



Exeter City Council

A meeting of **EXETER CITY COUNCIL** will be held at the **GUILDHALL, HIGH STREET, EXETER** on **TUESDAY 14 JULY 2009**, 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 Ordinary Meeting held on 28 April 2009 and the Annual Meeting held on 14 May 2009.	1 - 12
2 Official Communications	
To receive minutes of the following Committees and to determine thereon:-	
3 Planning Committee - 27 April 2009	13 - 22
4 Planning Committee - 18 May 2009	23 - 28
5 Planning Committee - 1 June 2009	29 - 36
6 Planning Committee - 30 June 2009	37 - 46
7 Planning Committee - 7 July 2009	47 - 64
8 Licensing Committee - 9 June 2009	65 - 68
9 Scrutiny Committee - Community - 2 June 2009	69 - 80
10 Scrutiny Committee - Economy - 11 June 2009	81 - 86
11 Scrutiny Committee - Resources - 17 June 2009	87 - 96
12 Standards Committee - 3 June 2009	97 - 98
13 Final Accounts Committee - 25 June 2009	99 - 100
14 Executive - 16 June 2009	101 - 116
15 Executive - 29 June 2009	117 - 126

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

“This Council considering the outcome of recent elections believes that:-

- (1) Future local and national elections should not be held on the same day. So as to enable more attention to be given to local matters and spread the workload for election staff;
- (2) A set date and term should be set for parliamentary elections; and
- (3) As voting systems for national and local government elections are under discussion we would make it known that the case for voting by the use of the single transferable vote should be promoted for Exeter.

That the above views be made known to Exeter’s Member of Parliament”

17 Notice of Motion by Councillor Cole under Standing Order No. 6

Further to the motion of 11 May 2004, expressing this Council’s opposition to the Government’s I.D. card scheme, this Council resolves to:

- (1) affiliate to the No2ID campaign, which already includes M.P.’s and political parties, as well as other local authorities;
- (2) make representations at every possible stage, reiterating this Council’s opposition to ID cards, voluntary or otherwise;
- (3) take no part in any pilot scheme or feasibility work in relation to the introduction of the national identity card scheme, voluntary or otherwise;
- (4) make it a policy of the Council to ensure that national identity cards, voluntary or otherwise, would not be required to access Council services or benefits unless specifically required to do so by law;
- (5) only co-operate with the national identity card scheme, voluntary or otherwise, where to do otherwise would be unlawful; and
- (6) instruct the Chief Executive to write to the Home Secretary expressing these views and asking him to reconsider his decision to continue with this scheme.

18 Notice of Motion by Councillor Newby under Standing Order No. 6

“That this Council re-examine the charges to parking on Sunday at all its car parks reverting back to free parking due to the recession. This would be a way of showing that this Council understands the seriousness of the economic struggle that we are all facing and may also encourage Sunday shopping and increase visitors to our great City”.

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

Chief Executive

NOTE: Members are asked to sign the Attendance Register



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Agenda Item 1

THE MEETING OF EXETER CITY COUNCIL

Guildhall
Tuesday 28 April 2009

The Right Worshipful the Lord Mayor (Cllr P A Smith)
The Deputy Lord Mayor (Cllr Mitchell)
Councillors D Baldwin, M A Baldwin, Branston, P J Brock, S Brock, Choules, Coates, Cole, Mrs Danks, Edwards, Fullam, Gale, A Hannaford, R M Hannaford, Mrs Henson, Hobden, Martin, D J Morrish, Mrs J Morrish, Newby, Newton, Noble, Prowse, Robson, Shepherd, Shiel, R Smith, W M Starling, Taghdissian, Thompson, Wadham and Winterbottom

11 MINUTES

The minutes of the Special and Ordinary meetings of Council held on 24 February 2009 were taken as read and signed as correct.

12 PLANNING COMMITTEE - 23 FEBRUARY 2009

The minutes of the meeting of the Planning Committee of 23 February 2009 were taken as read.

Members declared the following personal (*prejudicial) interests:

COUNCILLOR	MINUTE
Mitchell	11* (lives opposite the site), 18* (lives on Rougemont Mews)
Taghdissian	20* (lives in the vicinity of 44 Manston Road)

RESOLVED that the minutes of the meeting of the Planning Committee held on 23 February 2009 be received.

13 PLANNING COMMITTEE - 23 MARCH 2009

The minutes of the meeting of the Planning Committee of 23 March 2009 were taken as read.

Members declared the following personal interests:

COUNCILLOR	MINUTE
D Morrish	29 (lives in the vicinity of 12 Birchy Barton Hill)
Mrs Morrish	29 (lives in the vicinity of 12 Birchy Barton Hill)
Taghdissian	29 (lives in the vicinity of 44 Manston Road)

RESOLVED that the minutes of the meeting of the Planning Committee held on 23 March 2009 be received.

14

LICENSING COMMITTEE - 17 FEBRUARY 2009

The minutes of the meeting of the Licensing Committee of 17 February 2009 were taken as read.

RESOLVED that the minutes of the meeting of the Licensing Committee held on 17 February 2009 be received.

15

LICENSING COMMITTEE - 14 APRIL 2009

The minutes of the meeting of the Licensing Committee of 14 April 2009 were taken as read.

RESOLVED that the minutes of the meeting of the Licensing Committee held on 14 April 2009 be received.

16

SCRUTINY COMMITTEE - COMMUNITY - 10 MARCH 2009

The minutes of the meeting of the Scrutiny Committee – Community of 10 March 2009 were taken as read.

A member declared the following personal interest:

COUNCILLOR	MINUTE
Newton	22 (self-employed worker for agencies involved with the homeless)

RESOLVED that the minutes of the meeting of the Scrutiny Committee – Community held on 10 March 2009 be received.

17

SCRUTINY COMMITTEE - ECONOMY - 12 MARCH 2009

The minutes of the meeting of the Scrutiny Committee – Economy of 12 March 2009 were taken as read.

A Member declared the following personal interest:

COUNCILLOR	MINUTE
Coates	13 (member of Friends of Exeter Festival and appointee to Exeter Arts Council)

RESOLVED that the minutes of the meeting of the Scrutiny Committee – Economy held on 12 March 2009 be received.

18

SCRUTINY COMMITTEE - RESOURCES - 25 MARCH 2009

The minutes of the meeting of the Scrutiny Committee – Resources of 25 March 2009 were taken as read.

RESOLVED that the minutes of the meeting of the Scrutiny Committee – Resources held on 25 March 2009 be received.

19

STANDARDS COMMITTEE - 25 FEBRUARY 2009

The minutes of the meeting of the Standards Committee of 25 February 2009 were taken as read.

In relation to Minute 4 (Member Development Charter and Councillors' Learning and Development Strategy), Councillors discussed the role and purpose of the Learning and Development Strategy. In response to concerns expressed by some Councillors, the Portfolio Holder Business Transformation and Human Resources assured them that the purpose of the Strategy was not to measure Councillors' competence but to provide a Framework through which the learning and development needs of Councillors could be identified in order to provide them with the skills to undertake their role effectively. Members acknowledged the importance of learning and development opportunities in view of the complexity of Council business and particularly in relation to regulatory functions such as planning and licensing. They also considered the Strategy to be significant in attracting new candidates and supporting new Councillors.

Whilst there was some support for identifying a "champion" as a focus for developing initiatives, some Councillors expressed reservations about the usefulness of the role. Councillor Taghdissian moved that the proposal to appoint a champion be noted rather than welcomed, a vote was taken and this was agreed.

RESOLVED that, subject to the substitution of "noted" for "welcomed" in Minute 4(3), the minutes of the meeting of the Standards Committee held on 25 February 2009 be received and, where appropriate, adopted.

20

LOCAL GOVERNMENT REVIEW COMMITTEE - 19 MARCH 2009

The minutes of the meeting of the Local Government Review Committee of 19 March 2009 were taken as read.

RESOLVED that the minutes of the meeting of the Local Government Review Committee held on 19 March 2009 be received.

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LOCAL GOVERNMENT REVIEW COMMITTEE - 30 MARCH 2009

The minutes of the meeting of the Local Government Review Committee of 30 March 2009 were taken as read.

The Council re-affirmed its support for the position set out in the recommendation in respect of a two-unitary pattern of local government in Devon.

RESOLVED that the minutes of the meeting of the Local Government Review Committee held on 30 March 2009 be received and, where appropriate, adopted.

22

EXECUTIVE - 24 MARCH 2009

The minutes of the meeting of the Executive of 24 March 2009 were taken as read.

Members declared the following personal (*prejudicial) interests:

COUNCILLOR	MINUTE
Fullam	34 (employee of Sanctuary Housing Association)
P Smith	32* (Director of the Board of the Barnfield Theatre and currently Interim Vice-Chairman)

RESOLVED that the minutes of the meeting of the Executive held on 24 March 2009 be received and, where appropriate, adopted.

23

EXECUTIVE - 7 APRIL 2009

The minutes of the meeting of the Executive of 7 April 2009 were taken as read.

Members declared the following personal (*prejudicial) interests and left the room where appropriate:

COUNCILLOR	MINUTE
Cole	52* (site visible from her home)
Mitchell	47* (lives on a development subject to a Section 106 Agreement), 52 (brother lives near site)

RESOLVED that the minutes of the meeting of the Executive held on 7 April 2009 be received and, where appropriate, adopted.

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NOTICE OF MOTION BY COUNCILLOR D.J. MORRISH UNDER STANDING ORDER NO 6

In accordance with Standing Order No 6, Councillor D.J. Morrish, submitted a Notice of Motion in the following terms:

“That the City Council is aware of the effects of the present economic situation on the publication of local newspapers many of which have ceased publication or continue on a much reduced frequency. We have no reason to suppose that Exeter’s “Express and Echo” will not feel the impact of the deteriorating financial situation. If Exeter were to lose its local paper we believe this would have a devastating effect on community cohesion, job engagement, business promotion, the operation of the housing market and many other aspects of city life in all of which the City Council has a significant interest and responsibility. We are also aware that the local paper is itself an important employer providing a wide variety of opportunities for people in the City.

The City Council therefore expresses its support for the continuation of the “Express and Echo” as a local six day a week publication. It requests that the proprietors invite the City Council into discussions with them if the proprietors were to consider significant changes in publication arrangements. The City Council additionally invites the editor of the “Express and Echo” to meet with local councillors to brief them on the situation.”

Councillor D Morrish, seconded by Councillor Gale moved the Notice of Motion, identifying the importance of a daily local newspaper and the adverse impact on City life should the newspaper cease or become less frequent. He urged the Council to be proactive in supporting the newspaper. A number of Councillors spoke in favour of the Notice of Motion, acknowledging the role of the Express and Echo as an important community resource. Some concerns were expressed about the misrepresentations and inaccuracies sometimes printed by the newspaper and the corrosive effect on public confidence caused by negative reporting. Whilst wanting the paper to continue, it was noted that the newspaper was part of a large national group and that many other businesses and families faced hardship in the present financial climate.

A number of Councillors supported the principle of the motion but urged caution in how the Council intervened since it was not in a position to, nor was it appropriate for, the Council to assist the paper financially. The Council already supported the paper through the placing of public notices, advertisements and media releases.

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

25 **NOTICE OF MOTION BY COUNCILLOR M.A. BALDWIN UNDER STANDING ORDER NO. 6**

In accordance with Standing Order No 6, Councillor M.A. Baldwin, submitted a Notice of Motion in the following terms:

“In view of the congestion and disruption resulting from the introduction of one-way vehicular traffic in Paris Street, Exeter City Council calls on the Highway Authority to abandon its futile attempts to mitigate the problem by further ad hoc measures and to re-instate two-way traffic in Paris Street.”

Members declared the following personal interests:

COUNCILLOR	INTEREST
Gale	Member of Devon Highways and Traffic Orders Committee
Hobden	Member of Devon County Council and Chair of Highways and Traffic Orders Committee.
Prowse	Member of Devon Highways and Traffic Orders Committee
Shepherd	Member of Devon Highways and Traffic Orders Committee
Wadham	Member of Devon Highways and Traffic Orders Committee

Councillor M Baldwin moved the Notice of Motion, drawing attention to the detrimental impact that the vehicular system in Paris Street was having on local residents, trade and the environment. Whilst supporting public transport, she acknowledged that many people still needed to travel by car.

The Portfolio Holder Sustainable Development and Transport reported that the volume of traffic passing through the city centre reduced by a third following the introduction of the one-way system in Paris Street. The increased footfall arising from the reduction in traffic volumes was significant in relation to the success of the planned re-development of the bus station site. He understood that Exeter Business Forum and the Chamber of Commerce had stated that they did not want a two-way traffic system to be re-instated. He urged the Council to await the outcome of further improvement works to Cheeke Street which were integral to the scheme, prior to making a judgement on the effectiveness of the system as a whole.

Other Councillors considered that there was insufficient evidence of an overall reduction in traffic and felt that the one-way system had merely displaced traffic to other roads. They felt that it was unacceptable for residents and City workers to have to sit in traffic queues for long periods. The police, fire service and taxi drivers were understood by some Councillors to have expressed support for reverting to two-way traffic.

The Leader of the Council considered that there were many benefits in retaining the one-way system including the improved movement of buses which enabled them to keep to timetables and encouraged more people to use public transport. Whilst the system was understandably controversial he felt that the views of the silent majority were not necessarily reflected in calls to re-instate 2-way traffic.

A number of Councillors considered that Devon County Council lacked an overall strategic traffic plan for the city and that piecemeal changes created problems elsewhere in the City. A number of other suggestions for improved traffic flow were made including the introduction of part-time traffic lights on Paris Street roundabout.

Councillor Shepherd, a member of the Devon Highways and Traffic Orders Committee, commented that the one-way system reflected the outcome of public consultation and extensive consideration of the issues. The proposal had been supported by all parties at the Devon Highways and Traffic Orders Committee. A number of Members expressed the view that the Notice of Motion was premature and urged the Council to await the outcome of the Cheeke Street modifications before making a judgement.

Members were reminded that the City Council's Executive had considered and supported the proposal in March 2007. It was acknowledged that the scheme was beneficial for some people and not for others dependent on a range of factors. It was agreed that a strategic approach should be taken to City Centre traffic and that more ad hoc measures were not desirable.

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

(The meeting commenced at 6.00 pm and closed at 9.25 pm)

Chair

ANNUAL MEETING OF THE COUNCIL

Guildhall
Tuesday 19 May 2009

The Right Worshipful the Lord Mayor (Cllr P.A. Smith)
The Deputy Lord Mayor (Cllr Mitchell)
Councillors D. Baldwin, M.A. Baldwin, Bond, Boyle, P.J. Brock, S. Brock, Choules, Coates, Cole, Mrs Danks, Edwards, Fullam, Gale, A. Hannaford, R.M. Hannaford, Mrs Henson, Hobden, Martin, D.J. Morrish, Mrs J. Morrish, Newby, Newton, Noble, Prowse, Robson, Sheldon, Shepherd, Shiel, R. Smith, W.M. Starling, Sterry, Taghdissian, Thompson, Wadham and Winterbottom

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ELECTION OF LORD MAYOR

RESOLVED on the nomination of Councillor Mrs Henson, seconded by Councillor S. Brock, that Councillor Winterbottom be elected Lord Mayor of the City for the ensuing Municipal Year.

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

27

APPOINTMENT OF DEPUTY LORD MAYOR

RESOLVED on the nomination of Councillor Coates, seconded by Councillor Shepherd, that Councillor Mrs R. Smith be appointed Deputy Lord Mayor of the City for the ensuing Municipal Year.

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

28

VOTE OF THANKS

RESOLVED that the Council record its appreciation for the able and courteous manner in which Councillor P. A. Smith and Mrs S. Smith have discharged the duties of Lord Mayor and Lady Mayoress during the past year.

Councillor Wadham presented, on behalf of the Council, the retiring Lord Mayor's and retiring Lady Mayoress' Badges.

The retiring Lord Mayor returned thanks.

RESOLVED that the Council record its appreciation for the able and courteous manner in which Councillor Mitchell and Mr Rutland have discharged the duties of Deputy Lord Mayor and Deputy Lord Mayor's Escort during the past year.

The retiring Deputy Lord Mayor returned thanks.

29

APPOINTMENT OF LEADER OF THE COUNCIL

RESOLVED that Councillor Fullam be appointed Leader of the Council for the ensuing Municipal Year.

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APPOINTMENT OF THE EXECUTIVE AND PORTFOLIO HOLDERS

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

Councillor	Portfolio or Group
Fullam	Leader, Budget and Strategic Vision
Cole	Business Transformation and Human Resources
Newton	Housing and Social Inclusion
Mitchell	Environment and Leisure
Wadham	Sustainable Development and Transport
Brock, Mrs S.R.	Economy and Tourism
Mrs Henson	Conservative
Edwards	Labour
Mrs Morrish	Liberal

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APPOINTMENT OF MEMBERS TO SERVE ON OTHER COMMITTEES ETC. AND THE CHAIRS AND DEPUTY CHAIRS FOR THE ENSUING YEAR

Councillor Edwards nominated Councillor Choules in place of Councillor Martin on the Employee Liaison Forum and this was agreed.

Councillor Edwards moved and Councillor Sheldon seconded, Councillor Shepherd as Deputy Chair of the Planning Committee in place of Councillor D.J. Morrish. The motion was put to the vote and lost.

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

(The meeting commenced at 7.00 pm and closed at 8.23 pm)

Chair

EXETER CITY COUNCIL**EXECUTIVE,
SCRUTINY AND OTHER COMMITTEES ETC. 2009/2010****EXECUTIVE (9)**

Fullam, A.A. (Chair)	Mitchell, K.J.
Brock, Mrs S.R.	Newton, L.
Cole, N.S.	Morrish, Mrs J.
Edwards, P.W.	Wadham, P.R.
Henson, Mrs Y.A.C.	

PORTFOLIO HOLDERS

Fullam, A.A.	Leader, Budget and Strategic Vision
Cole, N.S.	Business Transformation and Human Resources
Newton, L.	Housing and Social Inclusion
Mitchell, K.J.	Environment and Leisure
Wadham, P.R.	Sustainable Development and Transport
Brock, Mrs S.R.	Economy and Tourism

SCRUTINY - RESOURCES (13)

Coates, J.H. (Chair)	Martin, I.J.
Morrish, D.J. (Deputy Chair)	Noble, B.C.
Baldwin, M.A.	Prowse, G.J.
Brock, P.J.	Shepherd, P.J.
Choules, M.	Thompson, Mrs C.
Hannaford, R.M.	Wardle, A.J.
Hobden, S.M.	

Employee Liaison Forum (5)

Cole, N.S. (Chair)	Noble, B.C.
Choules, M.	Prowse, G.J.
Morrish, D.J.	

SCRUTINY - COMMUNITY (13)

Baldwin, D. (Chair)	Newcombe, A.V.
Shiel, N. (Deputy Chair)	Smith, P.A.
Branston, R.A.	Smith, Mrs R.
Choules, M.	Taghdissian, J.
Danks, Mrs M.E.	Thompson, Mrs C.
Hannaford, R.M.	Wardle, A.J.
Hobden, S.M.	

SCRUTINY - ECONOMY (13)

Baldwin, M.A. (Chair)
Gale, C.G. (Deputy Chair)
Brock, P.J.
Coates, J.H.
Hannaford, A.J.
Martin, I.J.
Noble, B.C.

Robson, L.S.
Sheldon, G.N.
Shiel, N.
Smith, P.A.
Starling, M.W.
Wardle, A.J.

PLANNING COMMITTEE (13)

Henson, Mrs Y.A.C. (Chair)
Morrish, D.J. (Deputy Chair)
Baldwin, D.
Brock, P.J.
Choules, M.
Edwards, P.W.
Mitchell, K.J.

Newby, R.C.
Newton, L.
Prowse, G.J.
Shepherd, P.J.
Taghdissian, J.
Wadham, P.R.

Planning Member Working Group (8)

Mitchell, K.J. (Chair)
Edwards, P.W.
Morrish, D.J.
Newby, R.C.

Prowse, G.J.
Shepherd, P.J.
Wadham, P.R.
Chair of Planning Committee

Area Working Parties

Northern (6)

Brock, P.J.
Edwards, P.W.
Henson, Mrs Y.A.C.

Mitchell, K.J.
Prowse, G.J.
Taghdissian, J.

Southern (4)

Baldwin, D.
Morrish, D.J.

Newby, R.C.
Shepherd, P.J.

Western (3)

Choules, M.
Newton, L.

Wadham, P.R.

LOCAL GOVERNMENT REVIEW (10)

Edwards, P.W. (Chair)	Mitchell, K.J.
Henson, Mrs Y.A.C. (Deputy Chair)	Morrish, D.J.
Baldwin, M.A.	Noble, B.C.
Coates, J.H.	Shepherd, P.J.
Fullam, A.A.	Sterry, H.R.

GRANTS COMMITTEE (8)

Newcombe, A.V. (Chair)	Robson, L.S.
Gale, C.G.	Smith, P.A.
Hannaford, A.J.	Smith, Mrs R.
Newby, R.C.	Sheldon, G.N.
Leader (ex-officio)	

LICENSING COMMITTEE (12)

Noble, B.C. (Chair)	Gale, C.G.
Newby, R.C. (Deputy)	Shiel, N.
Branston, R.A.	Smith, Mrs R.
Brock, Mrs S.R.	Sterry, H.R.
Cole, N.S.	Taghdissian, J.
Danks, Mrs M.E.	Wadham, P.R.

Licensing Sub-Committees (3)

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

STANDARDS COMMITTEE (8 + 3 independent members)

Kirby, Professor, B. (Independent Chair)	Morrish, D.J.
Mimmack, A. (Independent Deputy Chair)	Newcombe, A.V.
Brock, Mrs S.R.	Starling, M.W.
Boyle, C.	Sterry, H.R.
Danks, Mrs M.E.	Smith, Mrs R.

Independent Member

Ms L. Smith

FINAL ACCOUNTS COMMITTEE (5)

Fullam, A.A. (Chair)	Edwards, P.W.
Baldwin, M.A.	Morrish, D.J.
Cole, N.S.	

EXETER HIGHWAYS AND TRAFFIC ORDERS COMMITTEE (13)

(4 City Councillors)

Gale, C.G.
Prowse, G.J.

Shepherd, P.J.
Wadham, P.R.

(9 County Councillors)

Details to follow

PLANNING COMMITTEE

Monday 27 April 2009

Present:-

Councillor Mrs Henson (Chair)

Councillors D J Morrish, D Baldwin, P J Brock, Choules, Edwards, Mitchell, Newby, Newton, Shepherd, Shiel, Taghdissian and Wadham

Also Present

Director Economy and Development, Head of Planning and Building Control, Senior Area Planner, Planning Solicitor, Planning Technician (ID) and Member Services Officer (SJS)

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DECLARATIONS OF INTEREST

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

COUNCILLOR	MINUTE
Councillor Choules	34 (his wife, his sister-in-law and himself were employees of the University of Exeter) 35 (his wife, his sister-in-law and himself were employees of the University of Exeter)
Councillor Prowse	34 (student landlord and met with Mr Lindley on 17 April 2009)

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UNIVERSITY PARTNERSHIPS PROGRAMME - BACKGROUND INFORMATION

The Senior Area Planning Officer presented the report which updated Members on the background to the two University Partnerships Programme (UPP) applications on the agenda. University Partnerships Programme was a leading provider of on campus managed university accommodation in the UK, with a portfolio in excess of 17,500 rooms across the country. For the projects at Birks and Duryard, UPP had taken responsibility for the design, construction, funding and operation of the development for 35 years. The University would remain freehold owners of the land at all times, with UPP having a leasehold interest for the project period only. At the end of the period the site and buildings would revert back to University ownership.

Members noted the report.

(Report circulated)

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PLANNING APPLICATION NO.09/0279/03 - UNIVERSITY OF EXETER, BIRKS HALLS, NEW NORTH ROAD, EXETER

Councillor Choules declared a personal interest as his wife, his sister-in-law and himself were employees of the University of Exeter.

The Senior Area Planning Officer presented the application for the erection of 10 student accommodation blocks and associated works at Birks Halls, New North Road, Exeter. These were to comprise of three different types of accommodation namely cluster flats, town houses with shared kitchen facilities, and studio flats.

Members were circulated with update and additional information sheets giving details of the changes to the proposals; further representations that had been received including a letter from the Duryard Trust; clarification of the impact on the trees and an additional condition regarding a site-specific Travel Plan. The changes proposed reduced the number of student bedrooms from 844 to 832. The materials to be used were brick, timber and metal cladding with elements of render.

The Senior Area Planning Officer outlined the main issues which included intensity of occupation, traffic, noise and disturbance. He stated that as a result of the on site balloon test which some Members had attended significant alterations had been made to the application and some blocks had been removed altogether.

The recommendation was for approval subject to the completion of a legal agreement to restrict occupation, to require approval of a management agreement and a contribution to a variation to traffic order covering nearby streets; an additional condition regarding a site-specific Travel Plan and conditions as per the circulated report.

