and Member Services Manager

123

### MINUTES

The minutes of the meetings of Executive held on 18 September 2007 and 2 October 2007 were taken as read and signed by the Chair as a correct record.

124

### DECLARATIONS OF INTEREST

No declarations of interest were made.

125

### CAR PARKING TARIFFS

The report of the Head of Administration and Parking Services was submitted seeking approval for the revisions to car parking tariffs and tariff policy set out in the report.

Executive welcomed the proposal to specifically ring fence 2% of the increase, in addition to the inflationary element, to contribute to climate change initiatives. Members discussed the Council's policy of allowing disabled Blue Badge Holders to park without charge in all the City's car parks. They noted that this was out of line with the practice of most neighbouring authorities and commercial operators and incurred significant lost income for the Council. Members supported the proposal to introduce charging for Blue Badge holders at the full tariff levels at Guildhall and Mary Arches Street car parks only whilst retaining free parking in all other Council car parks. Members were pleased to note that the introduction of charging at Holman Way car park appeared to have increased turnover and improved the availability of parking spaces for shoppers and visitors. In the light of this, they supported the proposal to retain the pay and display system at Holman Way.

### **RESOLVED** that:-

- (1) notice of intention be given to make a Parking Places Amendment Order to revise the City of Exeter (Off Street Parking Places) Order 1991 to enable the changes proposed in the report to come into effect from 7 January 2008;

- (2) authority to consider any objections be delegated to the Director Economy and Development in consultation with the Leader of the Council and Portfolio Holder for Sustainable Development and Transport; and
- (3) subject to consideration of any objections, the Order be made and sealed.

(Report circulated)

126

### **2008-2009 BUDGET STRATEGY**

The report of the Head of Treasury Services was submitted providing a strategic overview of the budgetary position for the 2008/09 financial year including an indication of the likely level of available resources and the proposals to ensure that a balanced budget is achieved. The Head of Treasury Services reported an error in paragraph 8.2 relating to the likely increase /(decrease) in resources; the columns in the table referred to the years 2008/09, 2009/10 and 2010/11 respectively.

Members noted that the City Council had responded in favour of Option 3 for the allocation of grant in relation to Concessionary Travel but the outcome would not be known until after the end of the consultation period. Members also noted the likelihood of a significant reduction in Local Authority Business Growth Initiative (LABGI) with no funding currently outlined for 2008/09. Once the final decision was announced in relation to Unitary status, a major disaggregation exercise would be required in respect of the Councils' budgets.

**RECOMMENDED** that the contents of the report be noted and that the proposals to establish a balanced revenue budget and capital programme be approved.

(Report circulated)

127

### **STATEMENT OF LICENSING POLICY - RESULTS OF CONSULTATION**

The report of the Head of Environmental Health Services was submitted informing Members of the comments received as a result of the consultation exercise in respect of the Draft Licensing Policy, which is a requirement of the Licensing Act 2003.

Scrutiny Committee – Community considered the report at their meeting on 6 November and their comments and support were noted. Executive noted the summary of representations and the Council's responses. They were pleased to note that the Licensing policy had been demonstrated to be robust and only minor alterations had been proposed.

**RECOMMENDED** that the revised Licensing Policy be approved, to take effect from 7 January 2008.

(Report circulated)

**NEW SWIMMING POOL AT CLIFTON HILL**

The report of the Head of Leisure and Museums was submitted outlining the results of the feasibility study into the suitability of Clifton Hill as a site for a new pool to replace Pyramids, and sought approval for development funding of up to £85,000 to obtain a RIBA Stage C design for a 25 metre 8 lane pool.

Scrutiny Committee – Community considered the report at their meeting on 6 November and their comments and support were noted. Members endorsed their support for a high quality facility and recognised that this would attract greater income in future years. They were pleased that it had been possible to identify a City Centre site maximising public access. They noted that officers would be spending development time with clubs to discuss their requirements in more detail.

**RECOMMENDED** that:-

- (1) the intention to build a new 8 lane 25 metre swimming pool at Clifton Hill to replace Pyramids be confirmed subject to it being affordable within the framework of the Council's current medium term financial plans;
- (2) the Council proceeds to the appointment of a design team; and
- (3) funding is allocated for the procurement of architectural services to design a 25 metre 8 lane pool to RIBA Stage C level of detail.