Councillor Prowse, having given notice under Standing Order No.44, spoke on this item. He declared a personal interest as a student landlord and he had met with Mr Lindley on 17 April 2009. He raised the following points:-

- concerned about student numbers in the area and highway issues
- the design reminded him of a Barracks
- how would the students get from this site to the main campus?
- would bring the total number of students in the vicinity to 2329
- the balloon test was invaluable and it had resulted in block E being removed
- biggest concerns were highway issues, need for a cycle path and cycle storage
- "Cardiac Hill" was too steep to cycle up and down
- when he was in the Police he attended three fatalities at the New North Road junction; they were all students
- had been to Devon County Council and obtained a copy of a 'cycle strategy for the University'
- there was no safe route for the students to cycle across to the main campus from this site
- there had been 43 letters of objection raising issues that the university could not control their existing students; this development would cause overlooking, its mass was too bulky; drunken students would cause anti-social behaviour; there was a badger sett on the site; would cause disturbance to wildlife; there were no letters of support
- students would bring cars after the first term as there was not enough cycle storage
- there was no balloon test for block A and had received letters of objection from residents stating that they had not been consulted on changes to block A1 and A2
- the application should be deferred to allow a proper cycle route to be agreed.

The Senior Area Planning Officer confirmed that no changes had been made to block A1 and A2. He explained the relationship to a planning permission for a block of accommodation on this site which was a material consideration and that the new design of the blocks had an acceptable relationship to homes in Glenthorne Road.

The Director Economy and Development stated that condition 12 covered the position regarding a cycle route and any re-siting of the badger sett would require a licence from English Nature.

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

- was attending in place of Councillor Noble
- more than one resident should be allowed to make representations in such large applications as this, particularly as it affected two communities
- block A1 and A2 would accommodate twice as many students as the previous planning approval; residents in Glenthorne Road preferred the original application
- needed a firmer commitment for the cycle route
- this was a large and complex development and because there were unresolved issues the application should be deferred.

Mr Earle (representing the Association of Elmbridge and Dunvegan Close) spoke against the application. He raised the following points:-

- the accommodation on the site would increase the student numbers from 361 to 832
- the local infrastructure could not cope with such a large increase in students
- the increase in width of block D2 was unacceptable; blocks D1 and D2 were too high
- condition 4 should be worded strongly to ensure that defensive planting and screening minimised impact on local residents
- there would be a highway hazard with only one main exit on to New North Road
- the steepness of the existing bank made proposals for cycle paths completely unrealistic
- what plans were there to protect the wildlife?
- local residents were not intending to be obstructive to the university but they had deep concerns about this application.

In answer to a Member's question about his experience of the local environment, Mr Earle clarified that he had lived in Dunvegan Close for 21 years and it was a highly desirable environment. He supported the university but did not want the amenity of the area destroyed.

Mr Lindley (Director of Corporate Services – University of Exeter) spoke in support of the application. He raised the following points:-

- this proposal was a car free development
- residents parking permits in the vicinity would be extended to the weekends
- some blocks had been removed and changes to other blocks had been made as a result of residents' and Members' concerns
- there would be 404 cycle parking spaces
- there had been student accommodation on this site for 40 years
- £130 million was being invested in student accommodation over the next 3 years
- the University had undertaken to provide accommodation for 75% of the additional students in purpose built accommodation.

In answer to Members' questions, Mr Lindley stated that the university had a commitment to provide a cycle path to the Streatham campus; the accommodation would be used in the holidays for educational conferences but not vacation lets; and the accommodation could be used by second and third year students.

During discussion Members raised the following points:-

- the details required by the conditions regarding the cycle path (12) and site-specific Travel Plan (14) should come back to Planning Committee to be agreed
- cycle parking should be conditioned
- concern that a cycle path should be provided to the Streatham Campus and not just a feasibility study undertaken
- block A1 was too close to residents on Glenthorne Road and was much larger than the original approved application
- there was no a condition regarding the traffic order for residents parking hours to be extended to cover weekends
- the design was 'cheap and cheerful'.

The Director Economy and Development confirmed that provision for the revision to the relevant traffic order was included in the recommendation.

Whilst some Members felt that the purpose built accommodation would free up much needed houses for families and that the Council should be encouraging the university to develop its own land, other Members felt that with the anticipated increase in student numbers, second and third year students would still continue to occupy houses within the city, particularly in the wards adjacent to the university.

RESOLVED that planning permission for the erection of 10 student accommodation blocks and associated works be **approved** subject to the completion of a legal agreement to restrict occupation, to require approval of a management agreement and a contribution to a variation to a nearby traffic order; and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) Unless otherwise agreed in writing, a detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 5) Any trees, shrubs and/or hedges on or around the site (other than those identified to be removed as part of this approval) shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6) C37 - Replacement Planting
- 7) C38 - Trees - Temporary Fencing
- 8) C57 - Archaeological Recording

- 9) Construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 10) No development shall take place until a scheme to minimise the emissions of noise and dust during construction has been submitted and approved in writing by the Local Planning Authority.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 11) There shall be no amplified music, voice or tannoy system used unless routed through a suitable noise limiter that has been installed, operated and maintained in accordance with details that shall first have been approved in writing by the Local Planning Authority.
Reason: In the interests of local amenity.
- 12) Unless otherwise agreed in writing, prior to the commencement of the development, a technical feasibility study and plan for a cycle link between the site and the centre of the Streatham campus and for cycle parking on the site shall be prepared in consultation with, and submitted for written approval by the Local Planning Authority. Prior to occupation of 50 per cent of the accommodation hereby approved, a cycle link shall be provided in accordance with the details set out in the approved study.
Reason: In the interests of providing a safe and convenient cycle link between the site and the centre of the Streatham campus.
- 13) Notwithstanding Condition 2, no work shall commence on site under this permission until details of the following have been submitted to and approved in writing by the Local Planning Authority:-
a) full elevational and sectional details of the development to a scale of 1:20 and 1:5 to include details of:-
i) windows, including colour, materials, cills, headers and reveals;
ii) the eaves, verges, rainwater goods, canopies and external doors;
b) external lighting
Reason: To ensure full details are submitted in the interest of establishing high quality in the design and external appearance of the development.
- 14) No development shall take place until modifications to the proposed site-specific Travel Plan have been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Director of Environment, Economy and Culture.
Reason: In the interests of ensuring that satisfactory arrangements for pedestrians and cyclists are incorporated into the travel plan.

The decisions of the Local Planning Authority in relation to the submissions made under conditions 12 and 14 are to be made by its Planning Committee.

In the event that the section 106 agreement is not completed within 6 months of the date of this committee meeting, authority be delegated to the Head of Planning and Building Control to **refuse** permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the section 106 agreement.

(Report circulated)

**PLANNING APPLICATION NO. 09/0278/03 - UNIVERSITY OF EXETER,
DURYARD HALLS, LOWER ARGYLL ROAD, EXETER**

Councillor Choules declared a personal interest as his wife, his sister-in-law and himself were employees of the University of Exeter.

The Senior Area Planning Officer presented the report for the erection of a split level student accommodation block and associated works at Duryard Halls, Lower Argyll Road, Exeter. This was a revised design to substitute 2 blocks that already had planning approval.

Members were circulated with update and additional information sheets giving details of illustrative proposals that had been received which made alterations to the design of the scheme and details of a letter that had been received from the Duryard Trust. The revisions to the design of the scheme help to unify the proposal, not only internally, but also with the adjacent approved development. The introduction of pitched roofs and brick elevations accorded with concerns raised by Members in connection with both this proposal and the previously approved scheme.

The recommendation was for approval delegated to the Head of Planning and Building Control in consultation with the Chair of Planning Committee subject to the completion of a legal agreement to secure implementation of a previously agreed wildlife management plan, to restrict occupation and to require approval of a management agreement; the receipt and consideration of formally submitted revised plans and elevations, and subject to no new substantive issues being raised in response to reconsultation of neighbours and other interested parties; an additional condition regarding a site specific Travel Plan; and the conditions as per the circulated report.

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

- should have clearer plans showing the changes
- application should be deferred to allow for further consultation on amended plans
- nowhere in the proposal were details of how students would get to the main campus
- the Planning Committee should determine the application following reconsultations and it should not be delegated to officers.

Members were of the opinion that this application should be deferred to allow further consultation on the revised plans due to be received and that it should be brought back to a further meeting of the Planning Committee.

RESOLVED that consideration of this application be deferred to allow sufficient time for submission of and public consultation on the revised plans.

(Report circulated)

**PLANNING APPLICATION NO. 09/0184/03 - QUAY BARN, HOLMAN WAY,
TOPSHAM, EXETER**

The Head of Planning and Building Control present the application for a two storey extension with juliet balcony and ground floor extension on the north east elevation at Quay Barn, Holman Way, Topsham.

This application was being reported to committee because the Area Working Party had mixed views and the site inspection party had supported the application, although the recommendation was for refusal as officers had concerns regarding the scale and massing of the proposal and the effect it had on the amenity of the neighbours. The application would provide a third bedroom with en-suite at first floor and a kitchen/dinning room on the ground floor.

The recommendation was for refusal subject to the reasons as per the circulated report.

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

- his family moved into the property 18 months ago
- it was a poorly converted barn
- had consulted with officers on the application and the original application had been withdrawn
- the design reflected the original building
- the neighbours did not object
- had no highway impact
- would enhance the conservation area
- Members who visited the site supported the application.

The Local Ward Member felt that this application would not be detrimental to the conservation area and would tidy up the site. This was a view shared by Members of the visiting party.

The majority of Members were of the opinion that this application should be approved for the reasons that it was not detrimental to the visual amenity of the conservation area and did not have a detrimental impact on the neighbouring property. The approval would be subject to conditions regarding time limitations; materials; in accordance with the submitted plans; obscured glazing to en-suite window and no additional windows in the roof.

RESOLVED that planning permission for a two storey extension with juliet balcony and ground floor extension on the north east elevation be **approved** for the reasons above subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- (2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 4 February 2009 (dwg. nos. 567/08/10A, 567/08/07B, 567/08/08B and 567/08/09B and Design and Access Statement), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- (3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.
Reason: To ensure that the materials conform with the visual amenity requirements of the area.

- (4) The velux window in the roof on the north elevation of the extension shall be fitted with obscure glazing and permanently retained in situ unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of the adjacent property.

- (5) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no additional window or opening shall be made in the roof on the north elevation of the extension unless an application for planning permission is first submitted to and approved by the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties.

(Report circulated)

37

PLANNING DECISIONS TAKEN UNDER DELEGATED POWERS AND WITHDRAWN APPLICATIONS

The report of the Head of Planning and Building Control was submitted.

RESOLVED that the report be noted.

(Report circulated)

38

VARIATION OF SECTION 106 AGREEMENTS

The Planning Solicitor presented the report to obtain instructions on requests (one from a Housing Association, one from a developer) to vary two section 106 agreements. Members would be aware that applicants for planning permission were frequently required to enter into section 106 agreements, which typically mitigated the effects of the development or control the land uses on the site. Sometimes it was necessary to vary an agreement after it has been entered into.

The Council had received requests to vary the affordable housing provisions in two existing agreements. Where such requests were for minor changes they could be dealt with under delegated powers. The request in respect of the Royal Naval Stores Depot, was being brought to this Committee because of its complexity. The other, in respect of Crossmead, was included because although it was minor in nature, it raised a point of principle that would apply to other agreements.

The Planning Solicitor updated Members on the changes proposed to the Crossmead, Barley Lane section 106 agreement. Tor Homes Housing Association had requested be the agreement be varied to recognise the fact that Housing Association tenants could qualify for a legal right to acquire their homes. The agreement did not restrict this right and it was not something the Council could lawfully prevent but without it being recognised explicitly it might be an obstacle to Tor Homes raising finance to acquire the affordable housing.

Members discussed the proposed change for the section 106 agreement and felt that the change to the legal agreement should reflect any future possible changes to right to buy legalisation.

RESOLVED that:-

- (1) the section 106 agreement dated 3 March 2009 relating to Crossmead be varied to recognise the legal right of tenants to buy their homes, as exists from time to time; and
- (2) authority be delegated to the Head of Planning and Building Control in consultation with the Chair of the Planning Committee to vary other section 106 agreements if so requested by the developer or a registered social landlord, to recognise the legal right of tenants to buy their homes, as exists from time to time.

The Planning Solicitor updated Members on the proposed changes to the Royal Naval Stores Depot section 106 agreement. Since the agreement was completed in July 2003 the economic situation and property market had changed completely, and the Homes and Communities Agency was making more money available for Registered Social Landlords to ensure that developments go ahead. The developers had negotiated that Tor Homes would provide some of the affordable housing, at increased levels of grant, so the formula needed to be altered to allow Tor Homes to pay more to Persimmon for the affordable housing. This in turn should make the development more viable as a whole, meaning that the developer would be able to construct the affordable and market housing sooner than would otherwise be the case. The relaxation would be limited to dwellings completed and sold within five years, so as not to benefit the developers if they "mothball" part of the site.

Some local members had expressed concern that if the percentage of affordable housing became too high, or that housing became too concentrated within the site, it would defeat the Council's aim of achieving a mixed development in accordance with government policy. The Head of Housing Services view was that the restriction should apply to social rented housing, so that other tenures such as shared ownership and low-cost market housing, as well as housing for the over-55s, could be included in the overall mix. It was proposed that the upper limit of 50% in the recommendation be amended to 40%.

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

- concerned that the proposed change in the amount of affordable housing would create the equivalent of a new huge council estate
- much happier with the upper limit of 40% proposed
- wanted to see a mixed and sustainable community.

Some Members had concerns regarding an upper limit on the amount of affordable housing and also the increase in the amount of money that the housing association would be paying for the land to the developer.

Members asked that this item be deferred to allow a representative of Housing Services to attend a meeting to address Members' concerns regarding the changes proposed to the section 106 agreement for the Royal Naval Stores Depot.

RESOLVED that:-

- (3) consideration of the request to vary the section 106 agreement dated 3 July 2003 relating to the former Royal Naval Stores Depot be deferred for consideration at Planning Member Working Group to allow a representative of Housing Services to advise Members on their concerns regarding the proposed changes.

(Report circulated)

39

ENFORCEMENT PROGRESS REPORT

The Head of Planning and Building Control presented the report updating Members on enforcement matters.

RESOLVED that the report be noted.

(Report circulated)

40

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

41

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 19 May 2008 at 9.30 a.m. The Councillors attending to be agreed.

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

Chair

PLANNING COMMITTEE

Monday 18 May 2009

Present:-

Councillor Mrs Henson (Chair)
Councillors D Baldwin, Choules, Edwards, Shepherd, Shiel, Taghdissian and Wadham

Also Present

Director Economy and Development, Head of Planning and Building Control, Planning Solicitor, Senior Area Planner, Planning Technician (ID) and Member Services Officer (SJS)

42

DECLARATIONS OF INTEREST

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

COUNCILLOR	MINUTE
Councillor Choules	43 (his wife, his sister-in-law and himself were employees of the University of Exeter)
Councillor Prowse	43 (student landlord and met with Mr Lindley on 16 April 2009)

43

PLANNING APPLICATION NO. 09/0278/03 - UNIVERSITY OF EXETER, DURYARD HALLS, LOWER ARGYLL ROAD, EXETER

Councillor Choules declared a personal interest as his wife, his sister-in-law and himself were employees of the University of Exeter.

The Senior Area Planning Officer presented the report for the erection of two student accommodation blocks and associated works at Duryard Halls, Lower Argyll Road, Exeter. This was a revised design to substitute two blocks that already had planning approval. The two buildings would be brick render, metal cladding and timber and would increase the bed spaces by 78 over that already previously approved.

This application had been deferred from the Planning Committee on 27 April 2009 to allow sufficient time for submission of and public consultation on the revised plans.

The revised plans had now been received and Members had been circulated with an update sheet giving details of further representations. Members were informed that a further representation had been received stating renewable energy should be generated for on-site use. Officers stated that a condition could be added to any planning approval regarding renewable energy.

The recommendation was for approval subject to the completion of a legal agreement to secure implementation of a previously agreed Wildlife Management Plan, to restrict occupation and to require approval of a management agreement; amendment to condition 13 and additional conditions regarding a site specific Travel Plan and use of renewable energy and the conditions as per the circulated report.

Councillor Prowse, having given notice under Standing Order No.44, spoke on this item. He declared a personal interest as a student landlord and he had met with Mr Lindley on 16 April 2009. He raised the following points:-

- main concern was highway issues
- had a site meeting last Tuesday, which showed that cars were parking in the entrance to Duryard Hall making it difficult for emergency vehicles to enter the site (three photographs were viewed by Members)
- this proposal would bring the number of students in the vicinity to 2,370
- residents were concerned how students were going to get to other parts of the campus
- condition '14' regarding the travel plan should be brought back to Planning Committee for approval
- although students were discouraged from bringing cars they still would
- the University should pay towards a review of parking in the area.

In answer to Members' questions, Councillor Prowse stated that part of the road to Duryard Halls was privately owned and that the owners had to employ a clamping company at its own expense.

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

- little attention had been paid to how students would get to the main campus
- many of the routes that the students would take were owned by the Duryard Trust; there was no mention of the University working with the Duryard Trust
- did the site accommodate delivery bays?
- 58 cycle storage spaces were inadequate.

The Senior Area Planning Officer stated that there was a provision for deliveries and that the Highway Authority had no objections to the amount of cycle parking spaces proposed.

Mr Taylor (representing the Lower Duryard Residents and Duryard Trust) spoke against the application. He raised the following points:-

- the student population had increased from 450 to now over 700 as the rebuilding plan had progressed
- with other proposals at Mobberely and the Bradfords site there would be over 1,000 students to move around and no transport
- pleased with improvement for the outlook at Lower Argyll Road; disappointed with the extra storey at opposite end of Belvidere Road
- students could not be stopped bringing cars; students cars were overflowing onto unmade Trust roads
- the Trust has had to employ a professional clumper
- concerned about the amount of construction traffic
- required the previous 'no holiday letting' condition
- suggested bus-stop lay by be built at the bottom of Lower Argyll Road
- serious safety issues of students using narrow unsurfaced Trust roads.

Mr Lindley (Director of Corporate Services – University of Exeter) spoke in support of the application. He raised the following points:-

- this application would increase the student numbers by only 78 from the previous approved application
- the development would be a car free managed scheme

- would pay towards the Duryard Trust cost of professional clampers and the painting of double yellow lines
- the University was investing £270 million in the next 3 years; £130 million of which would be on student accommodation
- the investment in the University would create local jobs
- purpose built student accommodation would free up family homes to rent
- the University had undertaken to provide accommodation for 75% of the additional students in purpose built accommodation.

In answer to Members' questions, Mr Lindley stated that the university aimed to increase cycle parking spaces on the University campus and to find good cycle routes to the main campus; the accommodation could be used by second and third year students; the University would be prepared to contribute towards CCTV in New North Road; and supported the provision of yellow lines on the entrance to the Duryard site.

During discussion, Members raised concerns regarding adequate vehicles access for the emergency services and the better enforcement of parking regulations.

The Planning Solicitor confirmed that the legal agreement would ensure that the accommodation was not used for individual holiday lets, but only for people attending conferences etc. and then only subject to a travel plan being agreed covering that use.

RESOLVED that planning permission for erection of a split level student accommodation block and associated works be **approved** subject to the completion of a legal agreement to secure implementation of a previously agreed wildlife management plan, to restrict occupation and to require approval of a management agreement, and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) Unless otherwise agreed in writing, a detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 5) Any trees, shrubs and/or hedges on or around the site (other than those identified to be removed as part of this approval) shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6) C37 - Replacement Planting

- 7) C38 - Trees - Temporary Fencing
- 8) C57 - Archaeological Recording
- 9) Construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 11) No development shall take place until a scheme to minimise the emissions of noise and dust during construction has been submitted and approved in writing by the Local Planning Authority.
Reason: In the interests of the amenity of occupants of nearby buildings.
- 12) There shall be no amplified music, voice or tannoy system used unless routed through a suitable noise limiter that has been installed, operated and maintained in accordance with details that shall first have been approved in writing by the Local Planning Authority.
Reason: In the interests of local amenity.
- 13) Notwithstanding Condition 2, no work shall commence on site under this permission until details of the following have been submitted to and approved in writing by the Local Planning Authority:-
a) full elevational and sectional details of the development to a scale of 1:20 and 1:5 to include details of:-
i) windows, including colour, materials, cills, headers and reveals;
ii) the roof ridge, hip detailing, eaves, verges, rainwater goods, canopies
and external doors;
b) provision of refuse storage and cycle storage; and
c) external lighting.
Reason: To ensure full details are submitted in the interest of establishing high quality in the design and external appearance of the development.
- 14) No development shall take place until modifications to the proposed site-specific Travel Plan have been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Director of Environment, Economy and Culture.
Reason: In the interests of ensuring that satisfactory arrangements for pedestrians and cyclists are incorporated into the Travel Plan.
- 15) No development shall begin until an Energy Assessment of the proposal, and a scheme for generating a proportion of the predicted energy requirement of the development from on-site renewable sources, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall thereafter be maintained so that it provides the required level of generation.
Reason: In the interests of sustainable development.

In the event that the Section 106 agreement is not completed within six months of the date of this committee meeting, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the Section 106 agreement.

(Report circulated)

VARIATION OF SECTION 106 AGREEMENT - FORMER ROYAL NAVAL STORES DEPOT

The Planning Solicitor presented the report to obtain instructions on a request from a developer to vary a Section 106 agreement. The Council had received a request to vary the affordable housing provisions in an existing agreement relating to the former Royal Naval Stores Depot (RNSD), and terms had been discussed with the developer by the Housing Enabling Manager and the Planning Solicitor.

This item had been deferred at the meeting of the Planning Committee on 27 April 2009 for consideration at Planning Member Working Group to allow a representative of Housing Services to advise Members on their concerns regarding the proposed changes.

Members were circulated with an update sheet giving a response to queries raised by Planning Member Working Group regarding the original grant figure; the open space delivery and the relaxation of the limit on the transfer price to be three years not five years.

The Housing Enabling Manager circulated a table giving a breakdown of dwelling types comprising the 25% affordable housing including a comparison of the Tor Homes' and Persimmon's views of the house types.

The Planning Solicitor updated Members on the proposed changes to the Royal Naval Stores Depot Section 106 agreement. Since the agreement for this was completed in July 2003 the economic situation and property market had changed significantly, and the Homes and Communities Agency was making more money available for Registered Social Landlords to ensure that developments go ahead. The developers had negotiated that Tor Homes would provide some of the affordable housing, at increased levels of grant, so the formula needed to be altered to allow Tor Homes to pay more to Persimmon for the affordable housing. This in turn should make the development more viable as a whole, meaning that the developer would be able to construct the affordable and market housing sooner than would otherwise be the case.

In return the agreement would be brought into line with the Council's standard model, require the affordable housing to be a representative mix of all housing on site, and to require it to be built to the necessary level under the Code for Sustainable Homes in order to qualify for grant.

In response to concerns previously expressed by some Members, it was proposed to limit the overall amount of social rented housing on site to 40%. The view of the Head of Housing Services was that the restriction should apply to social rented housing, so that other types such as shared ownership and low-cost market housing, as well as housing for the over-55s, could be included in the overall mix.

The Housing Enabling Manager informed Members that under the original agreement the bid to the Housing Corporation had been £25,000 per unit. In relation to the current proposal, the Council had worked on setting a benchmark level of grant to reflect current market conditions and the figure of £45,000 per unit was deemed appropriate. In this case, the amount that Tor Homes proposed to pay the developer was based on grant of £47,500 per unit, which sum was acceptable to the Head of Housing Services in view of the greater than average number of larger units at RNSD.

During discussion, Members raised concerns regarding the difference between Tor Homes and Persimmon views in house types; that the developer was being paid too

high a price for the affordable housing and how much grant was given for each house type.

The Housing Enabling Manager stated that the Homes and Communities Agency's standards were higher than developers market homes standards, therefore Tor Homes' view of the house types (whereby based on a three-bedroom house was constructed as a two-bedroom house but with larger bedrooms) was appropriate and that the grant of £47,000 per unit was in officers' opinion a reasonable level.

RESOLVED that the Section 106 agreement dated 3 July 2003 relating to the former Royal Naval Stores Depot be varied:-

- (i) to relax the restriction on the transfer price for the affordable housing for a period of 3 years, and to substitute the Council's current provisions for affordable housing, including those relating to the mix of dwelling types and the standard of construction; and
- (ii) to limit the total amount of social rented housing on site to 40% on the terms described in paragraph 3.7 of the circulated report.

(Report circulated)

(The meeting commenced at 5.30 pm and closed at 7.40 pm)

Chair

Monday 1 June 2009

Present:-

Councillor Mrs Henson (Chair)
Councillors D J Morrish, D Baldwin, P J Brock, Choules, Edwards, Mitchell, Newby, Prowse, Shepherd, Taghdissian and Wadham

Also Present

Director Economy and Development, Head of Planning and Building Control, Development Manager, Planning Solicitor, Planning Technician (ID) and Member Services Officer (SJS)

45 **MINUTES**

The minutes of the meetings held on 19 January 2009, 23 February 2009 and 23 March 2009 were taken as read and signed by the Chair as correct.

46 **DECLARATIONS OF INTEREST**

Members declared the following personal interests:-

COUNCILLOR	MINUTE
Councillor Prowse	49 (student landlord) 54 (lives in the vicinity)
Councillor Shepherd	53 (lives in the vicinity)

47 **PLANNING APPLICATION NO.09/0542/21 - GRID REFERENCE 291130 091792, SOUTH EAST BOUNDARY OF CAR PARK, 135 COWICK STREET, EXETER, EX4 1HS**

The Head of Planning and Building Control presented the application for prior approval for the installation of a telecommunications monopole with 3 antennas, equipment cabinet and associated works. The monopole proposed would be 14.4 metres high and of steel grey finish. It would provide additional 3G coverage for Vodafone.

The Head of Planning and Building Control informed Members of the sites considered by Vodafone, the sites suggested by the Local Planning Authority and that the applicants had supplied an ICNIRP (International Commission on Non-ionizing Radiation) certificate.

During discussion, Members raised concerns regarding the validity of the ICNIRP certificate as it was self-certificated and asked if there were any more 3G monopoles proposed for the area.

The Head of Planning and Building Control stated that the proposed mast was the only one in the area detailed on the Roll Out Plan submitted by the telecommunication companies which had been presented to the Planning Member Working Group in January 2009.

RESOLVED that prior approval for the sitting and appearance of the telecommunications apparatus is required, and that it be granted.

(Report circulated)

**PLANNING APPLICATION NO.09/0417/03 - LAND TO REAR OF ST LOYES
HOTEL, 12-14 SALTERS ROAD, EXETER, EX2 5JH**

The Head of Planning and Building Control presented the application for planning permission for redevelopment to provide three, three bed terraced dwellings and detached building comprising of four one and two bed self-contained flats, refuse storage enclosure, parking and associated works at land to the rear of St Loyes Hotel, 12-14 Salters Road, Exeter.

The Head of Planning and Building Control outlined to Members the relationship the proposal would have with the adjacent properties with regards to height and privacy. A previous scheme on this site had been withdrawn due to officers' concerns and this application had sought to address those concerns, in particular the relationship of the height of the buildings to the adjacent properties.

The recommendation was for approval subject to a Section 106 agreement regarding an education contribution and conditions in the circulated report.

Dr Milmer (representing the residents of Cranbrook Road and Salters Road) spoke in opposition to this application. He raised the following points:-

- understood this brownfield site would be developed
- would like to see written confirmation of the heights of the flats and the number of floors
- construction would disturb bats and hedgehogs on the site
- there should not be any velux windows
- the existing Heavitree stone wall should be retained
- the distance between the proposed terrace housing and nos. 7 and 8 Cranbrook Road were too close and the terrace should not be staggered
- should be a provision of a six foot boundary fence.

In answer to a Member's question, Dr Milmer stated that if the terrace properties were in a straight line it would improve the privacy of residents in Cranbrook Road.

Mr Turner (agent) spoke in support of the application. He raised the following points:-

- had been working for three years with the Local Authority to come up with an acceptable scheme
- the first application had been withdrawn due to design elements
- the roof heights would be agreed prior to commencement by the Local Planning Authority
- would be a sustainable development
- would comply with all conditions
- the applicants wanted the best finish for the buildings.

In answer to a Member's question, Mr Turner stated that the design of the terrace housing had been looked at closely and that Exeter City Council's design guide recommended a staggered approach to terracing.

During discussion, some Members raised concerns regarding the height of the buildings, the use of velux windows and the effect of the staggered terrace on the residents of Cranbrook Road and asked if this could be modified or reduced.

The Head of Planning and Building Control informed Members that there was a small degree by which the staggered terrace could be amended and that condition five on the circulated report could be amended to include the exclusion of velux windows. The height of buildings and materials would be covered by conditions which would require details to be submitted and approved by the Local Planning Authority prior to commencement.

RESOLVED that planning permission for redevelopment to provide three terraced dwellings and detached building comprising four self-contained flats, refuse storage enclosure, parking and associated works be delegated to the Head of Planning and Building Control to be **approved** subject to the receipt of amended plans regarding the staggered terracing, the completion of a legal agreement relating to the payment of the required education contribution and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C12 - Drainage Details
- 4) C17 - Submission of Materials
- 5) C23 - Permitted Development Restriction
- 6) C35 - Landscape Scheme
- 7) C70 - Contaminated Land
- 8) H03 - Highways - Drainage
- 9) No part of the development hereby approved shall be brought into its intended use until the access and on-site parking facilities have been provided, surfaced, marked out and allocated to each residential unit in accordance with the requirements of this permission and retained for those purposes at all times unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that adequate facilities are available to cater for the traffic attracted to the site.
- 10) No part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operative's 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. Thereafter these areas shall be retained solely for the identified purpose until the completion of the development.
Reason: In the interest of public safety and to avoid obstruction of and damage to the adjoining highway.
- 11) Unless otherwise agreed in writing by the Local Planning Authority construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the residential amenities of the occupants of surrounding properties.
- 12) Prior to the commencement of the development hereby approved details of all proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed strictly in accordance with the approved details.
Reason: In the interests of the visual amenities of the area and to preserve the character and appearance of the Conservation Area.
- 13) Prior to the first occupation of any of the residential units comprised in this development the access to the site leading from St Loyes Road shall be re-surfaced in accordance with details that shall previously have been submitted to and approved in writing by, the Local Planning Authority.

Reason: To ensure that the access serving the site is improved to a suitable standard to facilitate its effective use as a means of access to serve the development in the interests of highway safety.

- 14) Prior to the commencement of the development hereby approved details of the finished floor levels, eaves and ridge heights of the proposed new houses in relation to the surrounding levels shown on drawing no DO10/08/112A, and an agreed fixed point or O.S datum, 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, and the levels shown on drawing nos. D010/08/112A, D010/08/113A and D010/08/119A.

Reason: In the interests of the visual amenity and character of the Conservation Area and the residential amenity of the occupants of surrounding properties.

- 15) Prior to the commencement of the development, a scheme identifying how the design of 20% of the properties comprised in this development, distributed evenly across the site, shall incorporate integral provision of bat/bird nesting boxes shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details and the bird/bat nesting areas permanently retained in situ unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that appropriate provision is made for nesting birds/bats within the development in the interests of enhancing the contribution of the development to the ecology of the area.

In the event that the Section 106 agreement is not completed within six months of the date of this Committee meeting, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the Section 106 agreement

(Report circulated)

49 **PLANNING APPLICATION NO.09/0404/03 - BRADFORDS YARD, COWLEY
BRIDGE ROAD, EXETER, EX4 5AD**

Councillor Prowse declared a personal interest as he is a student landlord.

The Development Manager reported that, in light of the status of the application being changed from a reserved matters to a full application; revised plans being received showing design changes and concern from a local resident regarding the period of consultation, this application be deferred to the Planning Committee on the 30 June 2009 to allow a consultation period of 21 days on the amended plans and revised status of the application.

RESOLVED that this application be deferred to allow reconsultation on the amended plans and revised status of the application.

(Report circulated)

50 **PLANNING APPLICATION NO.09/0577/18 - 12 HOKER ROAD, EXETER, EX2
5HR**

The Development Manager presented the application for a Certificate of Lawfulness of proposed development for ground floor extensions on the north east and south east elevations at 12 Hoker Road, Exeter.

RESOLVED that a certificate of lawful development be issued.

(Report circulated)

51 **PLANNING APPLICATION NO.09/0656/18 - 28 MAYFIELD ROAD, PINHOE
EXETER, EX4 8PR**

The Development Manager presented the application for a Certificate of Lawfulness of proposed development for a conservatory on the north elevation at 28 Mayfield Road, Pinhoe, Exeter.

RESOLVED that a certificate of lawful development be issued.

(Report circulated)

52 **TREE PRESERVATION ORDER NO. 598 (2 HIGHFIELD, TOPSHAM, EXETER)
2009**

The Head of Planning and Building Control presented the report for an area Tree Preservation Order (TPO) at 2 Highfield, Topsham.

Mr Alder (agent) spoke against the TPO. He raised the following points:-

- the owner of the land was in pre-application discussions with the Local Planning Authority
- the TPO would have a serious effect on the owner's freedom to manage the trees
- there was no way of appealing once a TPO was confirmed
- the trees had been managed for many years without complaint
- the owner wished to build a new dwelling for herself adjacent to the main property
- this order was not justified and should not be confirmed.

In answer to a Member's question, Mr Alder stated that some of the trees were dying.

One Member felt that this area TPO was unnecessary and would be too restrictive and that only individual trees worthy of protection should have a TPO.

The Director Economy and Development stated that an area TPO was a precautionary approach that Exeter City Council undertook where there were early indications of development proposals being formulated and that this order was consistent with the Council's policy. The order would not prevent works to trees that were dead, dying or dangerous.

RESOLVED that the order be confirmed without modification.

(Report circulated)

53 **TREE PRESERVATION ORDER NO.597 (4 BLACKALL ROAD, EXETER) 2009.**

Councillor Shepherd declared a personal interest as he lives in the vicinity.

The report of the Head of Planning and Building Control was submitted.

RESOLVED that the order be confirmed without modification.

(Report circulated)

54 **TREE PRESERVATION ORDER NO. 596 (THE EXETER ROYAL ACADEMY FOR DEAF EDUCATION, TOPSHAM ROAD EXETER) 2009**

Councillor Prowse declared a personal interest as he lives in the vicinity.

The report of the Head of Planning and Building Control was submitted. An update sheet was circulated to Members giving details of a letter received from Ashfords LLP on behalf of the owner confirming that their clients' objection to the Tree Preservation Order, dated 23 February 2009 was maintained.

RESOLVED that the order be confirmed without modification.

(Report circulated)

55 **AMENDMENTS TO THE CONSTITUTION**

The Planning Solicitor presented the report recommending amendments to the Council's Constitution, to update it in relation to the Local Development Framework. Members would be aware that the Planning and Compulsory Purchase Act 2004 provided for a system of Local Development Frameworks (LDF), to replace Local Plans. The Regulations had been amended to require Development Plan Documents to be approved by Executive except in more limited circumstances, namely when being either submitted to the Secretary of State or adopted, when they must still be approved by Council.

RESOLVED to recommend to the Executive that:

- a) the Council amend the Constitution in accordance with Appendix 1 of the circulated report; and
- b) the Head of Legal Services be authorised to amend the Constitution.

(Report circulated)

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

The report of the Head of Planning and Building Control was submitted.

RESOLVED that the report be noted.

(Report circulated)

57 **ENFORCEMENT PROGRESS REPORT**

The Head of Planning and Building Control presented the report updating Members on enforcement matters.

The Development Manager informed Members that officers had undertaken a site meeting with the owners of 1 Bickleigh Close and it was anticipated that the owners would reconsider their proposal.

RESOLVED that the report be noted.

(Report circulated)

58

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

(Report circulated)

59

SITE INSPECTIONS - ROTA FOR VISITS

The report of the Assistant Chief Executive was submitted.

RESOLVED that the circulated rota of site inspections, be approved.

(Schedule circulated)

60

AREA WORKING PARTIES - COMPOSITION AND SCHEDULE OF DATES

The report of the Assistant Chief Executive was submitted.

RESOLVED that the composition and rota of Area Working Parties, be approved.

(Schedule circulated)

61

PLANNING MEMBER WORKING GROUP - SCHEDULE OF DATES

The report of the Assistant Chief Executive was submitted.

RESOLVED that the circulated rota of dates for Planning Member Working Group meetings, be approved.

(Schedule circulated)

62

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 16 June 2009 at 9.30 a.m. The Councillors attending will be Newton, Shepherd and Mrs Henson.

63

MIRCOPHONES

Members expressed concern regarding the problems being experienced with microphones and that members of the public who attended the Committee could not hear what was being discussed.

(The meeting commenced at 5.30 pm and closed at 7.30 pm)

Chair

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PLANNING COMMITTEE

Tuesday 30 June 2009

Present:-

Councillor Mrs Henson (Chair)
Councillors D J Morrish, P J Brock, Choules, Edwards, Mitchell, Newby, Newton, Prowse, Taghdissian and Wadham

Also Present

Director Economy and Development, Head of Planning and Building Control, Head of Legal Services, Development Manager, Planning Solicitor, Planning Technician (ID) and Member Services Officer (SJS)

64

DECLARATIONS OF INTEREST

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

COUNCILLOR	MINUTE
Councillor Choules	67*(member of the University Council and his wife, sister-in-law and himself are employees of the University)
Councillor Prowse	67 (Student landlord)

65

PLANNING SOLICITOR

The Chair advised the Committee that this was the Planning Solicitor's last meeting and he was due to take up a new post shortly. The Chair and Committee thanked Ross Hussey for his valued advice and support over the past few years.

66

PLANNING APPLICATION AND CONSERVATION AREA CONSENT NOS.09/0549/03 & 09/0550/14 - 13 LYNDHURST ROAD, EXETER, EX2 4PA

The Development Manager presented the application for conservation area consent for the demolition of a dwelling and the planning application for redevelopment to provide one detached dwelling and six terraced dwellings, parking, alterations to access and associated works at 13 Lyndhurst Road, Exeter.

The proposal would be of a contemporary design, two and half storeys high and would provide two parking spaces per dwelling comprising a garage with parking space in front. Part of the development would be on the former play ground of the school at 13a Lyndhurst Road. 13a Lyndhurst Road was a listed building.

The Development Manager outlined the main issues which included layout, scale and massing, design and the impact on the neighbouring properties.

Members were circulated with an update sheet giving details of further letters of objection and support; comments from the County Director of Environment, Economy and Culture with additional recommended conditions regarding visibility splays, on-site parking and turning facilities, design, layout, levels and gradients, materials to be approved before construction begins; and no occupation until treatment of visibility splays had been approved; comments from the Council's Tree and Landscape officer with a recommendation for an additional condition regarding

the Tree Protection Document; and comments from the Head of Leisure and Museums with a recommendation for an additional condition regarding a Wildlife Plan.

The recommendation for the planning application and conservation area consent was for approval subject to conditions as per the circulated report and the update sheet.

Mr Challans (representing local residents) spoke against the applications. He raised the following points:-

- there was strong local feeling against these applications, 58 objections had been received
- the dwelling proposed to be demolished was an adequate family home
- the majority of people in the vicinity had lived in their properties for over 10 years; this was a settled community
- a soil and drainage survey had not been done
- one application had been refused and two had been withdrawn
- this was a leafy suburb which had been designated a conservation area in 1968
- the height was out of keeping with the area
- would affect the outlook and privacy of the surrounding properties and would cause overlooking
- the distance between some of the proposed dwellings and the existing properties were below the minimum 22 metres as per the guidelines in the local plan.

In answer to a Member's questions, Mr Challans clarified that the previous owners of his property (no.14 Lyndhurst Road) had been refused access on to Lyndhurst Road some 40 years previously because of highway safety issues and that his access was on to Penleonard Road. Lyndhurst Road was very busy in the early part of the morning and mid afternoon when children were going to and from school.

The Development Manager stated that the flats opposite the site were three storeys high and clarified that the distances set out in the local plan were twenty two metres between main elevations (with the majority of windows) and fourteen metres was acceptable between gable end elevations (without any main windows).

Mr Lees (Architect) spoke in support of the application. He raised the following points:-

- had been working on projects in the St Leonard's area for over 18 years
- understood the nature and character of the area and that this was a sensitive site
- had worked closely with planning officers, the conservation area officer and tree officer on this proposal
- had reduced the number of dwellings from nine to seven
- entrance would have a minimal impact on Lyndhurst Road
- the garden sizes had increased from the previous application
- the dwellings were two storey with a room in the roof space
- was a mews development to fit in with the rhythm of the adjacent large Victorian villa
- would enhance the St Leonard's area
- asked the Committee to approve the application.

In answer to a Member's question, Mr Lees clarified that he had an informal response from the Post Office that it was in order to move the post box and he would be seeking written confirmation.

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

- there was large scale opposition to this application
- St Leonard's was one of the first conservation area in the country being designated in 1968
- although no. 13 was not a listed building it was a good family house which the present tenants wished to purchase
- the developer had not consulted local residents
- the development was out of keeping with the area as it was surrounded by dwellings with generous gardens
- the proposal would have a catastrophic impact on Hensleigh Drive in particular 'Springfield House'
- Magdalen Gardens, which was sheltered accommodation occupied by the elderly and disabled, would be overlooked
- there would be a three storey house adjacent to a bungalow; which would result in the bungalow being overshadowed
- the development would cause over looking, was over bearing and would result in loss of privacy for neighbouring properties
- the Committee should refuse the application and ask for a development that complies with the conservation area appraisal
- the access had not been adequately addressed by County Highways
- there was local concern of the effect the development would have on drainage in the area
- the amenity space proposed for a four bedroom house was inadequate
- asked the Committee to refuse the application for reasons of excess massing; loss of amenity; design failing; negative impact on the historic nature of the area and highway safety.

In answer to a Member's question, Councillor Shiel stated that he was not aware of any consultation by the developer with local residents.

During discussion Members raised the following points:-

- highway safety concerns regarding the access point
- the development would be too close to adjoining properties and would cause unacceptable overlooking
- this was a special site and the three storey dwellings were too prominent
- the density was too high
- the roof terracing would cause overlooking of neighbouring properties and noise pollution
- any development on this site should be sympathetic to the unique area of St Leonard's.

The Development Manager confirmed that the roof terraces on the majority of the proposed dwellings would be facing inwards towards the courtyard area and that they would have a 1.8 metre high wall to shield them from neighbours.

Members were of the opinion that the planning application should be refused for reasons of the unacceptable massing, over development, negative impact on the neighbouring properties due to loss of privacy and overlooking and the development was out of character with the conservation area. The conservation area consent should be refused for the reason that there was no approved scheme for the site.

RESOLVED that planning permission for the redevelopment to provide one detached dwelling and six terraced dwellings, parking, alterations to access and associated works be **refused** for the following reason:-

- (1) The proposal relates to a site located within the St Leonard's Conservation Area. The proposal is contrary to Policies ST1, CO7 and CO6 of the Devon Structure Plan 2001 to 2016 and Policies C1, DG1, DG4 and H2 of the Exeter Local Plan First Review 1995 to 2011 because:
- (i) the proposal constitutes an overdevelopment of a constrained site, presenting a cramped form of development, unsympathetic with and detrimental to the character of the area.
 - (ii) the siting, number, scale and height of the building would be overbearing and dominant and therefore detrimental to visual amenities of the occupiers of adjacent properties;
 - (iii) the proposed design, by reason of its inclusion of balconies would cause a loss of privacy to neighbouring residents; and
 - (iv) the proposal would neither preserve nor enhance the character and appearance of the Conservation Area.

RESOLVED that conservation area consent for the demolition of a dwelling be **refused** for the following reason:-

- (1) The proposal is contrary to Policy CO7 of the Devon Structure Plan 2001 to 2016 and Policy C1 of the Exeter Local Plan First Review because no detailed planning permission exists for the replacement of the building proposed to be demolished. The proposed demolition would therefore neither preserve nor enhance the character and appearance of the St. Leonard's Conservation Area within which the site is located.

(Report circulated)

67

PLANNING APPLICATION NOS.09/0278/03 AND 09/0279/03 - DURYARD HALLS, LOWER ARGYLL ROAD, EXETER, EX4 4RG & BIRKS HALLS, NEW NORTH ROAD, EXETER, EX4 4PQ

Councillor Choules declared a prejudicial and personal interest as he is a member of the University Council and a personal interest as his wife, sister-in-law and himself are employees of the university. He left the meeting for the discussion.

Councillor Prowse declared a personal interest as he is a student landlord.

The Head of Planning and Building Control presented the report updating Members on the information submitted in respect of the conditions on Birks Halls, New North Road regarding the cycle routes and travel plan and Duryard Halls, Lower Argyll Road, regarding the travel plan.

The Travel Plans for Duryard and Birks had been prepared to complement the University's campus-wide Sustainable Travel Plan. This was currently undergoing revisions and it was intended that the site specific Travel Plans would be integrated into the main plan in due course. Neighbours had been informed of the receipt of the Travel Plans, and comments invited by 17 June 2009.

Duryard Halls – Travel Plan

The planning application for student accommodation at Duryard Halls in Lower Argyll Road was approved in May 2009 subject to a condition requiring approval of a Travel Plan, in the interests of ensuring that satisfactory arrangements were put in place for pedestrians and cyclists.

Members were circulated with an update sheet and a late information sheet giving details of an email from the Chair of the Lower Duryard Residents' Association and the Duryard Trust in respect of the Duryard Travel Plan and confirmation that the University would provide an additional minibus service from Duryard to the Streatham Campus.

The Head of Planning and Building Control outlined to Members the site specific measures relating to the Duryard site and updated Members on discussions between the University and representatives of the Duryard Trust and the Glenthorne Road Residents Association regarding the enhanced surfacing of Trust roads by the University, and signage to encourage pedestrian/cycle use of Clydesdale Road, Belvidere Road and Coplestone Drive in preference to Glenthorne Road. Members were advised that a revised version of the Travel Plan had been received.

The recommendation was that Members approve the Travel Plan for Duryard Hall.

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

- local residents still had concerns
- how and when would this plan be integrated into the main Travel Plan?
- there was a health and safety issue with students coming out on to a busy main road
- had previously advised that this would be a catered for site
- students would bring their cars
- food delivery vans from local supermarkets would add to highway safety issues
- the times that the University proposed to run the minibus were inadequate
- why was the travel plan only for five years?

In answer to a Member's question, Councillor Noble clarified that he had not seen the full Travel Plan.

The Director Economy and Development clarified that INTO students would spend full days on the campus and the minibus times had been scheduled to coincide with their programme for full days of lectures. The terms for a five year Travel Plan was the standard approach of the City and County Councils and it would be difficult to defend should Members request a longer period.

Mr Alcock (Exeter University) spoke in support of this item. He raised the following points:-

- this was the travel plan for the whole of the Duryard Site
- the overall travel plan for the University would be reviewed this summer
- INTO students had a different programme which involved them being on campus for full days
- thanked the Duryard Trust and the Glenthorne Road Residents Association for their input which had resulted in improvements to the plan
- the University was always looking at ways to improve its travel plan.

In answer to a Member's question, Mr Alcock clarified that the University would be willing to confirm its long term commitment to the travel plan in writing and that the University did everything to deter students from bring cars to the City. He confirmed that the University were in talks with the Duryard Trust regarding the repair of Grafton Road for use as a pedestrian access.

Members discussed the most appropriate way to notify prospective students of the excellent transport links within the City and how best to deter them from bringing

cars. They also raised concerns about highway safety with regards to food deliveries from supermarkets and raised reservations regarding the students engaging with sustainable travel events such as 'Love Your Bike Day'.

RESOLVED that the discharge of condition 14 of planning permission 09/0279/03, relating to the details of a Travel Plan at Duryard Halls, New North Road be delegated to the Head of Planning and Building Control to **approve**, subject to the receipt of written confirmation of the University's long term commitment to the Travel Plan, confirmation of how food deliveries would be dealt with and provision of the minibus service to Streatham Campus.

Birks Hall – Travel Plan

The Planning application for student accommodation at Birks Halls in New North Road had been approved in April 2009 subject to conditions requiring approval of a Travel Plan, cycle parking arrangements, and approval of details of a cycle link between the site and the centre of the University campus. Members specifically requested that these conditions were considered by the Planning Committee before being discharged.

The Head of Planning and Building Control outlined to Members the site specific details of the Birks Hall Travel Plan which included the University working with the Duryard Trust to investigate the potential to upgrade Grafton Road. The proposal provided cycle parking at slightly above the agreed ratio of one per three students for all new development. This ratio had been agreed with Devon County Council.

The recommendation for the Travel Plan for Birks Hall was for delegation to the Head of Planning and Building Control to approve subject to the receipt of written confirmation of the University's long term commitment to the Travel Plan and confirmation of how food deliveries would be dealt with.

Mr Earle spoke in opposition to the Travel Plan for Birks Hall. He raised the following points:-

- local residents had higher expectations of the Travel Plan
- the highway safety issues of the junction on to New North Road had been under estimated
- there would be an increase in the volume of traffic at the beginning and end of term when students were being dropped off and picked up, these would add to the issue of highway safety in the area
- students would bring cars to the University
- there should be an extension to the residents parking.

The Director Economy and Development clarified that there would be an extension to residents parking in the vicinity of Birks Hall.

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

- the information sent to prospective students should state that there was no parking available so they were strongly advised not to bring a car
- the junction with New North Road was very dangerous with poor visibility
- food delivery vehicles would have to turn right into Birks Grange and this was hazardous
- there was no clear path to Streatham Road

In answer to a Member's question, Councillor Noble responded that the junction to New North Road should be looked at by Devon County Council Highways to see what improvements to its safety could be made.

Mr Alcock (Exeter University) spoke in support of the Travel Plan for Duryard Halls. He welcomed questions from the Committee Members.

He clarified that students were advised not to bring cars but that the University could not prevent them from doing so.

During discussion, Members raised the following points:-

- the junction to New North Road was in the view of one Member hazardous and there had been three fatalities in the past
- questioned what was new with the Travel Plan as students had previously been issued with travel packs, maps and details of modes of transport within the City
- the need to take a stronger line to discourage students from bringing their cars to the City
- the cumulative effect all the student halls would have on the infrastructure around the University particularly in the Cowley Bridge Road area; this issue should be brought to the attention of to the County Director of Environment, Economy and Culture to ensure that there was joined up thinking regarding developments of student accommodation in the vicinity
- a letter should be sent to the County Director of Environment, Economy and Culture highlighting these concerns.

The Director Economy and Development stated that he would draft a letter on behalf of the Chair of the Planning Committee to the County Director of Environment, Economy and Culture highlighting the Committee's concerns regarding the junction of Birks Grange onto New North Road and the need for a joined up approach to all the applications for student accommodation. He stated that the University did its utmost to deter students from bringing their cars to the city, there would also be an extension in residents parking controls which would be policed by the City Council on behalf of Devon County Council.

RESOLVED that the discharge of condition 14 of planning permission 09/0279/03, relating to the details of a Travel Plan at Birks Hall, New North Road be delegated to the Head of Planning and Building Control to **approve**, subject to the receipt of written confirmation of the University's long term commitment to the travel plan and confirmation of how food deliveries would be dealt with.