(Report circulated)

**PROPOSAL TO PURCHASE GLENCOE, ALPHINGTON STREET,  
EXETER**

The report of the Head of Housing Services was submitted seeking approval for the purchase of Glencoe, Alphington Street, Exeter for use as emergency accommodation for homeless families. The Director Community and Environment reported that the current owners had obtained planning permission and that Estates Services had agreed a purchase price.

Scrutiny Committee – Community considered the report at their meeting on 6 November 2007 and their comments and support were noted. Executive welcomed the proposal and the flexibility that this would offer in terms of housing homeless households.

**RESOLVED:-**

- (1) to note that planning permission had been granted to use the property as a hostel; and

- (2) that the Head of Estates, in consultation with the Director Community & Environment and Portfolio Holder for Housing and Social Inclusion, be authorised to purchase Glencoe subject to the cost of the purchase price and any capital works required being within the budget set out in the Appendix to the report.

(Report circulated)

130 **REVIEW OF DISABLED ADAPTATIONS POLICY AND PROCEDURE  
(COUNCIL PROPERTIES)**

The report of the Head of Housing Services was submitted seeking approval for the revised Disabled Adaptations Policy and Procedure following a comprehensive review.

Scrutiny Committee – Community considered the report at their meeting on 6 November 2007 and their comments and support were noted.

**RESOLVED** that:-

- (1) the Disabled Adaptations Policy and Procedure document be adopted; and  
(2) performance information relating to this new policy is included within the Housing Unit's Performance Digest.

(Report circulated)

131 **TEMPORARY ACCOMMODATION MANAGER POST**

The report of the Head of Housing Services was submitted seeking approval to make the post of Temporary Accommodation Manager (CE06216) within the Housing Services Unit permanent.

Scrutiny Committee – Community considered their report at their meeting of 6 November and their comments and support were noted. Executive members were pleased to note the success of the postholder and congratulated the team on their hard work and success on the Extralet scheme.

**RESOLVED** that the post of Temporary Accommodation Manager (CE06216) be made permanent from 8 September 2007.

(Report circulated)

132 **CIVIL PARKING ENFORCEMENT**

The report of the Head of Administration and Parking Services was submitted informing Members of the proposed introduction of a Civil Parking Enforcement scheme for Devon from May 2008 and seeking in principle support from Executive for this Council to enter into appropriate partnership arrangements with the County Council and other Districts to deliver the scheme effectively. The Devon and

Cornwall Constabulary had announced their intention to withdraw from on-street parking enforcement , via the traffic warden service, with effect from 1 April 2008.

Councillor Prowse attended this meeting and spoke on this item under Standing Order 44. He recorded his concern that Devon County Council had not progressed the initiative with more haste in view of the significant work that was involved in introducing an integrated scheme covering both on and off-street parking enforcement. He was particularly concerned about the difficulty of reviewing and advertising traffic orders within the required timescale and expressed his view that the Police and County Council had significantly under-resourced the project.

The Director Economy and Development reported that he shared concerns about the challenging timetable for the project but looked forward to a position whereby the Council controlled on and off-street parking. He acknowledged that it would be important to ensure that staff affected were trained for and comfortable with their new roles.

Members were aware that the position of Exeter as a potential unitary authority would be an important factor in these discussions since it was obviously desirable to put in place arrangements that would continue to meet the City's needs after April 2009. They welcomed the potential for an integrated self-financing service under the control of the City Council and believed that this would be welcomed by the public. Concerns were expressed about the low priority currently given to enforcement by the Police at present. One member commented that he had found the local beat officer to be helpful in responding to enforcement problems.

**RESOLVED** that:-

- (1) the proposed introduction of Civil Parking Enforcement be noted and the County Council's application to the Department for Transport be supported subject to further discussion and agreement on the financial and operational details of implementation; and
- (2) any decisions about Civil Parking Enforcement that are required to meet the Department for Transport timescale be delegated to the Director Economy & Development, in consultation with the Leader and Portfolio Holder for Sustainable Development and Transport.

(Report circulated)

133

**DESIGNATION OF NEW CONSERVATION AREA AT TADDYFORDE  
AND ADOPTION OF CONSERVATION AREA APPRAISAL AND  
MANAGEMENT PLAN**

The report of the Head of Planning Services was submitted seeking approval to the designation of a new Conservation Area Appraisal and Management Plan and to further consultation on an Article 4(2) Direction.