Birks Hall – Cycle Route

The Head of Planning and Building Control outlined to Members the cycle route options for the Birks Hall cycle route. The applicant's consultant, the County Council's Cycle Exeter Project Officer, the local Sustrans representative and the University's Sustainability Manager preferred route 3a. The local residents however preferred route 1.

Members were circulated with an update sheet giving details of an email from the Chair of the Elmbridge Gardens and Dunvegan Close Residents in respect of Birks cycle routes; and an email from the Chair of Glenthorne Road Residents' Association in respect of Birks cycle route options.

Mr Earle spoke in opposition to the cycle route for Birks Hall. He circulated an information sheet, an aerial photograph and a plan. He raised the following points:-

- the residents' preferred route was route 1 as amended on the circulated plan
- this route was the easiest to cycle; would make use of an existing track; would have minimal impact on trees; had no security concerns; was less intrusive; and would cost less as it would make use of an existing road

- asked the Committee to defer the decision for a site visit.

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

- would welcome a site visit
- route 1 as amended by the Residents' Association would make use of an existing grasstrack
- route 3a would have a greater impact on local residents
- the Committee should take on board the local residents point of view.

RESOLVED that a decision on the cycle route be deferred to allow for a site inspection by the Planning Committee. The item would be brought back to the Planning Committee on the 7 July 2009.

(Report circulated)

68 **PLANNING APPLICATION NO.09/0615/03 - 12 FORE STREET, TOPSHAM, EXETER, EX3 0HF**

This item was deferred to the Planning Committee on 7 July 2009.

69 **PLANNING APPLICATION NO.09/0629/01 - J SAINSBURY PLC ALPHINGTON CROSS STORE, ALPHINGTON ROAD, EXETER, EX2 8NH**

This item was deferred to the Planning Committee on 7 July 2009.

70 **PLANNING APPLICATION NO.09/0404/03 - BRADFORDS YARD, COWLEY BRIDGE ROAD, EXETER, EX4 5AD**

This item was deferred to the Planning Committee on 7 July 2009.

71 **PLANNING APPLICATION NO.09/0548/03 - FORMER ROYAL NAVAL STORE DEPOT, TOPSHAM ROAD, EXETER, EX2 7AH**

This item was deferred to the Planning Committee on 7 July 2009.

72 **PLANNING APPLICATION NO.09/0280/03 - SITE H FORMER ELECTRICITY BUILDING, HAVEN ROAD, EXETER, EX2**

This item was deferred to the Planning Committee on 7 July 2009.

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

This item was deferred to the Planning Committee on 7 July 2009.

74 **ENFORCEMENT PROGRESS REPORT**

This item was deferred to the Planning Committee on 7 July 2009.

75 **APPEALS REPORT**

This item was deferred to the Planning Committee on 7 July 2009.

SITE INSPECTION PARTY

This item was deferred to the Planning Committee on 7 July 2009.

(The meeting commenced at 5.30 pm and closed at 9.00 pm)

Chair

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PLANNING COMMITTEE

Tuesday 7 July 2009

Present:-

Councillor Mrs Henson (Chair)
Councillors D J Morrish, Choules, Edwards, Mitchell, Newby, Prowse, Taghdissian and Wadham

Also Present

Director Economy and Development, Development Manager, Planning Solicitor, Senior Area Planning Officer, Planning Technician (ID) and Member Services Officer (SJS)

77

DECLARATIONS OF INTEREST

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

COUNCILLOR	MINUTE
Councillor Choules	78*(member of the University Council and his wife, sister-in-law and himself are employees of the University) 81 (member of the University Council and his wife, sister-in-law and himself are employees of the University)
Councillor Mrs Henson	85 (lives in the vicinity of Apartment 4, The Ballroom, Clyst Heath)
Councillor Prowse	78 (Student Landlord) 80 (nectar card holder) 81 (Student Landlord)
Councillor Taghdissian	86 (44 Manston Road – lives in vicinity) 86 (17 Clinton Avenue – made representations to the Planning Inspectorate)

78

PLANNING APPLICATION NO 09/0279/03 - BIRKS HALLS, NEW NORTH ROAD, EXETER, EX4 4PQ (CYCLE ROUTE ONLY)

Councillor Choules declared a prejudicial and personal interest as he is a member of the University Council and a personal interest as his wife, sister-in-law and himself are employees of the University.

Councillor Prowse declared a personal interest as he is a student landlord.

The Development Manager asked Members to defer this application to allow for further consideration of Option 1 or a revised Option 1 for the cycle route.

RESOLVED that this application be deferred to allow consideration of Option 1 or a revised Option 1.

(Report circulated)

**PLANNING APPLICATION NO.09/0615/03 - 12 FORE STREET, TOPSHAM,
EXETER, EX3 0HF**

The Development Manager presented the application for a ground floor extension on the north east elevation and roof lights on the roof of the main dwelling at 12 Fore Street, Topsham.

Members were circulated with an update sheet giving details of a site inspection on 26 June 2009 and a proposed additional condition regarding the design of the rooflights.

The recommendation was for approval subject to the conditions as per the circulated report and the update sheet.

The Local Member stated that the objectors were concerned that the proposal would cause loss of outlook.

Members who attended the site inspection felt that the proposal was an improvement on the existing lean-to.

RESOLVED that planning permission for a ground floor extension on north east elevation and roof lights on the roof of main dwelling be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 17 April 2009 (dwg. nos. 1532 1.9A, 1532 1.0A, 1532 1.1A, 1532 1.6A and 1532 1.7A and Design and Access Statement) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) Prior to the commencement of the development hereby approved full details of the proposed roof lights shall be submitted to, and be approved in writing by, the Local Planning Authority. These details should demonstrate the use of 'conservation style' roof lights and thereafter the development shall be completed fully in accordance with the approved details.
Reason: In the interests of the character and appearance of the property and the wider Topsham Conservation Area.

(Report circulated)

**PLANNING APPLICATION NO.09/0629/01 - J SAINSBURY PLC ALPHINGTON
CROSS STORE, ALPHINGTON ROAD, EXETER, EX2 8NH**

Councillor Prowse declared a personal interest as he is a nectar card holder.

The Development Manager presented the application for the extension to the existing Sainsbury's store, re-arrangement and provision of additional car parking, alterations to road layout and provision of new road link to Marsh Green Road, provision of replacement and enhanced landscaping; buildings to provide business/light industrial/retail warehousing, pedestrian and vehicular access to highway at J Sainsbury Plc, Alphington Cross Store, Alphington Road, Exeter.

A previous application to extend the store had been refused in October 2009 and this application sought to address the reasons for refusal. The application sought to extend the gross floor area of the store by 1,700 square metres (29%) and the parking spaces would be increased by 58. The realignment of the access road to Sainsbury's and the new roundabout would necessitate the removal of approximately 116 metres of the former railway embankment. To compensate for this loss a replacement landscaped section in the form of a "Devon bank" of 180 metres with tree planting was proposed. The most significant highway element of the scheme was the creation of a new link road from the Sainsbury's site to Marsh Green Road. The "Grace Road Link" had been a long established aspiration of the Exeter Local Plan.

Members were circulated an email from Councillor Paul Smith, an update sheet and a late information sheet giving details of a correction to the report and comments from the County Director of Environment, Economy and Culture which recommended an additional condition regarding plans indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction; plus additional conditions directed by the Highways Agency and an additional condition in respect of the landscaping mound to the rear of properties in Blenheim Road.

The recommendation was for approval subject to the completion of a legal agreement relating to the provision of the link road and off site highway works and conditions as per the circulated report and update sheets.

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

- the intention of the Grace Road link was established some 30 years ago; the position was completely different now
- an analysis should be done to establish if there was a need for the Grace Road link
- needed to be a review of the height of the bank for those houses in the adjacent properties with sloping gardens adjacent to the new road
- was concerned about the effect the extra traffic generated would have on the proposed new cycle route for the local school
- the former railway embankment was part of a designated Site of Local Interest for Nature Conservation
- the embankment formed a visual buffer between the commercial area to the north and residential properties to the south west
- the site was the subject of a Tree Preservation Order ensuring natural biodiversity
- concerned about the dangerous aspects of the proposed pond
- the removal of the embankment would create noise, light, dust and loose packaging pollution and decrease physical security
- the Committee should visit the site.

The Development Manager stated that the embankment on the proposed link road would be of adequate height and would include planting to prevent light pollution of the adjacent properties. He confirmed that three hundred trees would be planted and that there would be a net gain of quarter of a hectare of natural habitat. A condition could be placed on the Oak tree covered by a TPO to ensure that a method statement was produced to try and retain the tree.

Mr Lowin (agent) spoke in support of the application. He raised the following points:-

- the planning history showed that the original proposed Grace Road Link would have been closer to the existing houses
- would like to try and save the Oak tree

- was creating a habitat that would be better for wildlife
- the habitat would be managed by the Devon Wildlife Trust
- could fence the pond if Members considered it to be a potential danger although it would not be very deep.

In answer to Members, questions, Mr Lowin clarified:-

- that the extension was to encourage a small number of visitors that have not visited the store before and also to encourage existing customers to stay longer and spend more
- in response to the Travel Plan requested by the Highways Agency, Sainsbury's could not control the behaviour of persons using the store
- there would be a number of mature and semi mature trees planted on the site
- petrol would still be sold on the site but not over a 24 hours period.

The Director of Economy and Development clarified that the traffic assessment submitted by the applicant had been assessed by Devon County Council who viewed it as acceptable. The Director of Economy and Development would contact the Highways Agency with regards to the wording of their required conditions.

Members welcomed this revised application and the additional habitat provision although they did have concerns regarding the Highway Agency's requested condition regarding a Travel Plan and requested that the Oak tree should be retained if at all possible.

The Development Manager stated that a condition could be added to any approval to ensure that the Oak tree was retained if possible.

RESOLVED that planning permission for the extension to the existing Sainsbury's store, re-arrangement and provision of additional car parking, alterations to road layout and provision of new road link to Marsh Green Road, provision of replacement and enhanced landscaping; buildings to provide business/light industrial/retail warehousing, pedestrian and vehicular access to highway be **approved** subject to the completion of a legal agreement relating to the provision of the link road and off site highway works and the following conditions:-

- 1) Approval of the details of the layout, scale, appearance of the building(s), the means of access thereto and the landscaping of the employment site as defined on the attached plan (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) C06 - Time Limit - Approval of Reserved Matter
- 3) The development (excluding the employment designated area as defined within the attached plan) to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 4) C12 - Drainage Details
- 5) C15 - Compliance with Drawings

- 6) C17 - Submission of Materials
- 7) C35 - Landscape Scheme
- 8) C36 - No Trees to be Felled
- 9) C37 - Replacement Planting
- 10) C57 - Archaeological Recording
- 11) C70 - Contaminated Land
- 12) C72 - Highway - Estate Roads etc
- 13) C38 - Trees - Temporary Fencing
- 14) C59 - No Outside Storage
- 15) The premises shall not be used for the direct retail sales unless for bulky goods to include (without limitation) kitchens, beds, bedroom, bathroom/tiles, white goods/electrical goods, motor accessories, furniture, carpets, flooring, office supplies and equipment hire.
Reason: The area is not considered appropriate for open A1 Retail Use.
- 16) No development in respect of any building shall commence until full details of that building have been submitted to and approved in writing by the Local Planning Authority in respect of:-
i) external plant/ventilation equipment;
ii) all external lighting;
Reason: Insufficient information has been submitted with the planning application and in the interest of residential amenity.
- 17) No part of the development hereby approved shall be occupied or brought into its intended use until the access, parking spaces, turning area and access drainage have been marked out, provided and maintained in accordance with details that shall have been submitted to, agreed and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 18) No part of the development hereby approved shall be commenced until a method of demolition and construction statement, to include details of:
a) parking and vehicles of site personnel, operatives and visitors;
b) loading and unloading of planting and materials;
c) storage of plant and materials;
d) programme of works to include measures for traffic management;
e) vehicle washdown measures and facilities
f) provision of boundary hoarding and
g) site compound,
has been submitted to, agreed and approved in writing by the Local Planning Authority and carried out in accordance with the agreed details throughout the development works.
Reason: In the interests of public safety and to ensure that adequate on-site facilities are available throughout the development period.

- 19) Construction work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interest of residential amenity.
- 20) No development shall commence until an ecological management plan for the long term maintenance of the proposed landscaping has been received and approved in writing by the Local Planning Authority and therefore after carried out in accordance with the recommendations at all times.
Reason: To ensure the continued visual appearance of the proposed landscaping and to safeguard the amenities of residents living in the nearby dwellings.
- 21) No more than 30% of the overall sales floorspace of the store shall be used for the sale of comparison goods.
Reason: To safeguard the vitality and viability of the existing retail areas.
- 22) The proposed estate roads, footways, footpaths, junctions, cycleways, verges, 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, as appropriate, 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 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 is available for the proper consideration of the detailed proposals.
- 23) A comprehensive Travel Plan shall be submitted for the A1 foodstore element of the development hereby approved by the Local Planning Authority and the Local Highway Authority, in consultation with the Secretary of State for Transport, in advance of the occupation of the development. The Travel Plan shall be prepared in line with prevailing policy and shall include as a minimum; the identification of targets for trip reduction and modal shift; the methods to be employed to meet these targets; the mechanisms for monitoring and review; the mechanisms for reporting; the penalties to be applied in the event that targets are not met; the mechanisms for mitigation; implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter and mechanisms to secure variations to the Travel Plan following monitoring and reviews.
Reason: To encourage the use of mode of transport other than the private car.
- 24) The construction of the development hereby permitted shall not commence until there has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Secretary of State for Transport and Devon County Council, a construction management plan. The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from the site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of Public Transport amongst contractors. The development plan shall be carried out strictly in accordance with the approved construction management plan.

Reason: To minimise any detrimental impact from the development during construction on the amenities of residents living nearby.

- 25) No development shall commence until details, including a north to south section of the timber crib retaining wall alongside the western boundary has been submitted and agreed in writing by the Local Planning Authority and thereafter maintained to the satisfaction of the Local Planning Authority at all times unless agreed in writing.

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

- 26) Method statement for works in the vicinity of the Oak tree.

In the event that the Section 106 agreement is not completed within six months of the date of this committee meeting, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the section 106 agreement.

(Report circulated)

81 **PLANNING APPLICATION NO.09/0404/03 - BRADFORDS YARD, COWLEY BRIDGE ROAD, EXETER, EX4 5AD**

Councillor Choules declared a personal interest as he is a member of the University Council and his wife, sister-in-law and himself are employees of the University.

Councillor Prowse declared a personal interest as he is a student landlord.

The Senior Area Planning Officer presented the application for redevelopment to provide four student accommodation blocks, parking, access to highway and associated works at Bradfords Yard, Cowley Bridge Road, Exeter.

Outline planning permission for redevelopment of this site for student accommodation had been granted in 2006. There had been two subsequent refusals of reserved matters applications, in 2006 and 2007. Both were refused on the grounds that they would result in over-development of the site. The outline approval had expired before a further application could be made.

The current proposal took the form of four detached blocks set diagonally across the site. The blocks were designed in a contemporary style and were three and four storeys in height. The accommodation was a mix of postgraduate studio rooms and cluster flats totalling 219 bed spaces. The space between each block was laid out in formal landscaped courtyards.

The recommendation was for approval subject to a legal agreement and conditions as per the circulated report.

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

- previous applications were refused as they would cause a tunnel effect on this road leading into the City
- although the proposed buildings would be arranged diagonally, they would still create a tunnel effect
- four storey was too high for this area as most of the buildings were only two storeys high
- would increase the footfall in Cowley Bridge Road

- concern that some of the conditions requested information that should have been agreed before any planning approval, such as the energy assessment
- there was no residents' parking in the area
- did Civil Enforcement Officers patrol the outer parts of the City?
- the proposal should be two and three storeys high
- welcomed the efforts of the planning officers but this scheme could be further improved.

The Senior Area Planning Officer stated that the nearest part of the proposal to the adjacent terrace was three storeys high and the officer's view was that the relationship was acceptable.

Mr Cook spoke against the application. He raised the following points:-

- recognised that this site was ideal for student accommodation due to its location
- the Planning Inspectorate dismissed a previous application because of the proposed height: he asserted that this application was just as high
- was out of character with the area and not consistent with policy CO6 of the Devon Structure Plan
- the height and massing was not appropriate for the townscape as stated in Policy DG1 of the Local Plan
- development would be over 12.5 metres high
- this development had the potential to be a 'student ghetto'.

In answer to a Member's question, Mr Cook clarified that he lived opposite the site, on the Exwick side of the river.

Mr Coles (Architect) spoke in support of the application. He raised the following points:-

- the applicants, Opal, provided student accommodation all over the country
- this would be a safely managed building with a Warden on site
- would comprise four blocks with views through to the Valley Park
- would be of contemporary design with a flat roof
- would be a car free development and students would have to enter into a tenancy agreement precluding them from bringing a car
- there would be a lay-by at the front for food deliveries; there would be eight staff and disabled parking on site.

In answer to Members' questions, Mr Coles clarified that the siting of the buildings would allow views through and also allow views from the student accommodation, the lay-by would be used for student drop off and pick up at the beginning and end of term. This would be managed and the students would be given time slot. Rooms would be occupied by single persons, not families.

The Planning Solicitor stated that the Section 106 agreement would prevent any holiday use other than students wanting to remain in the accommodation and included a management of slots for arrivals and departures at the start and end of term times.

During discussion, Members raised the following points:-

- was the height of building such that a refusal could be upheld?
- the lay-by with only four spaces was insufficient for arrivals and departures even with a managed timetable
- the disabled parking could be used for a drop off and pick up point at the start and end of term

- although outline approval for student accommodation had been granted in 2006 and the principle established, additional student accommodation in the vicinity had been approved recently substantially increasing the student numbers in the area
- concern that there was only one pelican crossing on this part of Cowley Bridge Road
- Exeter HATOC was the most appropriate Committee to take forward highway concerns in the area; the Chair should include in her letter to the County that a report should be presented to Exeter HATOC on highway safety in the New North Road/Cowley Bridge Road area
- Civil Enforcement Officers do patrol all parts of the City.

The Senior Area Planning Officer stated that the officer's view was that the height of the buildings and the 14.5 metre gap between the student blocks was acceptable.

The Director of Economy and Development confirmed that Members' concerns regarding the management of the arrivals and departure would be raised with the applicants to see if the existing lay- by could be enlarged or an additional lay-by provided.

RESOLVED that planning permission for redevelopment to provide four student accommodation blocks, parking, access to highway and associated works be **approved** subject to the completion of a Section 106 agreement legal agreement to restrict occupation, to require approval of a management agreement, and to secure an additional contribution of £500 (in addition to the £1,500 already paid) to fund changes to traffic orders and relocation of bus stops, and to secure the provision of the cycleway/footway along the frontage together with a layby, access and visibility splays and the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) Prior to occupation of the proposed development, a cycleway/footway shall be constructed on the Cowley Bridge Road frontage in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason: To enhance pedestrian and cycling facilities to and from the development on this National Primary Traffic Route.
- 5) Prior to the occupation of the development hereby permitted, a lay-by shall be provided on the Cowley Bridge Road frontage in accordance with details that shall first have been submitted to and agreed in writing with the Local Planning Authority.
Reason: To ensure that the lay-by is safely positioned in relation to accesses and egresses to the site.
- 6) No part of the development hereby approved shall be occupied until the on-site disabled parking, secure and visitor cycle parking together with the accesses to Cowley Bridge Road have been provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.
Reason: In the interests of public safety and to ensure that adequate facilities are available for the traffic attracted to the site.

- 7) The proposed accesses to Cowley Bridge Road, including visibility splays, 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 is available for the proper consideration of the detailed access proposals.
- 8) In accordance with details that shall previously have been submitted to and approved by the Local Planning Authority in writing, provision shall be made within the site for the disposal of surface water so that none drains onto any County highway.
Reason: In the interests of public safety and to prevent damage to the highway.
- 9) No part of the development hereby approved shall be commenced until adequate areas have been made available within the site to accommodate operatives' vehicles, construction plant and materials during the construction period, all in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of public safety and to avoid obstruction of and damage to the adjoining highway.
- 10) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences (including the fence on the boundary with the adjoining railway land) shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme in consultation with Network Rail; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 11) C37 - Replacement Planting
- 12) None of the development shall be occupied until a scheme of public art has been provided in accordance with details which shall first have been agreed in writing by the Local Planning Authority prior to the commencement of development.
Reason: In the interests of improving visual amenity and interest within the public realm.
- 13) C70 - Contaminated Land
- 14) Development shall not begin until a scheme for protecting the proposed residential units from noise from rail and motor vehicle traffic has been submitted to and approved by the Local Planning Authority, and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.
Reason: In the interests of residential amenity

- 15) Notwithstanding Condition 2, no work shall commence on site under this permission until details of the following have been submitted to and approved in writing by the Local Planning Authority:-
a) full elevational and sectional details of the development to a scale of 1:20 and 1:5 to include details of:-
i) windows, including colour, materials, cills, headers and reveals;
ii) the roof ridge, hip detailing, eaves, verges, rainwater goods, canopies and external doors;
b) external lighting
Reason: To ensure full details are submitted in the interest of establishing high quality in the design and external appearance of the development.
- 16) Construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of residential amenity.
- 17) No development shall begin until an Energy Assessment of the proposal, and a scheme for generating a proportion of the predicted energy requirement of the development from on-site renewable sources, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall thereafter be maintained so that it provides the required level of generation.
Reason: In the interests of sustainable development.
- 18) No part of the development hereby approved shall be occupied until a Green Travel Plan with a view to identifying routes to all local facilities and reducing dependence on the private motor car, has been provided in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.
Reason: To control the character and to minimise the volume of traffic attracted to the site in view of the car free status of this development.
- 19) Revised plans for lay-by(s).

In the event that the Section 106 agreement is not completed within six months of the date of this Committee meeting, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the section 106 agreement.

(Report circulated)

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PLANNING APPLICATION NO.09/0548/03 - FORMER ROYAL NAVAL STORE DEPOT, TOPSHAM ROAD, EXETER, EX2 7AH

The Development Manager presented the application for fifty one dwellings to include a mix of two bed apartments, two, three, four and five bed terraced, semi-detached and detached dwellings, associated parking, roads and landscaping at the former Royal Naval Store Depot, Topsham Road, Exeter.

Members were circulated with a letter dated 25 June 2009 from the South West Design Review Panel. Following the receipt of the comments of the Panel, further negotiations had taken place with the developer seeking to address officers' original concerns with the scheme, and taking on board the Panel's deliberations on the matters raised. These negotiations had resulted in significant revisions to the

submitted layout that had moved the scheme closer to the original approval in terms of the creation of an acceptable sense of place and active street scenes. These negotiations had secured a compromise layout that addressed the developer's concerns with regard to the current housing market, but that incorporated as many of the principles of attractive place making as possible.

Members were circulated with an update sheet giving details of the how the three main areas of concern had now been addressed and that the recommendation was for approval subject to a legal agreement and conditions.

The Development Manager stated that the overall changes that had been secured through negotiations had resulted in a significant improvement to the scheme now proposed when compared to the initial submission. Whilst it was still considered regrettable that the previously approved scheme would not be implemented, it was now felt that this proposal retained many of the qualities of the original scheme in terms of the quality of townscape and sense of place it created.

Ms Barrett (representing local residents) spoke against the application. She raised the following points:-

- main concern was regarding the Section 106 provision for education and transport
- new schools were needed in the area
- the site should have provision for a park and ride bus
- the A379 link road should be completed once the 200th property was built
- concerns regarding the drainage in the area
- accepted that there would be development on the site although would like to see a greener, more sustainable development.

The Development Manager stated that the Section 106 monies did make provision for a new primary school either on site or in the vicinity and work was due to start on the section of the A379 on the Dukeminster/Pratt land next week. Provision would be made for bin storage for every property. In answer to a Member's question, he clarified that revisions would have to be made to the terraces, on the other side of the main spine road in due course.

Members had concerns regarding the revisions to the original planning application to meet the developers' marketing need, although they welcomed the amendments made as a result of the views of the South West Design Review Panel.

RESOLVED that planning permission for 51no. mix of two bed apartments, two, three, four and five bed terraced, semi-detached and detached dwellings, associated parking, roads and landscaping (amendment to part of previous consent, Ref. 07/1176/02 granted 28 January 2008) be **approved** subject to (i) the completion of an agreement to apply the provisions of the Section 106 obligation dated 3 July 2003 (as varied on 17 June 2009) to the development, and (ii) receipt of amended plans showing affordable housing proposals which are consistent with that obligation (as varied), and the following conditions:-

- 1) C05 – Commencement
- 2) C15 – Compliance with Drawings
- 3) Drawing No. 113 Rev A entitled 'Affordable Housing Distribution Plan' does not form part of this permission.
Reason - The details shown on this drawing are not considered acceptable in terms of the level of provision of affordable housing within the boundaries of the application site.

- 4) C12 – Drainage Details
- 5) C10 - Drainage
- 6) The development hereby approved shall not be commenced until details of layout, landscaping, planting and proposed delivery of the open space within the development have been submitted to and approved in writing by the Local Planning Authority. Not more than 50% of the dwellings comprised in the development shall be occupied until the open space has been completed in accordance with the approved details, and offered for adoption as public open space. The details to be approved pursuant to this condition shall include identification of the 50% of dwellings concerned.
Reason: To ensure delivery of the open space for use by occupiers of the dwellings.
- 7) C23 – Permitted Development Restriction
- 8) C57 – Archaeological Recording
- 9) C35 – Landscape Scheme
- 10) C38 – Trees – Temporary Fencing
- 11) No part of the development hereby approved shall be occupied until the means of access together with the parking facilities to serve it (either on-street or off-street) have been provided in accordance with the approved drawings. Thereafter the said access and parking facilities shall be permanently retained for those purposes at all times unless otherwise agreed in writing by the Local Planning Authority.
Reason: To secure adequate access and parking facilities for each unit of residential accommodation.
- 12) C72 – Highway – Estate Roads etc
- 13) TO8 – Trees – Bat Condition
- 14) Prior to the commencement of the development, a scheme identifying how the design of 20% of the properties comprised in this development, distributed evenly across the site, shall incorporate integral provision of bat/bird nesting boxes shall be submitted to, and be approved in writing by, the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details and the bird/bat nesting areas permanently retained in situ unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that appropriate provision is made for nesting birds/bats within the development in the interests of enhancing the contribution of the development to the ecology of the area.
- 15) All meter boxes shall be confined to the rear elevations of buildings unless otherwise specifically agreed in writing by the Local Planning Authority.
Reason: To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of protecting both the character and appearance of the building and the area within which the site is located.

- 16) No soil stacks, waste pipes (other than rainwater pipes) and central heating flues shall be fixed to the external elevations of the buildings without the prior written approval of the Local Planning Authority.
Reason: To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of protecting both the character and appearance of the building and the area within which the site is located.
- 17) Prior to the commencement of the development details of a means of preventing vehicular access onto all non-enclosed open spaces 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 and any physical barriers installed permanently retained in situ unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the visual amenity of the area.
- 18) The Transport Assessment submitted in support of this application (ITR/2188/13 dated December 2006) is not hereby approved. Therefore, before any vehicular access is gained to the development hereby permitted via the A379, a Transport Assessment shall be submitted to establish the impact of the full implementation of the development on the M5 Junction 30. Any necessary road or junction modifications shall be approved in writing by the Local Planning Authorities after securing the approval of the highway authorities.
Reason: To ensure that the impact of the development upon the highway network is fully considered and any associated highway modifications are agreed by the Local Planning Authorities.
- 19) In accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains onto any County Highway.
Reason: In the interests of public safety and to prevent damage to the highway.
- 20) C70 – Contaminated Land
- 21) No part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operative's 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. Thereafter these areas shall be retained solely for the identified purpose until the completion of the development.
Reason: In the interest of public safety and to avoid obstruction of and damage to the adjoining highway.
- 22) Unless otherwise agreed in writing by the Local Planning Authority construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of the residential amenities of the occupants of surrounding properties.
- 23) Prior to the commencement of the development hereby approved details of all proposed boundary treatments shall be submitted to and approved in

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

Reason: In the interests of the visual amenities of the area.

- 24) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of all the dwellings/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.

In the event that the section 106 agreement is not completed within 6 months of the date of this committee meeting, authority be delegated to the Head of Planning and Building Control to refuse permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the section 106 agreement.

(Report circulated)

83

PLANNING APPLICATION NO.09/0280/03 - SITE H FORMER ELECTRICITY BUILDING, HAVEN ROAD, EXETER, EX2

The Senior Area Planning Officer presented the application for the change of use from an industrial building to children's play centre with cafe, alterations to roof, doors and windows on all elevations and provision of parking at site H, the former Electricity Building, Haven Road, Exeter.

Planning permission had been granted in September 2007 for the change of use to a mixed use development including exhibition area and gallery, hotel, restaurant/bar, shop and three storey rear extension. The previous permission granted had been unable to be implemented by the former applicant and this application sought permission for change of use to children's play centre.

The recommendation was for approval subject to conditions as per the circulated report.

RESOLVED that planning permission for the change of use from electricity building to children's play centre with cafe, alterations to roof, doors and windows on all elevations and provision of parking be **approved** subject to the following conditions:-

- 1) C05 - Time Limit - Commencement
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 24 February 2009 (dwg no. 1190-06Elev 1); 10 March 2009 (dwg nos. 1190-03SF; 1190-07Elev 2 rev A & 1190-10Int Elevs) and 26 March 2009 (dwg nos. 1190-01GF rev B & 1190-02FF rev A) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) C57 - Archaeological Recording
- 5) No part of the development hereby approved shall be brought into its intended use until the frontage footway and off street parking facilities have

been provided, surfaced and marked out in accordance with the requirements of this permission and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

- 6) No amplified music, voice or tannoy system shall become operational unless routed through a suitable noise limiter that has been installed, operated and maintained to the satisfaction of the Local Planning Authority in accordance with details to submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

- 7) Notwithstanding condition no.2, no work shall commence on this site under this permission until full details have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:

(a) a method of works for the restoration of the existing windows;

(b) new windows on the north-west elevation;

(c) window screens to the front elevation;

(d) external doors;

(e) rainwater goods;

(f) lighting;

(g) refuse storage;

(h) acoustic survey;

(i) loading and unloading and storage of plant and material during construction;

(j) parking and vehicles of site personnel, operatives and visitors during construction;

(k) mechanical extract ventilation scheme.

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

- 8) Construction work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of residential amenity.

- 9) The site shall not be used for any purpose other than as a children's indoor play area falling within use class D2, and not for any other use (including any use within Use Class D2 as defined by the Town and Country Planning Use Classes Order 1987 or any Order revoking and re-enacting that Order) without the formal written consent of the Local Planning Authority.

Reason: Any use other than that hereby approved would need to be assessed on its own individual merits in terms of amenity/highway impact.

- 10) The use hereby approved shall not be carried on other than between the hours of 09.00 and 21.00.

Reason: So as not to detract from the amenities of the near-by residential property.

(Report circulated)

The report of the Head of Planning and Building Control was submitted.

RESOLVED that the report be noted.

(Report circulated)

85

ENFORCEMENT PROGRESS REPORT

Councillor Mrs Henson declared a personal interest as she lives in the vicinity of Apartment 4, The Ballroom, Clyst Heath.

The Development Manager presented the report updating Members on enforcement matters.

RESOLVED that the report be noted.

(Report circulated)

86

APPEALS REPORT

Councillor Taghdissian declared a personal interest in respect of 44 Manston Road as he lives in the vicinity and a personal interest in respect of 17 Clinton Avenue as he made representations to the Planning Inspectorate.

The schedule of appeal decisions and appeals lodged was submitted. It was noted that all nine of the decided appeals had been dismissed.

RESOLVED that the report be noted.

(Report circulated)

87

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 14 July 2009 at 9.30 a.m. The Councillors attending will be P.J. Brock, Taghdissian and Wadham.

(The meeting commenced at 6.00 pm and closed at 9.00 pm)

Chair

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LICENSING COMMITTEE

9 June 2009

Present:

Councillor Ben Noble (Chair)

Councillors Newby, Branston, S Brock, Mrs Danks, Shiel, Mrs R Smith, Sterry and Wadham

Principal Licensing Officer, Licensing Solicitor and Member Services Officer (HB)

14 **Minutes**

The minutes of the meetings held on 17 February and 14 April 2009 were taken as read and signed by the Chair as correct records.

15 **Declarations of Interest**

No declarations of interest were made by Members.

16 **Roof signs on private hire vehicles**

The Principal Licensing Officer presented the report setting out a request from the Exeter Hackney Carriage Association to remove roof signs from Private Hire Vehicles. The request was based on the Best Practice guidance document issued by the Department for Transport.

Letters opposing the application had been received from the Parent Carers' Voice, an organisation providing travelling assistance to children with additional needs, a client of Exeter Women's Aid and Mr Cocker, a local resident inviting the Committee to reject the application for signs to be removed. The Chair invited the representative of the Hackney Carriage Association to present his case.

Mr Spiller advised that, as Chair of the Hackney Carriage Association, he had been asked by Hackney Carriage drivers to put their views to the Committee. He recognised that the company concerned wished to promote its business through the use of signs on the car roofs but stated that his members believed that the signs were misleading as some members of the public could mistake the cars for hackney carriages. This was, in the view of his members, of particular concern regarding young people leaving the City Centre late at night who might mistakenly use non-licensed vehicles. With reference to the letter from the National Taxi Association, he stated that although it was recognised that some local authorities had permitted signage this was not supported in best practice. In response to a Member, he advised that he had received anecdotal evidence of "flipping" occurring, that is, private hire vehicles stopping to pick up members of the public who had not pre-booked the vehicle. The Principal Licensing Officer reported that the Licensing Section had not received any complaints either from Hackney Carriage proprietors or the general public in this respect.

Mr Cassidy, the owner of Club Cars, stated that he possessed eight cars with roof signs, having been granted permission by this Committee in 2004, with conditions that the signs refer clearly to advance bookings on the front with the name of the

company set out on the rear. He had brought with him an example of the signs used on all cars.

He stated that his company undertook contract work for Exeter Women's Aid and Devon County Council Social Services. In respect of the former, women were often collected from St. David's Station having arrived in Exeter seeking refuge and it was important for them to be reassured that they would be safe in the vehicle collecting them. Similarly, the contract with Social Services was for the transportation of vulnerable children and collection by a reputable firm in vehicles that the children could easily recognise offered reassurance to both the children and parents. Mr Cassidy explained that, as far as possible, the same drivers were used to collect the children to further remove any potential anxiety for the children. He stated that no complaints had been received in respect of Club Cars regarding "flipping" and this was confirmed by the Principal Licensing Officer. In response to a Member, he confirmed that on completion of a job, the sign was switched off as it only operated when the meter was being used during a fare with the Private Hire vehicle returning to the Club Cars office located in the Paris Street bus station.

Nicki Ruane, a development worker for Parent Carers Voice, advised that she had been requested to speak at the meeting by one of the clients, a parent whose child had additional needs. Children can easily identify Club Cars by means of the signs on the roof and were therefore not as anxious as might otherwise be the case when waiting to be collected. The parents were therefore also reassured that their child would be safely collected. Although the drivers themselves might change, the children and parents were reassured by the existence of consistent signage.

Mr Crocker spoke with reference to his letter seeking rejection of the application.

The Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer only.

RESOLVED that:

- (1) no change be made to the existing policy; and
- (2) the Principal Licensing Officer write to the Department for Transport expressing this Committee's views that the use of signage on private hire vehicles was beneficial and that the advantages should be set out in the best practice guidance.

(Report circulated)

TOWN POLICE CLAUSES ACT 1847/LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT) 1976

17 **Taxi practices and procedures**

The Principal Licensing Officer presented the report setting out in one document taxi and private hire practices, policies and procedures agreed over the years. The document (the Book) had been the subject of consultation in the past and was not therefore the subject of further consultation. It was recognised that changes to the document were bound to arise as legislation and practices changed. Proposals and or changes that may become statutory or, for example, when approved Codes of Practice are amended, those changes and the requirements proposed in the future would be the subject of consultation at that time if the need were to arise.

RESOLVED that:

- (1) the document be accepted;
- (2) any major amendments required to the document to be subject of a prior report to this Committee for agreement; and
- (3) the Head of Environment Health Services be authorised to make minor changes to the document under the Scheme of Delegations, any such changes to be reported to this Committee.

(Report circulated)

(The meeting commenced at 2.30 pm and closed at 3.20 pm)

Chair

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SCRUTINY COMMITTEE - COMMUNITY

2 June 2009

Present:

Councillor Dilys Baldwin (Chair)

Councillors Shiel, Branston, Choules, Mrs Danks, P A Smith, R Smith, Taghdissian, Thompson and Wardle

Director Community and Environment, Assistant Chief Executive, Head of Leisure and Museums, Head of Housing Services, Head of Environmental Health Services, Community Safety Partnership Co-ordinator and Member Services Officer (HB)

Also present

Councillor Newton - Portfolio Holder Housing and Social Inclusion

Councillor Mitchell - Portfolio Holder Environment and Leisure

31 **Minutes**

The minutes of the meeting held on 10 March 2009 were taken as read and signed by the Chair as correct.

32 **Declaration of Interests**

Members made no declarations of interest.

33 **Portfolio Holders to present their priorities for the forthcoming year**

Councillor Newton presented the following priorities within the Housing and Social Inclusion Portfolio for the forthcoming year:-

A City of Strong Communities

- Organise re-elections for the Tenant and Leaseholder Committee (TALC) and carry out training of new committee members so that they can contribute effectively.
- Continue to act on recommendations of Resident Auditor Team.
- Support the My Neighbourhood pilot areas to be trailblazers in the City as a model of good practice for Council partnership working with communities.
- Develop a model for the Council to use to roll out its neighbourhood engagement work.
- Work in partnership with Exeter Council for Voluntary Services on the 'Take Part - Active Learning for Active Citizenship' project which will include events and training on how your city works.

A City Where Everyone Has a Home

- Provide at least 80 new units of affordable housing.
- Investigate the opportunity to bid for some of the current funding being made available for Councils to build homes.
- Undertake a comprehensive review of the responsive repairs service for council housing, establish a procurement strategy and retender the work.

- Continue the Older Persons' service review in partnership with Devon County Council's Supporting People team.
- Implement the Devon Homechoice Scheme.
- Implement service charges for tenants living in flats.
- Deliver the Private Sector Renewal Strategy, in particular the development of the new loans scheme.
- Keep working to achieve the adoption of an effective housing and support protocol for young people by all the Devon district councils and Devon County Council.

A Safe City

- Review the antisocial behaviour and neighbourhood management policies in housing to deliver improved services.

A City where the Environment is cared for

- Promote the Code for Sustainable Development to ensure that new social housing is as environmentally friendly as possible.

A Prosperous City

- Use all available tools to help owner occupiers retain their homes including participation in the national mortgage rescue scheme and advice and support.
- Develop the Enhanced Housing Options Scheme to help people access homes where there are jobs.

The following responses were given to Members' questions:-

- Advertising lettings in the local press was no longer cost effective given the high cost of advertising and the small number of people who find properties in this way and a system of personalised newsletters would be introduced for those wishing to be notified by post. Devon Home Choice would be funded by landlords on the basis of the number of properties advertised per year. The cost was approximately £48 per property advertised.
- Of 1,450 applicants who were considered to have the potential to become homeless in the last 12 months, 530 had been prevented from becoming homeless for a period of at least six months. In the same period, 21 had been referred to mortgage advisors. The number of repossessions listed in the County Court covered the area beyond Exeter as well as the City.
- The title of the Portfolio Holder would be kept under review.
- The My Neighbourhood initiative was to be extended and a report on the way forward would be submitted to the next meeting of this Committee in September.
- It was hoped that the target of providing at least 80 new units of affordable housing would be exceeded if the bid for monies available for the Council to build new homes was successful. Negotiations with developers to amend Section 106 Agreements to provide more social housing were proving successful.
- Joint working with the Children's Trust and other agencies was helpful in avoiding duplication in the area of social services work. Developing a co-ordinated approach was also a priority area for the Children's Trust.
- Exeter CVS was the lead partner in the "Take Part - Active Learning for Active Citizenship" project which had the full support of the City Council because of the crossover of work in a number of areas.

- The identification of a site for the provision of extra care accommodation for the elderly in Whipton would be re-activated following completion of the older person's service review in partnership with the County Council.

Councillor Mitchell presented the following priorities within the Environment and Leisure Portfolio for the forthcoming year:-

Healthy and Active City

- Develop the exit/continuation strategy for the Free Play City project. Funding ends August 2010. Continue to deliver the play strategy and hold a further 200 play ranger sessions.
- Develop play in targeted areas including Kings Heath, Pinhoe, Wonford and Summerway. Support the use of the playbuilder grant.
- Deliver a youth sports programme in target sports and achieve target number of sessions and attendance.
- Work with Exeter Schools Sports Partnership to deliver Sports Unlimited and Skilled for Health Programmes. Deliver target number of sessions and activities.
- Continue to explore options for future swimming provision in the City.

Cultural and Fun Place to Be

- Continue to make progress with the scheme to improve and extend RAMM, closely monitoring the budget.
- Plan and agree arrangements for the opening of the new RAMM including exhibitions.
- Let the new Leisure Management Contract.
- Engage fully with the new Renaissance management regimes to optimise benefit for Exeter and Devon.

A City of Strong Communities

- Develop a programme of targeted advice to help higher risk BME food businesses comply with regulations.

Excellence in Public Services

- Set up the new Harbour Authority or re-activate municipal port activity as cost neutral and effective, subject to the inspector's report.
- Use benchmarking and unit cost information to critically review the parks and open space service and to deliver efficiencies.
- Explore the remodelling of waste collection rounds from a five day to four day working week.

A City Where the Environment is Cared For

- Manage the exit strategy for the Wild City Project to leave plans in place for the continuation of constituent projects where possible.
- Review the action plans of both the Local Authority Carbon Management Programme and the Climate Change Strategy in the light of budget and staffing reductions.
- Improve the recycling rate beyond 37% and continue to reduce waste collected.
- Develop a pilot initiative with the University to target student household rubbish problems in student areas.

- Implement the Tree and Woodland Strategy and in particular the tree warden network to ensure partners protect and enhance the City's treescape in a sustainable way making allowance for the effects of global warming.

A Safe City

- Reduce the incidence of discarded needles in public conveniences by 20%.
- Review the role and deployment of the Community Patrol to ensure service improvements.
- Ensure that the Committee is fully involved in the Community Safety agenda.

A Prosperous City

- Review the impact of regulatory functions on businesses and ensure that the benefits of regulation justify costs and are risk based.

The following responses were given to Members' questions:-

- The importance of co-ordinating all relevant services to ensure that sufficient personnel are involved in developing play opportunities was recognised.
- Mechanisms were in place to address problems of vandalism in play areas and fly tipping.
- The cost of the RAMM re-development were being closely monitored.
- The re-modelling of the waste collection round from a five day to a four day working week would reduce costs by eliminating the Monday collection and remove overtime payments for Saturday collections necessitated by the need to catch up during those weeks with a bank holiday.
- The provision of play equipment at Belmont Park, which had been deferred following the recent freeze on capital projects, had not yet been restored to the programme but was high on the priority list once funding was available.
- The Swimming Pool Working Group was examining all options for the future provision of swimming facilities in the City including the siting and nature of a facility which encompassed additional leisure facilities as well as the examination of funding mechanisms. It was not possible to predict what future maintenance work would be necessary during the remaining useful life of the Pyramids.
- Existing arrangements with the University for waste collection from student households would be enhanced by:
 - Use of extra scavenging teams to remove bags from pavements;
 - Stickers distributed to help identify properties requiring extra collections;
 - Bulky collections of white goods to be increased; and
 - Street wardens to door step student properties.

Scrutiny Committee - Community noted the priorities presented.

34 Trews Weir Allotments

The Chair agreed to take this matter as urgent business in order for Members to be advised of the latest position in respect of Trews Weir Allotments prior to advertisements being shortly placed relating to future tenure of the site.

The Director Community and Environment declared a personal interest as a Trews Weir allotment holder.

The Head of Contracts and Direct Services reported that part of Trews Weir Allotments was privately owned but had been leased to the Council. The owner had put the land on the market. Although the Council had been willing to meet the price acceptable to the owner, which had been slightly above that of an independent valuation, the owner had subsequently accepted an offer some £10,000 greater.

Meetings had been held with the new owner who wished to continue to run the site as private allotments but on different terms and conditions including potentially increased rents. Notices to quit had been served on the allotment tenants as the Council's lease ended in September 2009 and the new owners wished to advertise the site to enable those members of the public wishing to become tenants to record their interest.

The Head of Contracts and Direct Services stated that the Council wished to work with the new owners to maintain allotments in this area. For those tenants who did not wish to accept the new terms and conditions, efforts would be made to identify alternative allotments in the vicinity. This would include short term arrangements with other tenants who may wish to share their allotments temporarily with those displaced.

In response to a Member, he advised that there were no covenants in place in respect of this area, but that planning policy prevented use of the site other than for allotments, pasture or fishing rights.

Scrutiny Committee - Community noted the position.

MATTERS FOR CONSIDERATION BY THE EXECUTIVE

35 Food Law Enforcement Plan 2009/10

The Head of Environmental Health Services presented the report seeking approval for the adoption of the Food Law Enforcement Plan 2009/10, which set out the Council's regulatory function in respect of food safety over the forthcoming year. It also set out the Council's performance against the previous year's Food Law Enforcement Plan.

In response to a Member enquiring about "Scores on the Doors", he advised that it was not mandatory for an establishment to display its score on the premises. Such schemes were increasing in popularity across the country and the Food Standards Agency was seeking to develop a national model scheme. He confirmed that officers would be placing greater focus on non-compliant businesses in order to assist them to comply, which included special assistance to BME owners of food businesses whose first language was not English.

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

- (1) approve the Food Law Enforcement Plan 2009/10; and
- (2) authorise the Head of Environmental Health Services to change the Enforcement Plan, as necessary, in response to centrally issued guidance and/or to meet operational needs.

(Report circulated)

36 **Health and Safety Service Plan 2009/10**

The Head of Environmental Health Services presented the report seeking approval of the Health and Safety Service Plan for 2009/10 which set out the Council's functions for regulating health and safety in businesses for the forthcoming year.

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

- (1) approve the Health and Safety Plan 2009/10; and
- (2) authorise the Head of Environmental Health Services to make changes to the Service Plan, as necessary, in response to centrally issued guidance and/or to meet operational needs

(Report circulated)

37 **Policy for the Ethical Care of Human Remains at RAMM**

The Head of Leisure and Museums presented the report proposing a policy for the ethical care of human remains in the museum collection in the form of an annexe to the Acquisitions and Disposals Policy 2005-2010.

In response to a question, he said that he was not aware of any imminent requests for further repatriation of objects.

Scrutiny Committee - Community supported the report and requested Executive to adopt the Policy for the Ethical Care of Human Remains as set out in the report as an annexe to the overall Acquisition and Disposal Policy.

(Report circulated)

38 **Replacement of filters at the Pyramids Swimming Pool**

The Head of Leisure and Museums presented the report seeking approval for the replacement of filters at Pyramids, which had reached the end of their useful life. He explained that had the option for building a new pool at Clifton Hill been pursued maintenance expenditure on the Pyramids would still have occurred.

A Member stated that it was inappropriate to utilise the budget originally earmarked for the design of a new pool on maintenance requirements for the Pyramids and expressed his fear that additional, as yet unidentified, expenditure would be necessary in respect of further repairs and maintenance.

The Head of Leisure and Museums reported that in the event of the filters failing the contractor would be entitled to compensation for losses incurred during the pool closure. The principal risk was a failure of the filters occurring before the installation of new vessels and it was anticipated that failure before the end of 2009 was likely. There was also a risk that once replacement started, the contractors could find other elements of the plant which needed replacing, leading to extra costs and additional closure time. The risk of this, following the survey, was assessed as low. Because of the size of the plant room it would be possible to construct the new filters on site and installation would entail pool closure for only approximately two days, subject to no additional works being required. He explained that under the terms of the contract with DC Leisure, the Council was responsible for the plant and building with the contractor responsible for general fittings and operation.

In response to questions from a Member, the Chair of the Swimming Pool Working Group advised that the working group had yet to form a view about the location of any pool and had no firm conclusions in respect of alternative sites, but that he personally was of the view that Clifton Hill was not the most suitable site noting that, amongst other issues, it was likely that it would be unable to meet demand for other leisure facilities following the closure of Pyramids. He was also of the view that because of the likely development to the north east of the City, traffic congestion in the City Centre and the need for a top class sporting facility, the Clifton Hill site was not a suitable location. He stated that, in respect of any alternative potential venue for a new facility, the Group had not addressed the issue of a feasibility study and how it would be funded. A Member expressed surprise that the Group had not considered utilising the AIM budget, the Chair of the Group responded that the members of the Group had flagged up the need for replacing the filters but that it was not within its role to deal with any issues relating to the maintenance of the Pyramids. The Head of Contracts and Direct Services explained the operation of the AIM budget.

Councillor Branston moved and Councillor Choules seconded the following amendment to the recommendation, that:-

- (a) the decision not to pursue Clifton Hill as the favoured site for a new swimming pool be rescinded; and
- (b) the Director Community and Environment be instructed to bid for funding from the AIM budget to finance the replacement of the filters at the Pyramids.

The motion was put to the vote and lost.

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

- (1) agree to the replacement of the filters and associated pipework at the Pyramids as soon as practicable;
- (2) support the funding of the work from the budget remaining from the new pool project; and
- (3) support the proposal not to install equipment to disinfect water using ultraviolet light.

(Report circulated)

39 **Empty Homes Strategy 2009 - 2014**

The Head of Housing Services presented the report informing Members of the consultation results for the draft Empty Homes Strategy 2009-2014 and recommending that the amended version be approved.

He explained the process involved in respect of an Empty Dwellings Management Order comparing it with a Compulsory Purchase Order. Although its inclusion in the strategy was not compulsory he strongly urged the Committee to support its inclusion and provided an example where this procedure would give the Council the power to improve a neighbourhood within the City.

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

- (1) approve the actions and revisions to the Empty Homes Strategy as set out in the report;
- (2) approve the revised action plan;
- (3) ensure that this Committee receives an annual progress report against the Action Plan; and
- (4) ensure that, in accordance with the Local Government and Public Involvement in Health Act 2007, the Empty Homes Strategy and Action Plan be placed on the website and further comments invited from the community.