Councillor Prowse attended this meeting and spoke on this item under Standing Order 44. He reported the mixed views of residents on the application for the Article 4(2) Direction and the debate on the issue at the Planning Member Working Group.

He requested that further consultation takes place before the final decision is made. Whilst acknowledging the differing views on the issue, Executive members supported the recommendation of the Planning Member Working Group to pursue the Article 4(2) Direction.

**RESOLVED** that Taddyforde is designated a Conservation Area, the Appraisal and Management Plan is adopted and a blanket Article 4(2) Direction is pursued.

(Report circulated)

134

**APPOINTMENTS TO OUTSIDE BODIES**

**RECOMMENDED** that the following appointments be considered by Council:-

<b>BODY</b>	<b><u>TERM OF OFFIC E</u></b>	<b><u>CURRENT APPOINTMENT EXPIRES</u></b>	<b><u>CURRENT REP(S).</u></b>
Alphington United Charities	4	19.06.2010	Mrs Jordan Alderman Long (resigned) Mrs D. Conroy nominated Cllr PW Smith Cllr Wadham
Exeter Area Rail Project Working Party		From 20.11.07	<b>Cllr P. Smith nominated to bring City Council representation up to quota</b>
Exeter Dispensary and Aid in Sickness Fund	4	31.03.2010	<b>Mr T. Doble (retired)</b>
Montgomery Combined School (Community Governor)	4	19.11.2011	<b>Vacancy. A representative from west of the River is sought</b>
Relate		From 20.11.2007	<b>Vacancy – Cllr Choules (resigned)</b>
St. Edmunds and St. Mary Major, Exeter	4	09.08.2011 09.08.2012	<b>Miss Holding Mr Dunsford (resigned)</b>

(Report circulated)

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

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

136                    **EXTENDING GAS CENTRAL HEATING SERVICING REPAIRS AND  
MAINTENANCE CONTRACT**

The report of the Head of Housing Services was submitted seeking approval to waive Contract Regulation C2.4 regarding tendering of construction contracts exceeding £75,000 in value in relation to gas central heating servicing repairs and maintenance.

**RESOLVED** that Contract Regulation C2.4 be waived such that the existing contract with KS Engineering, in relation to gas central heating servicing repairs and maintenance to the Council's housing stock, be extended from 1 April 2008 to 31 March 2010 with the contract being subject to annual review and the other terms as set out in the report.

(Report circulated to Members)

137                    **ADMINISTRATION AND BEREAVEMENT SERVICES RESTRUCTURE**

The report of the Interim Head of Administration and Bereavement Services was submitted seeking approval for the restructuring of the Administration and Bereavement Services Unit within the Community and Environment Directorate in order to improve efficiency and productivity and reduce costs by an estimated £230,000 over the next five years.

**RESOLVED** that:-

- (1) the proposed restructuring of the Administration and Bereavement Services Unit with effect from 1 December 2007 be approved as detailed above; and
- (2) the employment of the holder of the post of Bereavement Services Manager CE02122 be terminated on the grounds of redundancy on 30 April 2008 in accordance with the provisions of Regulation 26 of the Local Government Pension Scheme Regulations 1997 with compensation being paid to the holder of the post in accordance with the discretion exercised by the Council under the provisions of the Local Government (Early Termination) (Discretionary Compensation) (England and Wales) Regulations 2006 and the post be deleted from the establishment.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 7.25 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 11 December 2007.**

## EXECUTIVE

Tuesday 4 December 2007

### Present:-

Councillor Edwards (Chair)

Councillors D Baldwin, Boyle, Dixon, Mrs Henson, Mrs Morrish, Sheldon, Shepherd and P A Smith

Chief Executive, Director Corporate Services, Director Economy and Development, Head of Treasury Services, Head of Leisure and Museums and Member Services Manager

138

### DECLARATIONS OF INTEREST

No declarations of interest were made.

139

### CAPITAL MONITORING STATEMENT TO SEPTEMBER 2007

The report of the Head of Treasury Services was submitted, setting out the current position in respect of the Council's annual capital programme and advising Members of the anticipated variations.

Scrutiny Committee – Resources considered the report at their meeting on 21 November and the support and comments of members were noted.

**RECOMMENDED** that :-

- (1) the current position and amendments in respect of the annual capital programme be noted; and
- (2) the amendments to the Council's annual capital programme outlined in Appendix 2 of the report be approved.

(Report circulated)

140

### OVERVIEW OF GENERAL FUND REVENUE BUDGET 2007-2008

The report of the Head of Treasury Services was submitted, advising Members of the overall projected financial position of the General Fund Revenue Budget after six months, for the 2007-2008 financial year.

Scrutiny Committee – Resources considered the report at their meeting on 21 November and the support and comments of members were noted.

**RESOLVED** that the forecast financial position for the 2007-2008 financial year be noted.

(Report circulated)

**REVIEW OF POLLING DISTRICTS AND POLLING PLACES WITHIN  
THE EXETER PARLIAMENTARY CONSTITUENCY**

The report of the Chief Executive was submitted, setting out proposed arrangements for new polling districts and polling places recommended as a result of the Council's responsibilities under the Electoral Administration Act 2006.

Scrutiny Committee – Resources considered the report at their meeting on 21 November and their comments and support were noted.

It was reported that Map A accompanying the report wrongly indicated the location of the proposed polling station as being at the existing school rather than the new Exwick Heights site. Councillor Boyle expressed his opposition to the use of the new school in view of its inaccessibility and distance from a bus route. He proposed, seconded by Councillor Paul Smith, that polling districts DB and DC be merged and that the Exeter Civil Service Sports Club on Exwick Road be used as the polling station for the combined district. The Chief Executive responded that the topography of the ward presented particular challenges and that the solution initially presented had been considered to be the most practical. Wherever possible polling stations were located within the polling districts themselves but he agreed that alternative options would be explored including the use of the Exeter Civil Service Sports Club.

**RECOMMENDED** that:-

- (1) subject to confirmation of technicalities and investigation of alternative options, polling districts DB and DC be merged and the relevant polling station be sited at Exeter Civil Service Sports Club, Exwick Road;
- (2) subject to (1) above, the proposals outlined in the report be adopted for implementation from a revised register of electors to be published on 3 March 2008;
- (3) the Council formally publish its final report on the Review of Parliamentary Polling Districts and Places within the Exeter Constituency on 17 December 2007, as required by the Electoral Administration Act 2006; and
- (4) the Council complete a further review by 31 December 2011, as required by the Electoral Administration Act 2006

(Report circulated)

**ECONOMIC DEVELOPMENT STRATEGY 2008 - 2013**

The report of the Director Economy and Development and Head of Economy and Tourism was submitted, which sought to agree funding for commissioning the preparation of a new strategy for the development of the city's economy in collaboration with neighbouring authorities, the private sector, key government agencies and further and higher education institutions.

**RESOLVED** that the commissioning of this work at a cost of up to £50,000, with a contribution of £20,000 from Teignbridge, be approved

(Report circulated)

143                    **APPLICATION FOR FUNDING FOR THE DEVELOPMENT AT  
MATTHEWS HALL, TOPSHAM**

The report of the Head of Leisure and Museums was submitted, which provided information in relation to the proposed development at Matthews Hall, Topsham and sought Executive's view on whether the Council should contribute towards the funding.

**RESOLVED** that a grant of £15,000 to Topsham Community Association be approved as a contribution to the Matthews Hall redevelopment, provided that any such funding be conditional on the success of the Big Lottery Fund application, and the implementation of the scheme.

(Report circulated)

144                    **WAVELENGTH 15 - SURVEY RESULTS**

The report of the Assistant Chief Executive was submitted, which presented the main findings of the fifteenth Wavelength survey.

**RESOLVED** that the main findings of the fifteenth Wavelength survey be noted.

(Report circulated)

145                    **COUNCILLOR DEVELOPMENT - STEERING GROUP AND CHARTER**

The report of the Assistant Chief Executive was submitted, which considered the membership and sought to formalise the reporting arrangements of the Councillor Development Steering Group. The report also advised members of the launch of the South West Charter for Elected Member Development and considered whether to sign up to the Charter.

Councillor Development Steering Group on 6 November and Standards Committee on 28 November had considered the report and supported the recommendations.