(Report circulated)

40 **Fire Safety Policy for Housing Properties**

The Head of Housing Services presented the report seeking approval for a new policy regarding the management of fire safety in the Council's housing stock. The policy mainly applied to the common areas of flats where the greatest risk of fire existed and the co-operation of residents was central to its success. He explained the legal position where leaseholders preferred to install their own doors, the negotiation process involved in encouraging residents not to leave materials etc. in communal areas and the way in which the legislation was interpreted in conjunction with the Fire Officer. He advised that inspections had been made of all communal areas in the ownership of the Council and that it was a greater challenge for the Council than for Housing Associations to maintain standards because of the higher number of flats in its ownership.

Scrutiny Committee - Community supported the report and requested Executive to approve the Fire Safety Policy for the Council's Housing stock.

(Report circulated)

41 **Crime and Disorder (Overview and Scrutiny) Regulations 2009**

The Assistant Chief Executive presented the report advising Members of the new Regulations under the Police and Justice Act 2006 establishing an overview and scrutiny of the work of Crime and Disorder Reduction Partnerships (CDRPs), Exeter's CDRP being called the Exeter Community Safety Partnership.

Scrutiny Committee - Community:-

- (1) supported the report and agreed its enhanced role to encompass scrutiny of the Exeter Community Safety Partnership; and
- (2) requested Executive to recommend to Council an addition to the terms of reference of the Scrutiny Committee - Community, enabling the Committee to discharge the functions of a Crime and Disorder Committee to oversee and scrutinise the work of the Exeter Community Safety Partnership.

(Report circulated)

MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - COMMUNITY

42 Review of Leisure and Museums Strategy

The Head of Leisure and Museums presented the report reviewing progress towards the key outcomes in the strategy.

Scrutiny Committee - Community noted the report.

(Report circulated)

PERFORMANCE MONITORING

43 Revenue Final Accounts - Community 2008/09

The Director Community and Environment advised Members of the overall financial performance of the Community and Environment Directorate for the 2008/09 financial year ended 31 March 2009.

The Scrutiny Committee - Community noted the report.

(Report circulated)

44 Housing Revenue Account - Final Accounts 2008/09

The Director Community and Environment advised Members of the overall financial performance of the Housing Revenue Account for the 2008/09 financial year ended 31 March 2009.

The Scrutiny Committee - Community noted the report.

(Report circulated)

45 HRA Capital and Revenue and AIM Property Maintenance out-turn report 2008/09

The Head of Contracts and Direct Services submitted a report detailing the fourth quarterly/outturn report, covering the period from January to March 2009 (but including updated figures at 29 April 2009). It included the financial position of the £7 million programme of reactive and planned property maintenance and refurbishment at the end of 2008/09 and covered revenue funded housing and non-housing schemes as approved by Council for the financial year 2008/09 and budgets for schemes rolled forward from 2007/08. Where necessary, the report also provided specific details on significant programme variations.

A Member suggested separating out the housing element of the budgets from within the AIM data.

The Scrutiny Committee - Community noted the outturn financial position and works in 2008/09 as detailed in the report.

(Report circulated)

46 **AIM Property Maintenance Proposed Programme 2009/10**

The Head of Contracts and Direct Services presented the report detailing the proposed programme of property asset related project work in relation to the budgets set in 2009/10 in respect of reactive and planned maintenance, improvement and refurbishment to housing and non-housing properties and other projects to be monitored by the Asset Improvement and Maintenance (AIM) group in 2009/10.

The Scrutiny Committee - Community noted the programme of property asset related work for 2009/10, as detailed in the report.

(Report circulated)

47 **Annual Results of Performance Monitoring 2008/09**

The Director Community and Environment presented the report advising Members of performance at the end of the year on a range of services across the Directorate.

The Scrutiny Committee - Community noted the report.

(Report circulated)

48 **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 1 of Part I, Schedule 12A of the Act.

MATTER FOR CONSIDERATION BY THE EXECUTIVE

49 **Re-tendering of the Housing Contracts - Procurement Strategy**

The Head of Housing Services presented the joint report informing Members of the proposed procurement strategy for the re-tendering of the housing responsive maintenance contracts.

Scrutiny Committee - Community welcomed the report and requested Executive to:-

- (1) select the preferred contract packaging option as set out in the report;
- (2) agree that, provided that value for money can be clearly evidenced, the management and administration of the electrical testing and re-wire programme be awarded to the in-house team (BEST) from 1 October 2010; and

- (3) authorise the Head of Housing Services and the Head of Contracts and Direct Services, subject to prior consultation with the Portfolio Holder for Housing and Social Inclusion and the Leader of the Council, to make the final decision on contract packaging following contractor interviews.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 8.55 pm)

Chair

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SCRUTINY COMMITTEE - ECONOMY

11 June 2009

Present:

Councillor Margaret Baldwin (Chair)

Councillors Gale, P J Brock, Coates, Martin, Robson, Sheldon, Shiel, P A Smith, Starling and Wardle

Director Economy and Development, Head of Economy and Tourism, Member Services Officer (SLS) and City Centre Manager

Also present:

Councillor Peter Wadham - Portfolio Holder for Sustainable Development and Transport

Councillor Stella Brock - Portfolio Holder for Economy and Tourism

17 **Minutes**

The minutes of the meeting held on 12 March 2009 were taken as read and signed by the Chair as correct.

18 **Declarations of Interest**

The following personal interest was declared:-

COUNCILLOR	MINUTE
Councillor Coates	25 (Member of Friends of Exeter Cathedral)

19 **QUESTION FROM A MEMBER OF THE COUNCIL UNDER STANDING ORDER 20**

In accordance with Standing Order 20, a question from a Member was submitted on whether an annual return for the first year of operation of civil parking in the city was available, to which the Portfolio Holder for Sustainable Development and Transport replied. A copy of the question was made available at the meeting.

The question and the reply from the portfolio holder (in italics) was appended to the minutes.

20 **PORTFOLIO HOLDERS TO PRESENT THEIR PRIORITIES FOR THE FORTHCOMING YEAR**

Councillor Wadham presented the following priorities within the Transport and Sustainable Development Portfolio for the forthcoming year, and covered the following topics:- Long Term Spatial Strategy; The New Growth Point; Affordable Housing; Climate Change; Bus Station Site; City Centre Enhancements; Pedestrian Signing in the City Centre; Cowick Street Enhancement; Long Term Transportation Strategy; Concessionary Travel and Civil Parking Enforcement.

A copy of the briefing note, together with a brief explanation on each priority was attached as an appendix to the report.

The Director Economy and Development gave the following responses to Members' questions –

- The forthcoming reduction in services operated by Stagecoach to the west of Exeter remained a concern, and a recent response from First Great Western, advised that the Department for Transport would shortly confirm how they will address the reduction from December 2009.
- Further information on the levels of civil parking enforcement activities within a ward was always available to Members. The Enforcement Team staffing levels were now at full complement.
- The Castle site owners still had aspirations for a mixed use scheme including residential development and an art gallery. A report on the refurbishment of the Holloway Street mural was being presented to the next Planning Member Working Group.
- 25% of new housing needed to be affordable and 85% of this was at an affordable rent. Affordability was defined by reference to the average wage.
- The proposed High Quality Transport Service is part of an important transport package that the County Council is working up, and more detailed proposals should be available in a few months.

Councillor Wadham commented on the proposed Park and Ride site to the west of the city and anticipated the difference this facility would make. He also spoke in his capacity as a Ward Member, and stated that whilst no site had been agreed, there were still lots of issues to consider.

Councillor Mrs S R Brock presented the following priorities within the Economy and Tourism Portfolio for the forthcoming year, and covered the following topics:- Economic Development Strategy; Responding to the Recession; City Centre Promotion; Canal Basin; Science Park; Science Base; Inward Investment; Tourism.

A copy of the briefing note, together with a brief explanation on each priority was attached as an appendix to the report.

Councillor Mrs S R Brock gave the following responses to Members' questions –

- That the RDA still recognises the economic importance of projects such as the Science Park to Exeter.
- The City Council had already started to work in partnership on festival events, and in particular working with the Northcott and Barnfield Theatres. Further Information on developing joint working for the 2010 festivals package will be reported to the next Summer Festival Advisory Committee.

Scrutiny Committee – Economy noted the priorities presented for the forthcoming year.

21 **RESPONSE TO THE RECESSION**

The Director Economy and Development submitted a report which advised Members of a range of possible initiatives intended to respond to the impact of the recession on businesses and individuals in Exeter. Discussions had taken place with

stakeholders including the Chamber of Commerce and the Federation of Small Businesses to establish a number of key priorities. The proposals could be funded from the Local Authorities Business Growth Incentives Grant. (LABGI)

Members welcomed the report and noted the Director's responses to their comments:-

- Support and debt recovery advice by many of the public sector services was acknowledged, but there were some additional benefits from setting up the Trinity Project. A dedicated adviser in the City Council's Customer Services Centre should ensure there was more opportunity to provide the advice and support needed by those facing re-possession. A presence at Home Re-Possession hearings at the County Court was also proposed.
- A sum of £570,000 was available to the City Council from the LABGI grant and there was flexibility on how this could be used. It was logical to spend some on building a base for the city's future economic recovery.
- Although there have been signs of economic recovery, it was still too soon to call this the end of the recession, and limited indicators such as increased house viewings, and an uplift in the mortgage availability are being countered by increasing unemployment figures.
- The Economic Development and Estates Teams and the City Centre Manager have made great efforts to improve the window treatment of vacant City Council owned properties, with a proposal to display some colourful, non commercial material. They continued to speak to landlords and agents with empty retail premises particularly in the city centre, but with no results to date.
- Promotion and publicity to provide guidance for small businesses on how the procurement process operates would ensure that local small businesses are more capable of competing effectively. Part of the funding for this proposal would provide a dedicated web site for use by local business to share information and encourage greater use of locally based companies.
- The Head of Economy and Tourism added that a scheme to provide more specialist expertise for local employers to identify their skills base, would also be very beneficial. He agreed with a Member that there was likely to be some existing data to support this project and so it was possible that any external specialist support could be more limited. The funding would also ensure that the campaign could be backed up by a range of promotional materials in a sustained approach to make businesses more aware.

Scrutiny Committee- Economy supported the recommendation that Executive approve the proposals outlined in Section 3 of the report.

(Report circulated)

22 **ECONOMIC DEVELOPMENT UPDATE**

The Head of Economy and Tourism presented a report and provided Members with an overview of the Economic Development Service activities during 2008/09. He included the action taken since September 2008, following Executive's endorsement of the Exeter and Heart of Devon Economic Development Strategy for the period

2008 – 2013. A set of statistics profiling the Exeter economy was also attached as an appendix to the report.

A broad overview on the strategic focus of the long term strategy was outlined, together with the key areas of business support, partnership activity, and the new opportunities and potential growth that lie in the east of the city.

The following responses were given to Members:-

- The latest school leavers faced even more of a challenge to find suitable employment and this was likely to have an effect on the city's unemployment figures. There had already been a significant rise in the level of applications to local further education establishments.
- School attainment in the five city high schools has shown a marked improvement and the results were a credit to the hard work and dedication of all those involved. It was important to see the statistics in a wider context. Every effort would be made to ensure the latest available attainment figures were made available.
- The Strategy sets out the intention to promote attainment particularly in the growth areas of science and engineering. This included working up a number of initiatives with specialists and professionals from industry and education in the local community.

Scrutiny Committee – Economy noted the report and agreed that the longer term objectives and more immediate actions being undertaken be reviewed with an update on the economic position to be provided at the next Scrutiny Committee

(Report circulated)

23 CITY CENTRE PERFORMANCE UPDATE

The City Centre Manager presented a joint report with the Director Economy and Development and briefed Members on current city centre performance levels, with updates on retail unit vacancy rates, car park statistics, retail sales information and pedestrian footfall data.

He circulated a copy of a survey on city centre vacant retail units for a three year period, which confirmed an 8.3% vacancy rate, out of a total of 588 units. It was noted that the UK average vacancy rate had been running at 15% with some centres reporting vacancy levels of up to 39%. The City Centre Manager stated that whilst the current economic downturn remained a challenge, current analysis of key performance indicators in Exeter was relatively encouraging. He indicated, however, that there were no grounds for complacency, with the economic picture often appearing confusing, contradictory and fast moving.

Scrutiny Committee – Economy noted the report.

(Report circulated)

24 **CONCESSIONARY TRAVEL SCHEME**

The Director Economy and Development presented a report advising Members on developments in relationship to the concessionary travel scheme and also sought their views on a number of options for changing the administration of the scheme.

The funding and estimated cost of the concessionary fares scheme continued to have a significant effect on the City Council's budget during the current and next financial year. The Council has been lobbying the Department for Transport for a more equitable funding settlement. In the meantime, in an effort to limit the costs of concessionary travel to the Council, and following negotiation with Stagecoach, a three year settlement had been agreed, in effect 'capping' the amount paid to them.

The Director also highlighted the key points of a Department for Transport consultation paper on possible changes to the administration of the concessionary travel scheme, with an intended implementation date of April 2011. Members were invited to form a response by the deadline date of 21 July 2009. In principle, officers would support an approach to shift responsibility from the District to County Councils because of their wider strategic transport responsibilities. Following a lengthy discussion, Members considered that moving the administrative function to the County authority would be the most appropriate approach. Members also felt strongly that the Executive should endorse their comments before responding to the consultation.

Scrutiny Committee – Economy supported the option of transferring the responsibility for administration of the Concessionary Travel Scheme to Transportation Authorities and asked Executive to endorse this.

(Report circulated)

25 **CAPITAL PROGRAMME MONITORING 2008/09 OUTTURN**

Cllr Coates declared an interest as a Member of the Friends of Exeter Cathedral.

The report of the Director Economy and Development was submitted advising Members of the latest position with regard to the 2008/09 capital programme for Economy. A complete list of capital projects was circulated and a number of schemes throughout the city were highlighted, including the latest developments on the Quay, Cowick Street and enhancements throughout the city centre.

A Member referred to the recent listing of the Cathedral's processional steps, which was likely to have an impact on proposals for Cathedral Close and the Green. The Director confirmed that representations had been made by a third party to English Heritage for 'Listed' status for the steps leading down to the West Front of the Cathedral, but it was too early to say what impact this might have on the final scheme.

Scrutiny Committee – Economy noted the contents of the report.

(Report circulated)

26 **ECONOMY STEWARDSHIP 2008/09 (FINAL ACCOUNTS)**

The report of the Head of Treasury Services was submitted advising Members of the overall financial performance of the Economy and Development Directorate for the 2008/09 financial year ended 31 March 2009.

The Director highlighted the main variations by management units from the approved annual budget and despite a few notable exceptions, advised that the final deficit was lower than originally forecast. A Member congratulated the Markets and Hall Manager and team for their enterprising and creative spirit and welcomed the recent improvements at the Corn Exchange.

Scrutiny Committee – Economy noted the contents of the report.

(Report circulated)

27 **KEY PERFORMANCE INDICATORS**

The Director Economy and Development presented the report advising Members of the current position on key performance at the end of the year, on a range of services across the Directorate. There were national indicators as well as locally set targets.

It should be noted that following the introduction of a major applications protocol, the second half year performance for completing major planning applications within 13 weeks had increased. The Director suggested that the introduction of a cut off date of 13 weeks for the completion of Section 106 agreements may be considered and planning officers would discuss the practicalities of such an arrangement with the development industry.

Scrutiny Committee – Economy noted the report.

(Report circulated)

28 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 185 - EXCLUSION OF THE 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 paragraphs 1 and 4 of Part 1, Schedule 12 of the Act.

MATTER FOR CONSIDERATION BY THE EXECUTIVE

29 **Post of City Arts and Festivals Manager**

The Director Economy and Development presented a report which sought approval for the merger of the City Arts Officer post and the Festivals and Events Manager post to become the City Arts and Festivals Manager.

Scrutiny Committee – Economy supported that Executive agree the following proposals set out in paragraph 3.3 of the report and that the functions and responsibilities of the posts of City Arts Officer post (ED05127) and the Festivals and Events Manager post (ED05111) be merged into the post of City Arts and Festivals Manager (post ED05127) at Grade 10 from 1 July 2009, with the post of Festivals and Events Manager being deleted.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 7.30 pm

Chair

SCRUTINY COMMITTEE - RESOURCES

17 June 2009

Present:

Councillor Coates (Chair)

Councillors D J Morrish, M A Baldwin, P J Brock, Hobden, Martin, Noble, Prowse, Shepherd, Thompson and Wardle

Chief Executive, Director Corporate Services, Director Community and Environment, Assistant Chief Executive, Head of Treasury Services, Head of Human Resources, Head of Leisure and Museums and Member Services Officer (SLS)

Also present:

- Councillor Adrian Fullam - Leader and Portfolio Holder for Budget and Strategic Vision
- Councillor Natalie Cole - Portfolio Holder for Business Transformation and Human Resources
- Ms J Masci - Representative from Grant Thornton, the Council's External Auditor

29 **Minutes**

The minutes of the meeting held on 25 March 2009 were taken as read and signed by the Chair as correct.

30 **Declarations of Interest**

Members made no declarations of interest.

31 **Interim Audit Report**

Ms Julie Masci from Grant Thornton, the Council's External Auditors, presented the Council's Interim Audit Report. She informed Members that the Council's audit service substantially complied with the CIPFA Code of Practice for Internal Audit. An Action Plan with agreed actions to implement the recommendations for 2008/09 was attached to the report. It was noted that continuing action would be required to ensure that Grant Thornton's recommendations from 2007/08 were also fully implemented. Ms Masci confirmed that the final audit report would be presented to the Final Accounts Committee at the end of September.

A Member referred to Recommendation 4 and the importance of the implementation of an internal detection system for the Council's IT management systems. The Director Corporate Services confirmed that the Council had a whole range of systems which already provided significant protection. He also responded to a comment in relation to recommendation 6 and the threshold of delegation to officers in relation to the Investment Strategy.

The Scrutiny Committee - Resources thanked the auditor and noted the report.

(Report circulated)

32 Portfolio Holders to present the priorities for the forthcoming year

The Leader presented the following priorities for the forthcoming year in terms of the budget and providing value for money across the Council's services:-

- Exeter's council tax remained one of the lowest in the country
- Our Government grant settlement remained a concern, particularly in the deflationary context of a modest increase of 0.9%. However an additional LABGI grant of £577,000 had been received and already £200,000 was identified for projects to help boost the local economy.
- Funding of the Concessionary Travel Scheme continued to present a challenge for the Council, with continued discussion and lobbying of the Department of Transport.
- Efforts continue to address the shortfall in the budget, which is set against the backdrop of other economic factors including a drop in key parts of the council's revenue streams. There had been a positive response through active management and additional grant aid. The capital programme delivery pace had also slowed with a general underspend showing, due to tight budgetary management by services. Although there remains some caution over the extent and timetable, it was possible that the improving financial situation would mean the recovery of some of the City Council's lost funds from the Icelandic Banks.
- A robust line in vacancy management had played a significant part in keeping costs down and it should be noted that there were now fewer staff delivering services. It was a tribute to the staff and management teams who had ensured that there were no discernable changes to the service levels.

In answer to Members' question, Councillor Fullam commented:-

- on the process and challenge for the current administration for setting the budget for the forthcoming year - he anticipated that the process would pass through the usual democratic process.
- on the public consultation relating to waste collection, stating that the City Council still had the difficult task of identifying £2.5 million of savings and the environmental and financial benefits would be balanced against any perceived environmental health concerns. He hoped that continuing engagement with residents would shape the response in respect of all council services.

Councillor Cole presented a briefing note outlining the following priorities for the forthcoming year in terms of Business Transformation and Human Resources across the Council's services:-

Housing Benefits

- Despite increasing claimant numbers, to continue to monitor the performance of the Housing Benefits service to ensure that the City Council realises its objective of improving assessment times and customer service

Automated service access and Electronic Document Records Management (EDRM)

- The demand for access to automated services has been increasing and it was important that the Council continued to develop those facilities for the customers who prefer that kind of transaction.
- The Council's rolling programme of moving to electronic records would also be maintained in the coming year.

Mobile and Remote working

- Business cases for a number of services were being prepared for presentations to Members, and it was anticipated that would go forward in the next 6 to 12 months, when there was some certainty about local government structures. A business case will be prepared and costed by Treasury Services.

Equalities

- The Council will be working towards the next level of the new Equalities Framework for local government

Budget Savings

- It was important to deliver the proposed budget savings which were agreed for the current financial year and progress would be monitored carefully and reported to this Committee.

Local Government Review

- With the continuing uncertainty surrounding the review of local government structures it was important that we continued to support our staff. Human Resources had a crucial role to play with all managers, including the trade unions, to protect services and jobs.

The Scrutiny Committee- Resources noted the priorities for the forthcoming year.

PERFORMANCE MANAGEMENT

33 AIM Property Maintenance Outturn Report 2008-09

The joint report of the Head of Contracts and Direct Services, Head of Housing Services, Head of Treasury Services and Head of Estates was submitted. The fourth quarterly/outturn report covered the period from January to March 2009, including updated figures as at 29 April 2009.

The Scrutiny Committee – Resources noted the outturn financial position of the £7m programme of reactive and planned property maintenance and refurbishment for 2008/09, as detailed in the report.

(Report circulated)

34 Annual Results of Performance Monitoring 2008-09

The report of the Director Corporate Services was submitted, which detailed the annual figures for the statutory and local performance indicators that related to service provided by the Corporate Services Directorate.

The Scrutiny Committee - Resources noted the report.

(Report circulated)

MATTERS FOR CONSIDERATION BY THE EXECUTIVE

35 Capital Monitoring 2008-09

The Head of Treasury Services presented a report which advised Members of the overall financial performance of the Council for the 2008/09 financial year, in respect of the annual capital programme and sought approval of the 2009/10 revised capital programme, including commitments carried forward from 2008/09.

The capital expenditure in the year amounted to £16,593,668, a reduction of £4,492,982 on the planned figure of £21,086,650. The planned figure took into account an adjustment for the temporarily suspended capital schemes. The actual expenditure during 2008/09 represented 78.7% of the total approved for the revised Capital Programme, which meant that £4.46 million would need to be carried forward to be spent in future years, as detailed in an appendix to the report. Two capital projects where spend has been significantly less than anticipated, were the RAMM Redevelopment (£840,570) and Social Housing Grants (£1,249,920) and these accounted for almost half of the spending shortfall. In comparison with the previous financial year, spending performance had decreased. During 2007/08 capital expenditure was equivalent to 88.5% of the planned figure of £22,036,840.

The Scrutiny Committee - Resources noted the overall financial position for the 2008/09 annual capital programme and recommended that the Executive approve the amendments to the Council's annual capital programme for 2009/10.

(Report circulated)

36 **Overview of the Revenue Budget 2008-09**

The Head of Treasury Services presented a report on the overall final financial performance of the General Fund Revenue Budget for the financial year ended 31 March 2009.

The final accounts for the Housing Revenue account showed an overall increase in the HRA working balance from £2,848,591 to £2,858,265, an increase of £9,674 as compared with the break even budget. The main service Committee variations for the financial year were set out in the report. The General Fund working balance at 31 March 2008 was £7,451,546 and a deduction of £1,886,961 had been made at 31 March 2009, leaving the current balance at £5,564,585. The minimum requirement for the General Fund working balance was approved by the Executive in February 2009 at £2 million. There was a small requirement for supplementary budgets in 2009/10 which were identified in the report, and if these were taken into account the uncommitted General Fund working balance at 31 March 2009 would be £5,641,195.

The Head of Treasury Services responded to a Member suggestion, and in future reports, confirmed that more detail would be included in the individual headings of sundry debts reported, and reported figures would be rounded up to the nearest pound unit to ensure clarity.

It was noted that two changes to the recommendation to the Executive from the written report would be made that in recommendation (1) an adjustment to read £1,020,596 and in recommendation (2) to reflect a change in the supplementary budgets as detailed in paragraph 3.11 to reflect to show an increased carry forward for the Asset Improvement and Maintenance (AIM) of £352,830.

The Scrutiny Committee - Resources noted the report and requested that Executive note the overview of the Resources Budget 2008/09 and approve the following:-

- (1) net transfer of £1,020,596 from Earmarked Reserves as detailed in paragraph 3.14 of the report;
- (2) supplementary budgets totalling £456,220 are approved as detailed in paragraph 3.11 of the report;
- (3) the Earmarked Reserves at 31 March 2009;

- (4) the Council Tax account and collection rate;
- (5) the outstanding sundry debt and aged debt analysis;
- (6) the Creditor Payments performance;
- (7) the General Fund working balance at 31 March 2009 at £5,564,585; and
- (8) the Housing Revenue Account working balance at 31 March 2009 of £2,858,265.

(Report circulated)

37 **Treasury Management 2008-09**

The Head of Treasury Services presented a report on the overall performance for the 2008/09 financial year and the position regarding investments and borrowings at 31 March 2009.

The General Fund showed a net reduction in interest receivable compared to the estimate, the other interest earned related to car loan repayments and various repayments of interest. The reduction against budget had been caused by a number of factors detailed in the report. The managed cash fund had reduced during the year from £23.4 million to £20.1 million as at 31 March 2009. Some prudent action by our Investment Manager had achieved high interest rates, with an overall return rate of 7.15% compared to a benchmark return of 3.74%. However it was unlikely that such favourable performance would be repeated in the coming year.

The Head of Treasury Services responded to a number of Member comments in relation to the likelihood of a successful claim in relation to the Icelandic Bank (Landsbanki). He advised that the Bank's assets should be sufficient to repay at least 90% of the Council's deposits and possibly even some lost interest. They were relying on the LGA's current legal advice to place local authority claims as 'priority claims'.

He also responded to a Member comment about the level of delegation by the in-house team in respect of the Investment Strategy. He added that decisive action often had to be taken in conjunction with the external Fund Manager, and he reassured Members that the existing policy was already very prudent. It was considered appropriate that the Leader and Chair of Scrutiny Committee- Resources be kept informed of any significant issues which arose.

The Scrutiny Committee – Resources noted the Treasury Management report for the 2008/09 financial year and recommended approval by the Executive.

(Report circulated)

38 **Annual Governance Statement**

The Head of Treasury Services presented a report which set out the proposed Annual Governance Statement to be included within the Council's Annual Statement of Accounts for 2008/09.

The preparation and publication of an Annual Governance Statement in accordance with CIPFA/SOLACE guidance was required to comply with Regulation 4(2) of the Accounts and Audit (Amendment) (England) Regulations 2006. The Council was

required to publish the Annual Governance Statement in the Annual Statement of Accounts for 2008/09. Section 10 of the report highlighted the arrangements from the previous year and the proposals for next year.

The Scrutiny Committee - Resources supported the report and recommended approval by the Executive of the Annual Governance Statement to be included within the Council's Annual Statement of Accounts for 2008/09.

(Report circulated)

39 **Delivering Value for Money**

The Head of Treasury of Services presented a report which provided an overview on how the Council proposed to achieve value for money cash efficiency savings. The National Indicator 179, one of the indicators in the new National Indicator Set, was the mechanism through which Council reported progress on achieving value for money gains.

A timetable for the submission of the value for money indicators was detailed in the report and work will continue on updating the information, to identify and maximise the efficiencies during 2008/09, for inclusion by the submission date of 24 July 2009. A draft schedule, identifying the likely cash savings was attached as an appendix to the report.

The Scrutiny Committee - Resources noted the report and requested the endorsement by Executive of the savings detailed in the appendix as part of the Council's overall submission for National Indicator 179.

(Report circulated)

40 **Review of Equalities**

The Director Corporate Services presented the report which updated the Committee on achievements made so far in the Review of Equalities and advice of future action over the coming year. A revised Comprehensive Equality Scheme would have to be published by April 2010 and so a review to reflect on the outputs and outcomes achieved so far was appropriate. Work relating to the new framework would commence in July.

The Scrutiny Committee - Resources supported the future actions put forward in the report and recommended approval by the Executive.

(Report circulated)

41 **The Leisure Facilities Management - A New Contract**

The Head of Leisure and Museums presented the report which informed Members of the key elements of the new contract due to be let in September 2010 for the management of the Council's contracted sports and leisure facilities.

A new single contract will incorporate all of the facilities currently managed by commercial leisure management contracts. Although the nature of the contract and general policy had been the subject of reports to Scrutiny Committee - Community and the Executive, it was appropriate for this Committee to consider a number of economic factors such as the length of contract, the balanced obligation on both

parties for repair and maintenance and other housekeeping matters including the utilities arrangements.

A Member suggested that because of the likely interest it would be useful to circulate a copy of the draft tender for the contract, at future meetings of Scrutiny Committee Community and Resources for information. The Head of Leisure & Museums welcomed Members' interest, and advised that as the final choice was likely to involve some negotiation and details of the best contractor and financial agreement would emerge, the opportunity to comment on the finished tender documents might be more fruitful. He noted the suggestion of building in a review process of operation after two or three years. It was agreed that a copy of the final tender document would be placed on the intranet and in the Members' Room. A brief summary of the documentation would also be circulated at the next meetings of Scrutiny Resources and Community.

The Scrutiny Committee - Resources supported the recommendation and subject to no substantial variations in the key contract features identified in this report, Executive delegating approval of the detail of the contract documentation to the Director, Community and Environment in consultation with the Leader of the Council and the Portfolio Holder for Environment and Leisure and appropriate Council officers.

(Report circulated)

MATTERS FOR CONSIDERATION BY SCRUTINY COMMITTEE - RESOURCES

42 Revenue Final Accounts 2008-09

The Head of Treasury Services presented a report to advise Members of the overall financial performance of Resources Committee revenue accounts for the financial year ended 31 March 2009.

A copy of the revenue accounts was circulated with the report. The main variations were detailed by management unit. The total variances of £319,473 had reduced the overall net expenditure for this Scrutiny Committee to £5,907,827, which represented a decrease of 5.13% from the revised budget. The previous forecast was for the nine month period ending 31 December 2008, with most of the actual movement since, being in respect of a net reduction of subsidy for Housing Benefits.

The Scrutiny Committee- Resources noted the report and congratulated officers on a clear and concise report.

(Report circulated)

43 Workforce Profile Report 2008-09

The Head of Human Resources presented the report which updated the Committee with a comprehensive workforce profile for the Council between April 2008 and March 2009. This report provided an annual snapshot as well as benchmarking and statistical data from a local, regional, national or industry basis and highlighted any developing trends, areas for concern or interventions where evident.

A response was given on the main reasons for sickness absence and although officers were not complacent, sickness levels continued to be monitored and

managed closely. Other efforts were being made to increase a younger age profile of the workforce through a successful apprenticeship programme and work placements.

The Scrutiny Committee - Resources noted the contents of the report and supported the way forward as outlined in the circulated report.

(Report circulated)

44 **Annual Learning and Development Report 2008/2009**

The Head of Human Resources presented the report summarising the Member and employee training and development activities undertaken during 2008/09 and the administration and support function of the corporate training section. The last year showed significant achievements by both employees and Members, with an average number of learning and development days per employee of 3.37 days.

The Scrutiny Committee - Resources noted the training and development activities undertaken throughout the year.

(Report circulated)

45 **Members' Allowances 2008/09**

The Assistant Chief Executive presented the report setting out the allowances and expenses paid to Councillors in the financial year 2008/09.

The Scrutiny Committee - Resources noted the allowances and expenses paid to Councillors in 2008/09.

(Report circulated)

MATTER FOR CONSIDERATION BY THE EXECUTIVE

46 **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 I, Schedule 12A of the Act.

47 **Progress on RAMM Development Project**

The Head of Leisure and Museums presented the first of a series of quarterly progress reports to keep Members abreast of the issues around this major capital project. Members were advised that a range of meetings were now in force to monitor and control the project as closely as possible. A number of recommendations were reported.

It was agreed that an invitation would be sent to all Members to visit the work in progress at the Museum.

The Scrutiny Committee – Resources noted that an external expert will be appointed to strengthen the client team and supported the recommendation that the Executive

approve the action that the client team continues to take all possible measures to regain control and remove as much risk as possible from the project.

(Report circulated to Members)

The meeting commenced at 5.30 pm and closed at 8.40 pm

Chair

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STANDARDS COMMITTEE

Wednesday 3 June 2009

Present:-

Professor B Kirby (Chair)
Councillors Mrs S R Brock, Mrs Danks, D J Morrish, R Smith, Starling and Sterry

(Independent Members)
A Mimmack and L Smith

Also Present

Assistant Chief Executive/Deputy Monitoring Officer, Member Services Manager, and
Member Services Officer (SLS)

7 MINUTES OF PREVIOUS MEETING

The minutes of the meeting of the Standards Committee held on 25 February 2009 were taken as read and signed by the Chair as a correct record.

8 DECLARATIONS OF INTEREST

There were no declarations of interest.

9 REVIEW AND FUTURE WORK PROGRAMME OF STANDARDS COMMITTEE

The report of the Chair of the Standards Committee was submitted, which reviewed the recent work undertaken by the Standards Committee and considered the future work programme.

A Member enquired whether a Councillor Development 'Champion', proposed alongside the Learning and Development Strategy, had been identified yet. The Assistant Chief Executive/Deputy Monitoring Officer referred to the debate on this at Council, and indicated that it was the intention to engage Group Leaders, in an effort to identify a suitable Member, who might be able to take on this informal role. A Member also suggested that a clearer distinction be made between conduct and general personal development. The Chair advised that he would work with officers to report back to the next Standards Committee meeting in September.

The Assistant Chief Executive/Deputy Monitoring Officer responded to a comment relating to Members' Interests and confirmed that as part of the induction programme offered to all new Members, they were expected to meet the Head of Legal Services/Monitoring Officer to discuss the Registration of Interests process. A Member suggested it might be appropriate to have a Member Briefing session, perhaps on an annual basis, on this topic.

RESOLVED that:-

- (1) the work undertaken by the Standards Committee since the last review be noted;
- (2) the proposed future work programme set out in paragraph 4.21 of the report be agreed; and

- (3) a Member briefing session, for all Councillors, will be arranged to specifically highlight their responsibilities in relation to their Registration and Declaration of Interests.

10

ANNUAL RETURN TO THE STANDARDS BOARD

The Assistant Chief Executive confirmed that the Head of Legal Services/Monitoring Officer had submitted the Annual Return for the City Council by the required 15 May deadline. The Assistant Chief Executive/Deputy Monitoring Officer responded to a comment about officers having to declare financial interests by indicating that the Council's Strategic Management Team had to meet the requirements set down by the Section 151 Finance Officer. The information was not publicly available.

It was agreed that an amended version of the Annual Return would be made to the Standards Board as agreed by Committee.

(The meeting commenced at 4.30 pm and closed at 5.25 pm)

Chair

Agenda Item 13

FINAL ACCOUNTS COMMITTEE

Thursday 25 June 2009

Present:-

Councillor Adrian Fullam (Chair)
Councillors M A Baldwin, Cole and D J Morrish

Also Present:-

Director Corporate Services, Head of Treasury Services, Corporate Finance Manager and Member Services Officer (HB)

1 MINUTES

The minutes of the meeting held on 23 September 2008 were taken as read and signed by the Chair as correct.

2 DECLARATIONS OF INTEREST

No declarations of interest were made.

3 FINAL ACCOUNTS: 2008/09

The Head of Treasury Services presented the report seeking adoption and approval of the Council's financial statements for 2008/09.

RESOLVED that:-

- (1) the use of capital finance, as set out in the report, be approved; and
- (2) the Statement of Accounts for 2008/09 be approved.

(Report circulated)

4 INTERNATIONAL FINANCIAL REPORTING STANDARDS

The Head of Treasury Services presented the report setting out the proposed project plan for the transition to International Financial Reporting Standards (IFRS) reporting for local authorities.

RESOLVED that the report be noted.

(Report circulated)

5 DATE OF NEXT MEETING

The next meeting of the Committee will be held on 23 September 2009 at 5.30 p.m.

(The meeting commenced at 5.30 pm and closed at 6.30 pm)

Chair

EXECUTIVE

Tuesday 16 June 2009

Present:-

Councillor Fullam (Chair)
Councillors S Brock, Cole, Edwards, Mrs Henson, Mitchell, Mrs J Morrish, Newton and Wadham

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

60

MINUTES

The minutes of the meetings of Executive held on 24 March and 7 April 2009 were taken as read and signed by the Chair as a correct record.

61

DECLARATIONS OF INTEREST

A Member declared the following personal interests:

COUNCILLOR	MINUTE
S Brock	62 and 63 (owner of business subject to inspection)

62

FOOD LAW ENFORCEMENT PLAN 2009/10

Councillor S Brock declared an interest as the owner of a business subject to inspection.

The report of the Head of Environmental Health Services was submitted, informing Members of the Council's performance against the previous year's Food Law Enforcement Plan. It also sought approval for the adoption of the Food Law Enforcement Plan 2009/10, which sets out the Council's regulatory function in respect of food safety over the forthcoming year.

Scrutiny Committee – Community considered the report at their meeting on 2 June 2009 and the support and comments of members were noted.

RECOMMENDED that:-

- (1) the Food Law Enforcement Plan 2009/10 be approved; and
- (2) the Head of Environmental Health Services be authorised to make changes to the Enforcement Plan in the light of centrally issued guidance and/or to meet operational needs.

(Report circulated)

HEALTH AND SAFETY SERVICE PLAN 2009/10

Councillor S Brock declared an interest as the owner of a business subject to inspection.

The report of the Head of Environmental Health Services was submitted, seeking approval of the Health & Safety Service Plan for 2009/2010 which sets out the Council's functions for regulating health and safety in businesses for the forthcoming year.

Scrutiny Committee – Community considered the report at their meeting on 2 June 2009 and the support and comments of members were noted.

RECOMMENDED that:-

- (1) the Health and Safety Service Plan 2009/2010 be approved; and
- (2) the Head of Environmental Health Services be authorised to make changes to the Service Plan in the light of centrally issued guidance and/or to meet operational needs.

(Report circulated)

POLICY FOR THE ETHICAL CARE OF HUMAN REMAINS AT THE ROYAL ALBERT MEMORIAL MUSEUM (RAMM)

The Head of Leisure and Museums submitted the report, proposing a policy for the ethical care of human remains in the museum collection, in the form of an annexe to the Acquisitions and Disposals Policy 2005-2010.

Scrutiny Committee – Community considered the report at their meeting on 2 June 2009 and the support and comments of members were noted. Executive members welcomed the policy.

RESOLVED that Executive adopt the Policy for the Ethical Care of Human Remains as an annexe to the overall Acquisition and Disposal Policy.

(Report circulated)

REPLACEMENT OF FILTERS AT THE PYRAMIDS SWIMMING POOL

The report of the Head of Leisure and Museums was submitted, seeking approval for the replacement of filters at Pyramids, which have reached the end of their useful life. The Director Community and Environment informed Executive of the urgent need to replace the filters in view of the imminent risk of their failure. She also referred to correspondence circulated to Councillors from the Chairman of Exeter City Swimming Club urging the Council to install an Ultra Violet light system at the Pyramids. She advised members that the Council's specialist water consultant considered that the water quality at the pool continued to reach acceptable standards and it was therefore recommended not to install this equipment at the present time.

Scrutiny Committee – Community considered the report at their meeting on 2 June 2009 and the support of the Committee to the proposal and the comments of members were noted.

Councillor Branston attended this meeting and spoke on this item under Standing Order 44. He urged the Council to proceed with the development of a new pool at Clifton Hill, reminding members of the feasibility study that had previously been undertaken and the reasons why that location had been selected by the Council. He considered that Exeter was under-provided with swimming pools in comparison with cities with similar populations and that the other pools in the city were already operating at capacity. In view of the health and safety concerns regarding water quality, he suggested that it would be appropriate for the replacement of the filters to be funded through the Asset Improvement and Maintenance (AIM) budget. He considered that further delays would increase the cost of a new pool and that development at Clifton Hill should now proceed, particularly in the light of the anticipated return of some of the money invested in Icelandic banks.

The Chair reminded Executive that, at the request of members, money refunded from the Icelandic banks had been earmarked to restore specific schemes, including improvements to play areas, to the capital programme.

The Portfolio Holder Environment and Leisure urged members to support the replacement of the filters in view of the serious consequences of their failure. He informed members that the Swimming Pool Working Group continued to investigate all options and emphasised that Councillor Branston's involvement in the group would be welcomed.

Whilst supporting the urgent replacement of the filters, other members hoped that this would not be at the cost of progressing plans for a new pool.

Councillor Edwards reminded Executive of the consistent aspiration of his group to seek a new pool and the reasons for selecting Clifton Hill as the appropriate site. He moved an amendment to the recommendation, seconded by Councillor Mrs Morrish that plans be drawn up to build a new swimming pool at Clifton Hill. The amendment was put to the vote and lost.

The Portfolio Holder Business Transformation and Human Resources reminded members of the range of alternative swimming facilities available in the city. She considered that it would be irresponsible for the Council to borrow significant amounts of money at the present time, particularly in advance of the decision on the local government review. Whilst no-one disputed the desirability of a new pool when the financial situation permitted it, the Chair emphasised the importance of sound financial management in the current economic climate.

RESOLVED that:-

- (1) the filters and associated pipework at Pyramids Swimming Pool be replaced as soon as practicable;
- (2) the work be funded from budget remaining from the new pool project; and
- (3) equipment to disinfect water using ultraviolet light not be installed.

(Report circulated)

EMPTY HOMES STRATEGY 2009 - 2014

The report of the Head of Housing Services was submitted, informing Members of the consultation results for the draft Empty Homes Strategy 2009-2014 and recommending approval of the amended version.

Scrutiny Committee – Community considered the report at their meeting on 2 June 2009 and the support and comments of members were noted. Executive members supported the proposed amendments and welcomed the revised Strategy.

RESOLVED that:-

- (1) the actions and revisions to the Empty Homes Strategy as set out in paragraph 4 of the report be approved;
- (2) the revised action plan contained in Appendix 1 of the report be approved;
- (3) Scrutiny Committee – Community receive an annual update on progress against the action plan; and
- (4) in accordance with the Local Government and Public Involvement in Health Act 2007, the Empty Homes Strategy and action plan be placed on the website and further comments invited from the community.

(Report circulated)

FIRE SAFETY POLICY FOR HOUSING PROPERTIES

The report of the Head of Housing Services was submitted seeking Members approval for a new policy regarding the management of fire safety in the Council's housing stock.

Scrutiny Committee – Community considered the report at their meeting on 2 June 2009 and the support and comments of members were noted.

The Director Community and Environment reported that whilst the safety of residents was paramount, the Council planned to adopt the policy sensitively and in consultation with tenants and leaseholders. Members supported this approach and acknowledged the safety hazards posed by the storage of objects in communal areas. They requested that particular consideration should be given to the storage of vehicles including mobility scooters. It was agreed to involve ward councillors in discussions regarding properties in their local area. The installation of sprinklers was suggested and the Director Community and Environment agreed to explore this further.

RESOLVED that the Fire Safety Policy for the Council's housing stock be approved and that ward Councillors be involved in consultations relating to properties in their wards.

(Report circulated)

CRIME AND DISORDER (OVERVIEW AND SCRUTINY) REGULATIONS 2009

The report of the Assistant Chief Executive was submitted advising Members of the new Regulations under the Police and Justice Act 2006 establishing overview and scrutiny of the work of the Crime and Disorder Reduction Partnerships (CDRPs).

Scrutiny Committee – Community considered the report at their meeting on 2 June 2009 and supported its enhanced role to scrutinise the Exeter Community Safety Partnership.

RECOMMENDED that:-

- (1) the enhanced role of Scrutiny Committee – Community to encompass scrutiny of the Exeter Community Safety Partnership be approved;
- (2) an addition be approved to the terms of reference of the Scrutiny Committee – Community, enabling that Committee to discharge the functions of a Crime and Disorder Committee to oversee and scrutinise the work of the Exeter Community Safety Partnership, and the Constitution be amended accordingly.

(Report circulated)

69

RESPONSE TO THE RECESSION

The report of the Director Economy and Development was submitted, advising Members on a range of possible initiatives intended to respond to the impact of the recession on businesses and individuals in Exeter.

Scrutiny Committee – Economy considered the report at their meeting on 11 June 2009 and the support and comments of members were noted.

Executive welcomed the report and endorsed the range of positive measures proposed by the Council. They particularly welcomed the Trinity Project which aimed to provide debt advisers in the Council's Customer Service Centre and Exeter County Courts.

RESOLVED to proceed with the proposals outlined in Section 3 of the report.

(Report circulated)

70

USE OF BEDFORD SQUARE

The joint report of the Director Economy and Development and the City Centre Manager was submitted seeking guidance from Members on the use of Bedford Square by political organisations.

The Director Economy and Development clarified that Bedford Square comes within the remit of the City Council and not Land Securities as had been reported in the press.

Executive members agreed on the profound importance of freedom of speech as one of the overriding principles of democracy. However distasteful the views of certain political parties may be considered, members felt that it was important for society to have the opportunity to hear, rather than suppress, those views. It was acknowledged that many charities now had lobbying roles and it would be very difficult to define "political organisations".

The threat to public safety was also taken seriously, particularly since social media now provided the opportunity for greater levels of organised protest. Since Community Safety was the responsibility of the Police, it was agreed that it was most important to take into account their advice in respect of any threats to public safety. It was proposed that the police should be consulted on any requests for bookings where it was considered there may be public disorder considerations and that the final decision on whether to approve these applications be made by the Chief Executive in consultation with the Leader of the Council. It was also agreed to amend the Bedford Square usage guidelines to clarify that proposed changes to the guidelines would be decided by the City Centre Management Partnership Board

RESOLVED that:-

- (1) political organisations be permitted to use Bedford Square;
- (2) the advice of the police be sought on bookings where there was considered to be any threat to public order, the final decision to be made by the Chief Executive in consultation with the Leader of the Council; and
- (3) the Bedford Square Usage Guidelines be amended to clarify that proposed changes to the guidelines would be approved by the City Centre Management Partnership Board.

(Report circulated)

71

CORPORATE PLAN 2007-2010 (2009/10 UPDATE)

The report of the Strategic Management Team was submitted seeking Members' approval of the Council's Corporate Plan 2007-2010 (2009/10 update).

RECOMMENDED that the draft Corporate Plan 2007-2010 (2009/10 update) be endorsed and that any necessary drafting amendments before publication be delegated to the Chief Executive, in consultation with the Leader of the Council.

(Report circulated)

72

LOCAL DEVELOPMENT FRAMEWORK - AMENDMENTS TO THE CONSTITUTION

The report of the Head of Legal Services was submitted recommending amendments to the Council's Constitution, to update it in relation to the Local Development Framework.

Planning Committee considered the report at their meeting on 1 June 2009 and the support and comments of members were noted.

RECOMMENDED that the Constitution be amended to reflect changes to the Regulations in respect of the approval of the Local Development Framework as set out in Appendix 1 to the report.

(Report circulated)

73 **APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES**

A schedule of appointments to outside bodies was circulated.

RESOLVED that the appointments to outside bodies as set out in the Appendix to the minutes be agreed and **RECOMMENDED** that outstanding appointments be agreed by Council.

(Report circulated)

74 **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 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

75 **RE-TENDERING OF THE HOUSING RESPONSIVE MAINTENANCE CONTRACTS - PROCUREMENT STRATEGY**

The joint report of the Head of Housing Services and Head of Contracts and Direct Services was submitted seeking approval to the proposed procurement strategy for the re-tendering of the housing responsive maintenance contracts.

Scrutiny Committee – Community considered the report at their meeting on 2 June 2009 and the support and comments of members were noted.

Executive welcomed the proposals for the packaging and tendering of the housing responsive maintenance contracts. Members particularly welcomed the opportunity to make use of mobile working and electronic communication to improve the efficiency of the service.

RESOLVED that:-

- (1) the preferred contract packaging option as described in paragraph 3.9 of the report be approved;
- (2) provided that value for money can be clearly evidenced, the management and administration of the electrical testing and re-wire programme be awarded to the in-house team (BEST) from 1 October 2010; and
- (3) the final decision on contract packaging following contractor interviews be delegated to the Head of Housing Services and the Head of Contracts and Direct Services in consultation with the Portfolio Holder for Housing and Social Inclusion and the Leader of the Council.

(Report circulated to Members)

POST OF CITY ARTS AND FESTIVALS MANAGER

The report of the Head of Economy and Tourism was submitted seeking approval of the merger of the City Arts Officer post (ED05127) and the Festivals and Events Manager post (ED05111) to become the City Arts and Festivals Manager (post ED05127).

Scrutiny Committee – Economy considered the report at their meeting on 11 June 2009 and the support and comments of members were noted.

RESOLVED that the proposals set out in paragraph 3.3 of the report be approved and the functions and responsibilities of the posts of City Arts Officer (ED05127) and Festivals and Events Manager (ED05111) be merged into the post of City Arts and Festivals Manager (ED05127) at Grade 10 from 1 July 2009, with the post of Festivals and Events Manager (ED05111) being deleted.

(Report circulated to Members)

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

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 14 July 2009.

EXETER CITY COUNCIL

**EXECUTIVE
16 JUNE 2009**

APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES

<u>BODY AND TERM OF OFFICE</u>	<u>REPRESENTATIVES AND EXPIRY OF APPOINTMENTS</u>	<u>NUMBER OF MEETINGS PER ANNUM</u>	<u>TERMS OF REFERENCE</u>
City Centre Management Partnership 1	Cllr Edwards Cllr P.A. Smith 15.06.2010	4	Improves the quality of the City Centre for residents, businesses and visitors by developing strategies and opportunities to maximise the Centre's vitality and viability. Supports the development of the City of Exeter as the Regional Capital of the South West, to encourage new investment and to provide an economic "engine" for the City and the County of Devon.
Councillor Development Steering Group 1	Cllr Mrs J. Morrish (Chair) Cllr Martin Cllr Newton Cllr Starling Portfolio Holder for Business Transformation and Human Resources (Cllr Cole) 15.06.2010	4	To advise on the implementation of the Training and Development Strategy for Councillors and promote training and development opportunity.
Charities of John Shere and Others, Topsham	Mr W.J. Underhill - 17.10.2013 Mr F. Luscombe - 08.07.2013	2	To assist residents of Topsham in financial need.