**RECOMMENDED** that:-

- (1) the Councillor Development Steering Group report formally to the Standards Committee on a regular basis in future and that Standards Committee be requested to nominate a member to the Group from amongst its membership;
- (2) the Portfolio Holder Business Transformation and Human Resources be nominated as a member of the Councillor Development Steering Group; and

- (3) the Council signs up to the South West Charter for Elected Member Development, the appropriate timing for doing so to be decided by the Councillor Development Steering Group.

(Report circulated)

146

### **HONORARY ALDERMAN**

Section 249 of the Local Government Act 1972 empowers the Council to confer the title of Honorary Alderman on persons who have, in the opinion of the Council, rendered eminent service to the Council as a past member. An Honorary Alderman is invited to participate in those Civic ceremonies which the Lord Mayor attends In State, and to which it is usual to invite Past Mayors/Lord Mayors.

Council on 17 July 2007, on the recommendation of Executive, approved the amendment of the eligibility criteria for considering the bestowal of the title "Honorary Alderman" on a past member to require that person to have served a total of at least twelve years as a City Councillor. It is not required for this to be a continuous period.

Former Councillors are eligible to have the title of Honorary Alderman conferred upon them should the Council so decide. An application has been received on behalf of former Councillor and Past Mayor Margaret Midgley who served on the Council for 15 years and as Mayor of the City in 1995/96.

**RECOMMENDED** that:-

- (1) the title of Honorary Alderman be conferred on former Councillor and Past Mayor Margaret Midgley; and
- (2) the Right Worshipful the Lord Mayor be requested to convene an Extraordinary Meeting of the Council to be held prior to the Special Meeting on 19 February 2007, for the purpose of passing the appropriate resolution under Section 249 of the Local Government Act 1972.

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### **ESTABLISHING AN IMPLEMENTATION EXECUTIVE**

With the consent of the Committee, the report was withdrawn.

(Report circulated)

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

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

**SHAKESPEARE ROAD HOUSING DEVELOPMENT**

The report of the Head of Estates and Head of Housing Services was submitted, seeking approval to acquire a building to enable the creation of a development site for affordable housing. The Chair agreed to accept this item as a matter of urgency in view of the timescale for completion of the contract.

**RESOLVED** that:-

- (1) the Council acquire 68a Shakespeare Road from the Devon Primary Care Trust for the sum specified in the report plus fees, costs and any Stamp Duty Land Tax; and
- (2) a planning application be prepared and submitted for the wider site.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 6.05 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 11 December 2007.**

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## SEATING IN THE GUILDHALL

≡ ≡ ≡ ≡ ≡	Lord Mayor's Chaplain			Deputy Lord Mayor Councillor Choules (L)	Lord Mayor Councillor Slack (L)	Chief Executive	Assistant Chief Executive	
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Member Services Manager	Head of Legal Services	Head of Treasury Services		Director Corporate Services	Director Community and Env.	Director Economy and Development
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Councillors	Councillors	TABLE	Councillors	Councillors	Councillors
Sterry (L)	Edwards (L)*		Fullam (LD)	Newcombe (LD)	Bond (C)
Lyons (L)	D Baldwin (L) *		P Smith (LD)	Newton (LD)	Newby (C)
Robson (L)	Shepherd (L)*		Mrs S Brock (LD)	Cole (LD)	Mrs Evans (C)
Branston (L)	Dixon (L) *		Noble (LD)	Mitchell (LD)	Coates (C)
Moore (L)	Boyle (L) *		P Brock (LD)	Pettinger (LD)	Prowse (C)
Martin (L)	Sheldon (L)*		Wadham (LD)	Hannaford (LD)	Mrs R Smith (C)

Cllr Gale (LIB)	Cllr D Morrish (LIB)	Cllr Mrs Danks (LIB)	Cllr Mrs Morrish (LIB)	Cllr Mrs Henson (C)	Cllr Winterbottom (C)	Cllr M Baldwin (C)	Cllr Shiel (C)
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L: Labour : 14  
 LD: Liberal Democrats : 12  
 C: Conservative : 10  
 LIB: Liberal : 4

\*Portfolio Holders  
 Edwards : Leader  
 Baldwin D.: Housing and Social Inclusion  
 Dixon: Business Transformation and Human Resources  
 Boyle: Environment and Leisure  
 Shepherd: Sustainable Development and Transport  
 Sheldon: Economy and Tourism

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