Council of the Devon County Agricultural Association	Cllr Newby	1	Promotion of agriculture, horticulture and forestry. Holding and promoting shows, exhibitions and competitions connected with the use of agricultural land in all its aspects.
Community Safety Partnership 1	Leader (Cllr Fullam) 15.06.2010	11	The Partnership established following the Crime and Disorder Act 1998 which placed a joint responsibility on local authorities and the Police to reduce Crime and Disorder in local areas.
Safer Devon Partnership 1	Leader (Cllr Fullam) 15.06.2010	6	Mechanism to deliver on behalf of the Devon Strategic Partnership the safer communities theme of the Devon LAA
Devon Authorities Waste Reduction and Re-cycling Committee 1	Portfolio Holder for Environment and Leisure (Cllr Mitchell) 15.06.2010	3	Co-ordinates the establishment of waste minimisation and recycling schemes whether provided by the County Council, the District Councils or Devon Unitary Authorities, or jointly with each other, with commercial concerns or with community/voluntary groups.
Devon Conservation Forum - Executive 1	Chair of Planning Committee (Cllr Mrs Henson) 15.06.2010	6	Aims to promote the wise sustainable use and enjoyment of Devon's resources. Monitors environmental issues affecting Devon bringing together under one umbrella all who manage the natural and built landscape.
Devon County Council Health and Adult Services Overview and Scrutiny Committee 1	Cllr Newton 15.06.2010	5	To review the implementation of existing policies and to consider the scope of new policies for all aspects of the discharge of the Council's functions concerning adult social care and community learning and to discharge its functions in the scrutiny of health services.
Devon Playing Fields Association 1	Portfolio Holder for Environment and Leisure (Cllr Mitchell) 15.06.2010	4	Independent charitable body offering information, advice, support and small grants to its Members. Helps provide playing fields for all sections of the community and properly equipped playgrounds for children. Encourages the full use of all recreational activities.

Exeter and Heart of Devon Economic Partnership 1	Portfolio Holder for Economy and Tourism (Cllr Mrs S.R. Brock) 15.06.2010	5	Promotes the economic development of the sub-region comprising Exeter, Mid Devon, East Devon and Teignbridge.
Exeter Archaeological Advisory Committee 1	Cllr Shiel (Chair) Cllr Martin Cllr D.J. Morrish Cllr Wadham 15.06.2010	3	Committee of City Council Members, professionals and academics from the University and Institutions receiving detailed reports from the AFU on archaeological investigations carried out in Exeter.
Exeter Area Rail Project Working Party 1	Cllr D.J. Morrish Cllr Shepherd Portfolio Holder for Sustainable Development and Transport (Cllr Wadham) 15.06.2010	3	Promotes the use of local rail services in the Exeter area and hinterland. Makes recommendations to operators of local train services and lobby them for improvements Develops infrastructure projects at stations, to improve access and waiting facilities for all passengers
Exeter Arts Council 1	Portfolio Holder for Economy and Tourism (Cllr Mrs S.R. Brock) Cllr Coates 15.06.2010	6	Independent group funded by the City Council with membership drawn from the major arts and cultural organisations in the City. It encourages creative activities in Exeter, both individuals and groups by providing financial support.
Exeter Business Centre Board 1	Cllr Mrs Henson Cllr Edwards Portfolio Holder for Economy and Tourism (Cllr Mrs S.R. Brock) Cllr Mrs Morrish 15.06.2010	4	The Board oversees the affairs of the Business Centre.

Exeter Council for Sport and Recreation 1	Portfolio Holder for Environment and Leisure (Cllr Mitchell) Cllr Taghdissian 15.06.2010	6	To encourage and promote increased participation in sport, recreation and play in the Exeter district in co-operation with Exeter City Council, Devon County Council and other interested organisations.
Exeter Canal and Quay Trust Ltd. 1	Cllr P.J. Brock Portfolio Holder for Economy and Tourism (Cllr Mrs S.R. Brock) Cllr Edwards Cllr Newcombe Cllr Shepherd Cllr Sheldon Cllr Starling Cllr Winterbottom 15.06.2010	3	The preservation of land, buildings and other features of beauty or historical or architectural interest in or around the Exeter Canal and Quay Basin; The promotion and encouragement of high standards of architecture, building and town planning and the promotion of civic pride in the Area; The promotion and support of musical, artistic, educational and other cultural activities within the Area; and The promotion and support of community participation in any form of healthy recreation involving waterborne sports in the Area.
Exeter Municipal Charities (General List) 4	The Lord Mayor Cllr Branston - 31.12.2013 Ald N.W.F. Long - 31.12.2013 Mr J.F. Marshall - 31.12.2013 Cllr D.J. Morrish - 31.12.2013 Ald W.H.J. Rowe - 31.12.2013 Cllr Wadham - 31.12.3013 Cllr Winterbottom - 31.12.2013	12	To provide accommodation for people who feel unable to remain in their own homes by reason of failing health or reduced circumstances.
Exeter Municipal Charities (Church list) 4	Ald J.F. Landers - 30.06.2013 Ald N.W.F. Long - 30.06.2013 Mr J.F. Marshall - 30.06.2013 Cllr Shiel - 30.06.2013	12	To provide accommodation for people who feel unable to remain in their own homes by reason of failing health or reduced circumstances. Originally for Church of England members but now other denominations.

Exeter International Airport Consultative Committee 1	Portfolio Holder for Economy and Tourism (Cllr Mrs S.R. Brock) 15.06.2010	4	Consultation with respect to any matter concerning the management or administration of the airport which affects the interests of the users, local authorities and organisations as required by the Civil Aviation Act 1982.
Exeter Phoenix Arts Centre Board 1	Portfolio Holder for Economy and Tourism (Cllr Mrs S.R. Brock) 15.06.2010	6	To promote, maintain, improve, encourage and provide public education in the arts including the arts of drama, music, singing, dance, painting, sculpture, literature, cinematography and handicrafts.
Exeter Social, Health and Inclusion Partnership - Member Forum 1	Cllr D. Baldwin Portfolio Holder for Housing and Social Inclusion (Cllr Newton) Cllr Prowse 15.06.2010	4	Oversees the implementation of work associated with health and social inclusion in the City and comprises partners from the public sector, main agencies and voluntary sector working in Exeter.
Exeter Summer Festival Advisory Group 1	Cllr P.A. Smith (Chair) Portfolio Holder for Economy and Tourism (Cllr Mrs S.R. Brock) Cllr Branston Cllr Mrs Danks Nomination sought from Conservative group 15.06.2010	4	To advise on the key Festival objectives.

Exeter Vision Partnership 1	Leader (Cllr Fullam) 15.06.2010	5	Acts as the Local Strategic Partnership for Exeter, a non-statutory partnership that brings together the public, voluntary, community and private sectors to coordinate activity and tackle difficult cross-cutting issues within an area. The Partnership also provides a forum for setting the long-term strategic vision which is expressed through the Sustainable Community Strategy (the Exeter Vision).
J L Thomas Liaison Group 1	Cllr Choules Cllr Newcombe Cllr Prowse 15.06.2010	2	To improve the exchange of information, report upon and monitor instances of nuisance arising from the factory or carriage of waste material and make suggestions for the improvement of the environmental conditions relevant to the operations of the factory.
Local Government Association General Assembly 1	Leader (Cllr Fullam) 15.06.2010	2	Promotes the interests of local authorities and better Local Government.
South West Councils 1	Leader (Cllr Fullam) 15.06.2010	4	Regional forum for south west authorities.
Lord Mayor of Exeter's Appeal Fund 1	Lord Mayor Cllr Coates Cllr Mrs Danks Cllr Edwards 15.06.2010	n/a	Appeal fund.

Parking and Traffic Regulation Outside London Adjudication Joint Committee 1	Cllr Shepherd Portfolio Holder for Sustainable Development and Transport (Cllr Wadham) 15.06.2010	At least once a year	Adjudication service for appellants against penalty charge notices including visible independence of adjudicators from the authorities in whose areas they are working.
South West Provincial Employers 1	Portfolio Holder for Business Transformation and Human Resources (Cllr Cole) 15.06.2010	2	Joint negotiating machinery for the South West comprising the employers' side and the trade union side and provides a forum for discussion, debate and negotiation on human resources.
South West Water Liaison Group 1	Cllr Newby Cllr Mitchell Cllr Robson 15.06.2010	3	To improve the exchange of information of the Countess Wear Sewage Treatment Works operated by South West Water and the carrying out of works to improve odour control. Reports upon instances of complaints arising from odours from works and makes suggestions for the improvement of the environmental conditions relevant to the operations of the works.
Young Single Persons Housing Forum 1	Portfolio Holder for Housing and Social Inclusion (Cllr Newton) 15.06.2010	4	Provides a forum for all agencies involved in issues related to homelessness amongst young (aged 16-30) single people in Exeter and the surrounding area.

ASSISTANT CHIEF EXECUTIVE

16 June 2009

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EXECUTIVE

Monday 29 June 2009

Present:-

Councillor Fullam (Chair)
Councillors S Brock, Cole, Edwards, Mrs Henson, Mitchell, Mrs J Morrish, Newton and Wadham

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

77

DECLARATIONS OF INTEREST

A Member declared the following personal (*prejudicial) interests:

COUNCILLOR	MINUTE
Edwards	87* and 88 (employee of Stagecoach Devon)

78

CAPITAL MONITORING 2008-09 AND REVISED CAPITAL PROGRAMME FOR 2009-10 AND FUTURE YEARS

The report of the Head of Treasury Services was submitted, informing Members of the overall financial performance of the Council for the 2008-09 financial year, in respect of the annual capital programme. It also sought approval of the 2009-10 revised capital programme, including commitments carried forward from 2008-09.

Scrutiny Committee – Resources considered the report at their meeting on 17 June 2009 and the support and comments of the members were noted.

In response to a question regarding the underspend on Social Housing Grants, the Head of Treasury Services advised that there has historically been some slippage on the budget since the Council was dependent on social housing partners being able to identify and develop suitable sites. The underspend also reflected the downturn in house building.

RECOMMENDED that:-

- (1) the overall financial position for the 2008-09 annual capital programme be noted; and
- (2) the amendments to the Council's annual capital programme for 2009-10 be approved.

(Report circulated)

OVERVIEW OF REVENUE BUDGET 2008-09

The report of the Head of Treasury Services was submitted, informing Members of the overall final financial performance of the General Fund Revenue Budget for the 2008-09 financial year ended 31 March 2009.

Scrutiny Committee – Resources considered the report at their meeting on 17 June 2009 and the support and comments of members were noted.

The Head of Treasury Services identified the main reasons for the overspend on the approved budget, citing the concessionary travel scheme, reduced investment interest, and a reduction in income from parking charges, planning fees and the Archaeological Field Unit as major contributory factors.

Executive was pleased to note the overall increase in the HRA working balance and the relatively small overspend on the General Fund Revenue Budget. They also welcomed the improved Council tax collection rate which was contrary to the national trend.

RECOMMENDED that:-

- (1) the report be noted;
- (2) the net transfer of £1,020,596 from Earmarked Reserves as detailed in paragraph 3.14 of the report be approved;
- (3) supplementary budgets totalling £456,220 be approved as detailed in paragraph 3.11;
- (4) Earmarked Reserves at 31 March 2009 be noted;
- (5) the Council Tax account and collection rate be noted;
- (6) the outstanding sundry debt and aged debt analysis be noted;
- (7) the Creditor Payments performance be noted;
- (8) by taking into account the overall financial position of the Council as set out in paragraph 3.10 of the report, the General Fund working balance as at 31 March 2009, be approved at £5,583,113; and
- (9) the Housing Revenue Account working balance at 31 March 2009 is approved at £2,858,265.

(Report circulated)

TREASURY MANAGEMENT 2008-09

The report of the Head of Treasury Services was submitted, informing Members of the overall performance for the 2008-2009 financial year and the position regarding investments and borrowings at 31 March 2009.

Scrutiny Committee – Resources considered the report at their meeting on 17 June 2009 and the support and comments of members were noted.

Executive was pleased to note that the Fund Manager had returned an overall rate of return of 7.15% on managed cash funds for 2008-09 compared to a benchmark return of 3.74%. Members were reminded that the Fund Manager would be attending the Members' Briefing on 9 September to talk about the Investment Strategy and Ethical Investment.

The Head of Treasury Services updated Executive on the position with regard to the Icelandic bank investments. The Local Government Association's legal advice had placed local authority deposits as "priority claims". As such, it was anticipated that 100% of the Glitnir investment would be returned and 83% of the Landsbanki investment. It was hoped some interest may also be payable.

A Member queried the role of the in-house team in respect of the Investment Strategy and was assured that officers worked within strict parameters. Members supported the request of Scrutiny Committee - Resources that the Leader and Chair of that Committee should be kept informed of any significant issues which arose. In response to a query regarding the split of investment between banks, the Head of Treasury Services advised that it was good practice to spread the risk.

The Chair acknowledged that all investment which made acceptable returns carried intrinsic risk and that the Council's prudent Investment Strategy had underpinned the Council's ability to deliver quality services whilst keeping Council tax rates at the 5th lowest level in the country.

RECOMMENDED that the Treasury Management report for the 2008-2009 financial year be noted.

(Report circulated)

81

ANNUAL GOVERNANCE STATEMENT

The report of the Head of Treasury Services was submitted, setting out the proposed Annual Governance Statement to be included within the Council's Annual Statement of Accounts for 2008/09.

Scrutiny Committee – Resources considered the report at their meeting on 17 June 2009 and the support and comments of members were noted.

RECOMMENDED that the Annual Governance Statement be approved for inclusion within the Council's Annual Statement of Accounts for 2008/09.

(Report circulated)

82

DELIVERING VALUE FOR MONEY

The report of the Head of Treasury Services was submitted, informing Members of the Council's performance in trying to achieve value for money cash efficiency savings for the previous (2008/09) financial year.

Scrutiny Committee – Resources considered the report at their meeting on 17 June 2009 and the support and comments of members were noted.

Executive was pleased to note Value for Money gains of 3.5% as a percentage of 2007/08 baseline expenditure, equivalent to £35 per Band D dwelling.

RESOLVED that the contents of the report are noted and the identified savings in the draft 2008/09 schedule are included as part of the Council's overall submission for National Indicator 179.

(Report circulated)

83

REVIEW OF EQUALITIES

The report of the Director Corporate Services was submitted, updating Executive on achievements made so far and advising of future action over the coming year.

Scrutiny Committee – Resources considered the report at their meeting on 17 June 2009 and the support and comments of members were noted.

RESOLVED that the future actions put forward in this report be approved.

(Report circulated)

84

LEISURE FACILITIES MANAGEMENT - A NEW CONTRACT

The report of the Head of Leisure and Museums was submitted, informing Members of the key elements of the new contract due to be let in 2010 for the management of the Council's contracted sports and leisure facilities.

Scrutiny Committee – Resources considered the report at their meeting on 17 June 2009 and the support and comments of members were noted.

The Director Community and Environment introduced the report referring to the three main options for the delivery of the leisure facilities operation, the scope of the contract and the proposed process for securing an operator.

A member enquired whether it was possible to include school leisure facilities within the contract but was advised that attempts to engage the current provider in this process had been unsuccessful. In response to a suggestion that a shorter contract may be more prudent, members were advised that a ten-year contract was the minimum period that would be attractive to tenderers in view of the set-up cost required. Any shorter period would severely threaten the likelihood of securing a successful contract and most leisure facilities contracts were for longer periods, often 20 -25 years. It was necessary to strike a balance in relation to the length of the contract – only five potential operators had so far been identified - and there was a risk in splitting the contract or reducing the term.

With regard to the timing of the contract in the context of the local government review, the Director Community and Environment reported that the existing contract with DC Leisure had already been extended and that an arrangement with Riverside Leisure Centre would need to be in place at the end of its contract period. The Director emphasised that sufficient flexibility would be built into the new contract to enable the inclusion of a new swimming pool.

RESOLVED that:-

- (1) the key contract features identified in the report be approved; and

- (2) subject to no substantial variations in the key contract features identified in this report, approval of the contract documentation be delegated to the Director Community and Environment in consultation with the Leader of the Council and the Portfolio Holder for Environment and Leisure and appropriate Council officers.

(Report circulated)

85

DRAFT SUPPLEMENTARY PLANNING DOCUMENT - PLANNING OBLIGATIONS

The report of the Head of Planning and Building Control was submitted, seeking approval to the draft Planning Obligations Supplementary Planning Document (SPD) for public consultation. The SPD offers guidance on the planning obligations that may be required to satisfy planning policies and ensure that development results in sustainable outcomes.

RESOLVED that the draft Planning Obligations Supplementary Planning Document (SPD) be approved for public consultation.

(Report circulated)

86

RESULTS OF CONSULTATION ON TOPSHAM CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

The report of the Head of Planning and Building Control was submitted, asking Members to consider representations received in relation to the draft Topsham Conservation Area Appraisal and Management Plan (CAAMP) and proposed amendments to the document to be recommended for adoption.

Executive noted the main issues raised in the consultation together with the proposed responses.

RESOLVED to adopt the amended conservation area, shown on the plan attached to the report, and the appraisal and management plan.

(Report circulated)

87

CONCESSIONARY TRAVEL SCHEME

Councillor Edwards declared a personal and prejudicial interest in the item as an employee of Stagecoach Devon and left the meeting during consideration of the item.

The report of the Head of Parking, Engineering and Business Support was submitted, informing Members on developments in relation to the concessionary travel scheme and seeking views on options for changing the administration of the scheme.

Scrutiny Committee – Economy considered the report at their meeting on 11 June 2009. The Director Economy and Development highlighted the key points of a Department for Transport consultation paper on possible changes to the administration of the concessionary travel scheme, with an implementation date of April 2011. It was noted that, in principle, officers would support an approach to shift responsibility from Districts to County Councils or unitaries because of their wider strategic transport responsibilities.

Executive noted that, following a lengthy discussion, Scrutiny Committee members had considered that moving the administrative function to the County authority would be the most appropriate approach but they had requested Executive 's endorsement to their comments before responding to the consultation.

Executive supported the transfer of responsibility for administration of the scheme to the County Council for the reasons cited by Scrutiny Committee – Economy. Executive members also felt this would achieve some consistency and efficiency in the process and would help smooth out the financial effects of the scheme across urban and rural districts.

RESOLVED that:-

- (1) the contents of this report be noted; and
- (2) in response to their consultation, the Department for Transport be informed that the Council supports the option of transferring the responsibility for administration of the Concessionary Travel Scheme to Transportation Authorities.

(Report circulated)

88

SUSTAINABLE COMMUNITIES ACT 2007 - PROPOSALS

Councillor Edwards declared a personal interest in the issue as an employee of Stagecoach Devon.

The report of the Assistant Chief Executive was submitted, asking Members to consider the proposals received in response to the Sustainable Communities Act 2007. The Assistant Chief Executive informed members of the process which had been adopted to shortlist the proposals and that proposals supported by Executive would be submitted to the Local Government Association (LGA) Selector Panel for further consideration.

The Director Economy and Development advised members of his observations on the four proposals as outlined on the proposal summary forms. He also referred to further comments on the proposals which had recently been received from Devon County Council, the Transportation Authority. In relation to the proposal that all buses in rural areas should be capable of carrying at least two bikes, concerns related particularly to safety and liability issues for damage and injury. A pilot scheme had experienced low take-up and high costs. With regard to the proposal to enable the Council to levy non-domestic rates on store car parking, he informed members that non-domestic rates were already charged on superstore parking but it appeared that the proposal was now to levy a separate tax on these spaces. A proposal to introduce charging for out-of-town store parking nationally was floated in the late 1990s but was heavily opposed by the supermarket operators and subsequently dropped by the government. He also commented on the two other proposals which had not been supported by the Sustainable Communities Act (SCA) Panel for submission to the LGA at the present time.

Members discussed the proposals submitted. They referred to the success of the Oyster card scheme in London as an example of how integrated transport could work but were advised that differences in the legislative control of transport in London and outside London made effective integration outside London very difficult to achieve.

Executive welcomed the introduction of the Sustainable Communities Act and the adoption of the process which had enabled local people to put forward ideas. Councillor Newton, who had chaired the SCA Panel, commented on the positive and productive nature of the meeting and her wish to encourage people to participate in the process. She considered the process would contribute to tackling political apathy and provided a genuine opportunity to engage communities in the development of ideas and services. The Leader referred to the poor turnout at elections and the Place Survey which had revealed a low percentage of people who felt they could influence decision-making.

Whilst acknowledging that the proposals required further work on the detail and practical implications, Members considered that the two shortlisted proposals had considerable merit and should be supported by the Council for submission to the LGA Selector Panel.

Other members hoped that the Council could retain the enthusiasm of the Panel members and requested greater involvement of officers in future Panel meetings.

RESOLVED that:-

- (1) the views of the Sustainable Communities Act Panel in respect of the proposals submitted be noted;
- (2) the following two proposals made under the Sustainable Communities Act 2007 be supported and submitted to the Local Government Association Selector Panel:
 - Bikes on rural buses
 - Non domestic rates on store car parking spaces
- (3) the proposals relating to parking tariffs and Integrated Transport be not submitted to the LGA Selector Panel, for the reasons indicated by the SCA Panel and stated in the report;
- (4) the proposers be requested to undertake further work on the Integrated Transport proposal; and
- (5) parking tariffs continue to be set through the established mechanism of the annual review process.

(Report circulated)

89

PLACE SURVEY 2008 RESULTS

The report of the Assistant Chief Executive was submitted, informing Members of the results of the national Place Survey conducted in Autumn 2008.

The Assistant Chief Executive undertook to circulate the results of the 2006 Best Value Indicator survey to Executive members for the purpose of comparison. Members noted that the top three issues identified as most needing improvement in Exeter were outside the remit of the City Council.

RESOLVED that the results of the Place Survey 2008 be noted.

(Report circulated)

90

WAVELENGTH 19 - SURVEY RESULTS

The report of the Assistant Chief Executive was submitted, informing Members of the results of the Wavelength 19 survey conducted in April 2009.

RESOLVED that the results of the Wavelength 19 survey be noted.

(Report circulated)

91

PORTFOLIO HOLDER - CHANGE OF TITLE

Since the function of social inclusion was encompassed within the broader function of community consultation and engagement, Executive noted the proposal to change the title of Portfolio Holder for Housing and Social Inclusion to Portfolio Holder for Housing and Community Involvement.

The Portfolio Holder for Housing and Social Inclusion considered that the proposed title more accurately and meaningfully described the remit of the portfolio.

RECOMMENDED that the Portfolio for Housing and Social Inclusion be re-named as Portfolio for Housing and Community Involvement and the Constitution be amended accordingly.

92

HIGHWAYS AGENCY PROPOSALS FOR JUNCTION 29 OF THE M5 AND THE A30 TRUNK ROAD

The report of the Director Economy and Development was submitted, informing Members of the current consultation by the Highways Agency on improvements to the M5/A30 junction.

The Chair agreed to accept this item as a matter of urgency in view of the need to respond to the Highways Agency by 13 August, the end of the public consultation period.

In response to a request, the Director Economy and Development undertook to seek, at the appropriate time, further details from Devon County Council of their traffic management plan in relation to the proposed works around Junction 29.

RESOLVED that strong and unanimous support be expressed for the proposed improvements to the M5/A30 junction, in order to help deliver the future prosperity of Exeter and the sub region.

(Report circulated)

93

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

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

PROGRESS ON RAMM DEVELOPMENT PROJECT

The quarterly progress report of the Head of Leisure and Museums was submitted, informing Members of the issues around this major capital project.

Scrutiny Committee – Resources considered the report at their meeting on 17 June 2009 and the support and comments of members were noted.

The Director Community and Environment reported that a visit by the Heritage Lottery Fund had indicated that they were satisfied that the additional works had been both unpredicted and unpredictable.

Whilst Executive members expressed strong concern at the likely additional costs on the scheme and frustration at the difficulties that had been encountered, it was agreed that the prime objective should be to complete the project. Members reiterated the desirability of having additional independent client support and were disappointed that efforts to recruit to the post had so far been unsuccessful.

The Chief Executive referred to the difficulty of foreseeing problems on a building of this age and nature and the considerable effort officers had made over a long period to progress the scheme and mitigate problems. He urged Councillors to undertake the tour of the Museum arranged for 6pm on 7 July in order to see the problems first hand.

RECOMMENDED that:-

- (1) the additional client resource be deployed on this project;
- (2) the client team continues to take all possible measures to regain control of the project and remove as much risk as possible from the project; and
- (3) an uplift to the budget be approved for the fit out contract of £180,000 of which £90,000 is contingency.

(Report circulated to Members)

(The meeting commenced at 5.30 pm and closed at 8.00 pm)

Chair

The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 14 July 2009.

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Agenda Annex

SEATING IN THE GUILDHALL

≡ ≡ ≡ ≡ ≡	Lord Mayor's Chaplain			Deputy Lord Mayor Councillor Mrs Smith (C)	Lord Mayor Councillor Winterbottom (C)	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	Councillors		Councillors	Councillors
Branston (L)	Mrs Thompson (C)	Mrs Henson (C)	TABLE	Fullam (LD)	Newcombe (LD)
Boyle (L)	Taghdissian (C)	MA Baldwin (C)		Cole (LD)	PA Smith (LD)
Wardle (L)	Bond (C)	Coates (C)		PJ Brock (LD)	AJ Hannaford (LD)
Robson (L)	Starling (C)	Shiel (C)		Wadham (LD)	RM Hannaford (LD)
Martin (L)	Prowse (C)	Newby (C)		Mitchell (LD)	Hobden (LD)
Choules (L)				Newton (LD)	Noble (LD)
					SR Brock (LD)

Cllr Sterry (L)	Cllr Shepherd (L)	Cllr D Baldwin (L)	Cllr Sheldon (L)	Cllr Edwards (L)	Cllr Mrs Morrish (LIB)	Cllr Mrs Danks (LIB)	Cllr Gale (LIB)	Cllr D J Morrish (LIB)
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LD: Liberal Democrat : 13
 C: Conservative : 12
 L: Labour : 11
 LIB: Liberal : 4

*Portfolio Holders

Fullam: Leader
 Newton: Housing and Social Inclusion
 Cole: Business Transformation and Human Resources
 Mitchell: Environment and Leisure
 Wadham: Sustainable Development and Transport
 Brock, S.R.: Economy and Tourism

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